

## **GENERAL PROVISIONS**

### **§ 155.001 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ABBREVIATED LAND SUBDIVISION.** A relatively small subdivision of land with only a final plat review being required when the subdivision does not involve street dedication or no more than ten lots on no more than ten acres. Further, the abbreviated land subdivision process may be used only where the subdivision includes all contiguous land under the ownership or control of the sponsor.

**ACCESSORY COMMUNICATION FACILITY.** An antennae configuration that is attached to a building, water tower, or other existing structure where the communication facility is customarily incidental to the main or principal building or structure.

**ADULT ESTABLISHMENT.** Any principal or accessory structure or use of land that meets the definition of adult establishment as set forth in G.S. § 14-202.10 et seq. (Licensed health massage/body work therapists shall not be considered an adult massage business.)

**AGRIBUSINESS.** Any individual, partnership, corporation or organization primarily supplying services or goods (such as equipment, feeds or supplies) to producers, or marketable agricultural products, including greenhouses, nurseries, farm cooperatives and the like, which are not otherwise specifically defined as agriculture by the North Carolina General Statutes.

**AGRICULTURE.** Land or structures primarily used for cultivating soils, producing crops, or raising livestock; the storage, processing or sale of products raised on the premises; or as otherwise defined by the North Carolina General Statutes. Structures customarily accessory to agricultural uses and located on the same parcel as an agricultural use shall be included in this definition.

**AGRITAINMENT.** Events and activities that allow for recreation, entertainment and tourism in conjunction with agriculture support and services directly associated with ongoing agricultural activities on site that are for profit. Events and activities include the following: hay rides, corn mazes, hay mazes, petting zoos (farm animals only), living historical farms, farm tours (for profit), and agricultural festivals. The **AGRITAINMENT** enterprise shall be operated and maintained by the owner, operator or occupant of the farm on which it is located. Multiple properties in common ownership are acceptable for **AGRITAINMENT** as long as they are considered a single farm entity. The **AGRITAINMENT** enterprise shall only be permitted in conjunction with agriculture support and services directly associated with ongoing agricultural activity on site.

**AGRITOURISM.** Farm-related enterprises that operate for the enjoyment and education of the public, which bring together tourism and agriculture. Enterprises include those that are for profit and those that are provided to the public free of charge.

**AIRPORT.** Landing fields, parking and service facilities, passenger and baggage terminals, and related facilities for the operation, service, fueling, repair, storage, charter, sales, and rental of aircraft. The word aircraft shall include fixed-wing as well as rotary-wing craft.

**AMUSEMENT, COMMERCIAL INDOOR.** Any business establishment which is primarily engaged in providing an amusement activity such as a video arcade, billiard parlor, skating rink or similar activity as a principal use to the general public, but does not include indoor motion picture theaters.

**AMUSEMENT, COMMERCIAL OUTDOOR.** Any business establishment which is primarily engaged in providing an amusement activity such as a miniature golf course, skateboard course, water slide, mechanical ride, par 3 golf course, golf driving range, or go-cart course, fish ranch, or similar activity to the general public, but does not include outdoor motion picture theaters, raceways, drag strips, or motorcycle courses.

**APARTMENT HOUSE.** A building or portion thereof used or designed as a residence for two or more families living independently of each other.

**ARTIST STUDIO.** A place where works of art are created or similar activities occur as listed below, including a dwelling unit for the artist, designer or teacher; such unit shall have but one kitchen, and shall be occupied by no more than four unrelated people, or by any number of persons immediately related by blood, marriage or adoption:

(1) Craftwork studio or shop in which individual pieces are created, displayed and sold, consisting of one or more of the following: ceramics/pottery, fabrics, inlays, needlework, knitting, weaving, leather work, woodwork, metal work or glass work; or

(2) Professional studio or academy for the teaching of the arts, the following of which are examples but not inclusive: fine arts, dance, drama, photography, music, martial arts, but not including health treatment or adult amusement.

**AUTOMATIC TELLER MACHINE.** A type of banking and financial services with automated or self-service banking features with no staff or personnel provided.

**ASPHALT AND CONCRETE PLANT AND CONTRACTORS.** A facility preparing asphalt and/or concrete mixtures for street and driveway paving, including contractors engaged in asphalt and/or cement work. This definition includes only those uses in the following NAICS group(s):

324121 Asphalt Paving Mixture and Block Manufacturing  
333120 Construction Machinery Manufacturing

**BANKING AND FINANCIAL SERVICES.** A facility engaged in deposit banking or extending credit in the form of loans. This definition includes only those uses in the following NAICS group(s):

5221 Depository Credit Intermediation  
5222 Nondepository Credit Intermediation

**BILLBOARD.** Outdoor structure or display, pictorial or otherwise, either freestanding or attached to a building, which advertises or attracts attention to a business, commodity, service, or other activity, conducted, sold, or offered elsewhere than on the premises where displayed.

**BONA FIDE FARM.** Crop lands, timber lands, pasture lands, apple orchards, idle, or other farm lands as well as any farm houses, barns, poultry houses, and tenant houses for workers, as long as such houses shall be in the same ownership as the farm and located on the farm.

**BROADCAST STUDIO.** An establishment primarily engaged in providing two-way radio/telephone communication services, telephone voice and data communications, telegraph services, radio and television broadcasting, or cable and other pay television services, but excluding those uses classified as utilities. This definition includes only those uses in the following NAICS group(s)

5151 Radio & Television Broadcasting

**BUFFER STRIP.** A strip of land no less than ten feet in width containing evergreen shrubs spaced not more than five feet apart, and not less than one row of dense shrubs to be three feet or more in height after planting and be five feet or more in height after three growing seasons shall be planted, trimmed, and maintained continuously in a healthy growing condition by the property owner. In lieu of this, a screening fence or wall of eight to ten feet in height so constructed as to provide at least equivalent screening from adjoining properties may be used. No building, driveway, or parking area shall occupy any part of the buffer strip.

**BUILDING CONTRACTORS, GENERAL.** An establishment providing general contracting and/or building construction services for residential, farm, industrial, or commercial uses, and which typically does not involve outdoor storage of machinery or equipment. This definition includes only those uses in the following NAICS group(s)

2382 Building Equipment Contractors  
2383 Building Finishing Contractors  
2381 Foundation, Structure and Building Exterior Contractors

**BUILDING CONTRACTORS, HEAVY.** An establishment providing general contracting and/or building construction services other than for buildings, such as highways and streets, bridges, sewers, and flood control projects, and which may involve outdoor storage of machinery or equipment. This definition includes only those uses in the following NAICS group(s):

2373 Highway, Street, Bridge, Construction Contractors  
2371 Utility System Construction  
238120 Structural Steel Erection Contractors  
238910 Site Preparation Contractors  
2379 Other Heavy and Civil Engineering Construction

**BUILDING MATERIALS SUPPLY.** An establishment engaged in selling lumber and a general line of building materials and hardware to the public. This definition includes only those uses in the following NAICS group(s)

4441 Building Materials and Supplies Dealer (Retail)

**BUILDING, ACCESSORY.** A structure customarily incidental and subordinate to the main or principal building, and located on the same lot. The structure must meet the North Carolina State Building Code. This term shall include swimming pools, satellite dishes, and pre-constructed buildings, which are built specifically for storage and/or other accessory uses.

**BUILDING HEIGHT.** The vertical distance from the mean elevation of the finished grade along the front of a building to the highest point of a flat roof; or to the deck line of a mansard roof; or the mean height level between eaves and ridge for gable, hip, gambrel, and pitch roofs.

**BUILDING, PRINCIPAL.** A building in which is conducted the principal use of the lot on which it is located. In any residential district any structure containing a dwelling unit shall be deemed to be a principal building on the lot on which it is located.

**BUILDING PRESENTATION.** The direction of the architectural front façade of a building in relation to the street or public space.

**BUILDING, SETBACK LINE.** A line establishing the minimum allowable distance between the main or front wall of any building, excluding the outermost three feet of any uncovered porches, steps, eaves, gutters, and similar fixtures, and the street right-of-way line (or the assumed right-of-way line) when measured perpendicularly.

**CAR WASH, AUTOMATIC.** An unattended, automated, mechanical facility for the washing of automobiles, small recreational vehicles, and light trucks wherein the customer remains in the vehicle during the service.

**CAR WASH, INDUSTRIAL.** Mechanical facilities for the washing, vacuuming, and waxing of large automobiles and heavy machinery.

**CAR WASH, FULL SERVICE.** An attended facility wherein the customer pays for the labor, materials, and equipment necessary to wash or otherwise clean an automobile, small recreational vehicle, or light truck. This type of car wash may or may not be partially automated. Typically, the customer does not remain in the vehicle during the service.

**CAR WASH, SELF SERVICE.** A car wash wherein the customer provides labor and where no self-propelled wash racks are provided.

**CEMETERY.** Land and facilities, including offices and chapels, used for the burial of the dead.

**CHURCH OR RELIGIOUS INSTITUTION.** A facility of a church, temple, synagogue, or other non-profit religious organization operated for worship and which may include religious training or study.

**CERTIFICATE OF ZONING COMPLIANCE.** A statement, signed by the Planning Director, stating that the plans for a building, structure, or use of land complies with the zoning chapter of the county, the County Health Department, and the State Department of Human Resources, Division of Health Services.

**CONFERENCE AND TRAINING CENTERS:** Facilities used for business or professional conferences, seminars, and training programs, which shall include accommodations for sleeping, eating and recreation.

**CONGREGATE CARE FACILITY.** A licensed multi-unit facility which provides housing, part-time medical care, shared food preparation and dining areas, and recreational facilities, as well as significant social facilities to meet the needs of the elderly. Congregate care facilities do not include nursing care institutions or similar institutions devoted primarily to the care of the chronically ill or incurable.

**CONVENIENCE STORE.** Any retail establishment offering for sale gasoline, diesel fuel, kerosene, automotive products, prepackaged food products, household items, and/or other goods commonly associated with the same and having a gross floor area of less than five thousand (5,000) square feet.

**COMMUNICATION TOWER.** A structure, either freestanding or attached to a building or another structure, which is intended to support antennae or related devices used to transmit or receive communication signals through the air. These structures are specifically identified as stealth, monopole, lattice or guyed towers.

**COMMUNICATION TOWER; STEALTH.** The housing of communication antenna within a building or on a structure so that the antennae are disguised as some other permitted structure or use.

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

**DAY CARE FACILITY.** Any day care center or child care arrangement that provides day care for more than five children unrelated to the operator and for which a payment fee or grant is received, excluding foster homes, public or private schools which provide a course of grade school instruction to children of public school age, summer day or residence camps, or bible schools.

**DRY CLEANING AND LAUNDRY SERVICES.** A building, portion of a building, or premises used for the collection and distribution of dry-cleaning or the cleaning of fabrics, textiles, wearing apparel, or articles of any sort without the immersion of such articles in volatile solvents including, but not limited to petroleum distillates, and/or chlorinated hydrocarbons and any process incidental thereto. It is intended that uses in this category shall not pose a significant threat to the health and safety of the public or adjacent uses and that such may legally discharge all liquid waste into a public sanitary sewer or private septic system.

**DWELLING, ACCESSORY--attached or detached.** A habitable living unit added to, created within, or detached from a single-family dwelling that provides basic requirements for living, including but not limited to areas for sleeping, eating, cooking, and sanitation. Accessory units may not be subdivided or otherwise segregated in ownership from the primary residence structure.

1. An accessory dwelling may be attached, within, or separate from the principal dwelling.
2. The principal use of the lot shall be residential and the principle structure on the lot shall be a single family residential building.
3. No more than one accessory dwelling shall be permitted on a single lot of record in conjunction with the principal dwelling unit.
4. The accessory dwelling shall be owned by the same person as the principal dwelling.
5. The accessory dwelling shall not be served by a driveway separate from that serving the principal dwelling unless the accessory dwelling is accessed from a rear alley and the principal dwelling is accessed from a street. A corner lot may be served by a separate driveway if approved by Davie County Development Services.
6. A detached accessory dwelling shall be located in the rear yard.
7. The owner of the accessory dwelling shall live on the parcel containing the accessory dwelling
8. A detached accessory dwelling shall be the lesser of 1100 square feet or 75% of the living area of the principal dwelling and may have no more than two bedrooms; the structure may be a dwelling only or may combine a dwelling with garage, workshop, studio, or similar accessory use.
9. No accessory dwelling unit shall be smaller than 600 square feet.
10. A manufactured home shall not be used as an accessory dwelling unit.

**DWELLING, MULTI-FAMILY.** A building or portion of that building used or designed as residence for three or more families living independently of each other, including apartment houses, apartment hotels, and group housing projects.

**DWELLING, SINGLE-FAMILY.** A detached building designed for or occupied exclusively by one family.

**DWELLING, TWO-FAMILY.** A building arranged or designed to be occupied by two families living independently of each other.

**EASEMENT.** A grant by a property owner of a strip of land for specified purpose and use by the public, a corporation, or an individual.

**EXTERMINATORS** An establishment primarily engaged in exterminating and controlling birds, mosquitoes, rodents, termites, and other insects and pests (except for crop production and forestry production). Establishments providing fumigation services are included in this industry. This definition includes only those uses in the following NAICS group(s)  
561710 Exterminating and Pest Control Services

**FAMILY.** One or more individuals occupying a premise and living as a single, nonprofit housekeeping unit.

**FAMILY CARE FACILITY.** A home with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for not more than six resident handicapped persons.

**FEED AND SEED STORE.** Establishments primarily engaged in the retail sale of supplies directly related to the day to day activities of agricultural production.

**FLEA MARKET.** An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public. Flea markets are not considered temporary activities. This definition includes only those uses in the following NAICS group(s):

454390 Other Direct Selling Establishments

**FLOOD.** The temporary overflowing of water onto land which is usually devoid of surface water.

**FLOOD FRINGE.** The portion of the flood plain outside of the floodway based on the total area inundated during the regulatory base flood.

**FLOOD PLAIN.** The channel and the relatively flat area adjoining the channel of a natural stream or river which has been or may be covered by floodwater. The flood plain consists of the flood fringe and the floodway.

**FLOOD, 100 YEAR.** A flood having one chance in 100 of being equaled or exceeded in any one year.

**FLOODWAY.** The channel of a natural stream or river and portion of the flood plain adjoining the channel which are reasonably required to carry and discharge the floodwater or flood flow of any natural stream or river.

**FUNERAL HOME.** An establishment engaged in undertaking services, such as preparing the human dead for burial and in arranging and managing funerals. This definition includes crematories and mortuaries. This definition includes only those uses in the following NAICS group(s)

8122 Death Care Services

**FRUIT AND VEGETABLE MARKET.** An establishment primarily engaged in retailing fresh fruits and vegetables. This definition includes only those uses in the following NAICS group(s):

445230 Fruit and Vegetable Market

**GARAGE, PRIVATE (RESIDENTIAL).** A building housing not more than the number of vehicles in use by the family occupying the main structure to which the private garage is attached or detached and in which space may be used for an incidental home occupation.

**GREENHOUSE, COMMERCIAL.** A building usually made largely of glass or plastic where the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants. Plants are raised to be sold to the general public or to wholesalers.

**GREENHOUSE, PRIVATE.** A temperature- controlled building used for the raising of plants for the personal enjoyment of the property owner or his or her tenant.

**GROSS FLOOR AREA.** The total floor area of all buildings in a project including easements, mezzanines, and upper floors, exclusive of stairways and elevator shafts. It excludes separate service facilities outside the main building such as boiler rooms and maintenance shops.

**GROUP DEVELOPMENT.** A group of two or more principal structures built on a plot of land not subdivided into the customary streets and lots designed for occupancy by separate families, businesses, or other enterprises.

**GROUP HOME A.** A transitional housing facility with support and supervisory personnel licensed by the State of North Carolina and operated by a nonprofit corporation chartered pursuant to Chapter 55A, North Carolina General Statutes, which provides room and board, personal care and rehabilitation services in a supportive family environment for not more than six residents, exclusive of supervisory personnel, including but not limited to, handicapped persons, older adults, foster children, and abused individuals. This use shall include Family Care Homes, as defined in North Carolina General Statute 168-21. This use shall not serve primarily as an alternative to incarceration, shall not include individuals who are dangerous to others, as defined in North Carolina General Statute 122C-3(11)b, and shall not include persons living together as a fraternal, sororal, social, honorary, or professional organization.

**GROUP HOME B.** A transitional housing facility with support and supervisory personnel licensed by the State of North Carolina and operated by a nonprofit corporation chartered pursuant to Chapter 55A, North Carolina General Statutes, which provides room and board, personal care and rehabilitation services in a supportive family environment for not more than twelve residents, exclusive of supervisory personnel, including but not limited to handicapped persons, older adults, foster children, and abused individuals. This unit shall not serve primarily as an alternative to incarceration, shall not include individuals who are dangerous to others, as defined in North Carolina General Statute 122C-3(11)b, and shall not include persons living together as a fraternal, sororal, social, honorary, or professional organization.

**HABILITATION FACILITY A.** Any facility in which one to eight handicapped persons receive habilitation services, rehabilitation services or engage in recreational activities, regardless of whether these services and activities are therapeutic or educational in nature. These facilities are licensed by the State of North Carolina and do not provide room and board. This definition does not include the principal uses Schools, Elementary or Schools, Secondary. These facilities are intended to serve handicapped persons as defined in State law, in accordance with rights provided by applicable laws.

**HABILITATION FACILITY B.** Any facility in which more than eight handicapped persons receive habilitation services, rehabilitation services or engage in recreational activities, regardless of whether these services and activities are therapeutic or educational in nature. These facilities are licensed by the State of North Carolina and do not provide room and board. This definition does not include the principal uses Schools, Elementary or Schools, Secondary. These facilities are intended to serve handicapped persons as defined in State law, in accordance with rights provided by applicable laws.

**HAZARDOUS WASTE.** A solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

- (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness.
- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**HAZARDOUS MATERIALS TREATMENT FACILITY.** A building, structure or use of land devoted, or intended to be devoted, primarily to changing by any method, technique or process, including incineration or neutralization, the physical, chemical, or biological character of any hazardous material so as to neutralize such material or render it non-hazardous, safer for transport, amenable for recovery, amenable for storage or reduced in bulk. Such a use may also contain temporary storage facilities normally associated with these operations and of sufficient size to conduct a commercially feasible operation. However, under no circumstances is a hazardous materials treatment facility to be construed to be any of the following:

- (A) A facility which manufactures hazardous materials from component non-hazardous materials;
- (B) A facility or location for the long term or perpetual storage of hazardous materials; or
- (C) A facility for the treatment of hazardous materials which is clearly subordinate, incidental and related to the principal structure, building or use of land and is located on the same lot as the principal structure, building or use.

**HAZARDOUS SUBSTANCE.** Any chemical defined as a physical hazard or a health hazard under standards of North Carolina Administrative Code 7C.0101(a)(105). Physical hazards include, but are not limited to, chemicals, which are combustible, explosive, flammable, and reactive. Health hazards include, but are not limited to, chemical, which are carcinogens, toxins, corrosives, or irritants.

**HAZARDOUS WASTE MANAGEMENT FACILITY.** Any commercial hazardous waste facility which accepts hazardous waste from the general public or from another person for a fee, but does not include any facility owned or operated by a generator of hazardous waste solely for its own use. A hazardous waste facility means a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste. This definition includes hazardous materials treatment facilities as defined herein.

**HOME OCCUPATION, INCIDENTAL.** A home occupation is permitted accessory to any dwelling unit in accordance with the following requirements:

1. The home occupation must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling.
2. No merchandise or commodity should be sold on the premises.
3. A home occupation conducted in an accessory structure shall be housed only in a garage or other accessory structure typically associated with a dwelling.
4. The use shall employ no more than one person who is not a resident of the dwelling.
5. A home occupation housed within the dwelling shall occupy no more than twenty-five percent of the total floor area of the dwelling.
6. There shall be no visible outside display of stock in trade which is sold on the premises.
7. There shall be no outdoor storage or visible evidence of equipment or materials used in the home occupation, excepting equipment or materials of a type and quantity that could reasonably be associated with the principal residential use.
8. Operation of the home occupation shall not be visible from any dwelling on an adjacent lot, nor from a street.
9. Only vehicles used primarily as passenger vehicles will be permitted in connection with the conduct of the home occupation and all parking must be off the street and other than in the required front yard.

10. The home occupation shall not utilize mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisances outside the dwelling or accessory structure housing the home occupation.
11. Outdoor kilns used for the firing of pottery shall be provided with a semi-opaque screen to obstruct the view from the street and from adjacent properties located in residential districts, shall have a secured work area, and shall be a minimum of 10 feet from abutting property lines.
12. No advertising signs shall be permitted.

**HOSPITAL.** A facility providing medical, psychiatric, or surgical services for sick or injured persons, including emergency treatment, diagnostic services, training, research, and administration. This definition includes only those uses in the following NAICS group(s)

622 Hospitals

**HOTEL (MOTEL).** A building or other structure kept, used, maintained, advertised as, or held out to the public to be, a place where sleeping accommodations are supplied for pay to transient or permanent guest or tenants, where rooms are furnished for the accommodations of such guests and having or not having one or more dining rooms, restaurants, or cafes where meals or lunches are served to such transient or permanent guests, such sleeping accommodations and dining rooms, restaurants, or cafes, if existing, being conducted in the same building or buildings. This definition includes only those uses in the following NAICS group(s):

721110 Hotels (except casino hotels) and Motels

**JUNK OR ABANDONED MANUFACTURED HOME.**

(1) A manufactured home that is not being occupied as a dwelling and does not provide complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation or a manufactured home that has not received the proper permits to be located within the county's jurisdiction;

(2) A manufactured home which is a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous condition constituting a threat to anyone, or frequent use by vagrants as living quarters in the absence of sanitary facilities; or

(3) Any manufactured home that was originally designed and intended for residential or other approved use, which has been vacant or not in active use, regardless of purpose or reason, for a period of one year. To be considered active use, the manufactured home shall have been lawfully connected to electric utility; public or private water supply; and, public or private sewage disposal systems.

**JUNKED or WRECKED MOTOR VEHICLES.** Motor vehicles which are not registered with the state, do not have current state inspections stickers, or either:

- (1) Are incapable of operation, or
- (2) Are partially dismantled.

**JUNK YARD.** An establishment operated or maintained for the purpose of storing, dismantling, salvaging, recycling, buying, or selling scrap or used materials such as paper products or articles such as machinery, vehicles, appliances, and the like regardless of whether such material is for sale.

**KENNEL.** A facility engaged in the breeding and raising animals, particularly dogs and cats and offering them for sale. The term facility shall be defined as any, run, pen, fenced area, or accessory building or structure where animals are either temporarily or permanently encased, enclosed or sheltered. This definition of kennel facility does not include a single family dwelling or its attached structures. The use of privately raising or breeding of animals without selling is not considered a kennel.

**LANDFILL.** A method of disposing of solid waste in a sanitary manner without creating nuisances or hazards to public health of safety by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of compacted earth at the end conclusion or each day's operation or at such more frequent intervals as may be necessary.

**LAUNDERETTES AND LAUNDROMATS.** An establishment primarily engaged in operating facilities with coin operated or similar self service laundry and dry cleaning equipment for customer use on the premises. The establishment includes supplying and servicing coin operated or similar self service laundry and dry cleaning equipment for customer use in places of business operated by others such as apartments and dormitories. This definition includes only those uses in the following NAICS group(s):

812310 Coin-Operated Laundries and Drycleaners

**LIBRARY, PUBLIC.** A publicly operated facility housing a collection of books, magazines, audio and video tapes, or other material for use by the general public.

**LOT.** As follows:

(1) Includes the meanings **PLOT, PARCEL, or TRACT.**

(2) A parcel of land in single ownership occupied or intended for occupancy by a principal building together with its accessory buildings including the open space required under this chapter. For the purpose of this chapter, **LOT** shall mean any number of contiguous lots or portions of lots upon which one principal building and its accessory buildings are located or are intended to be located.

**LOT, CORNER.** A lot which occupies the interior angle at the intersection of two street lines which make an angle of more than 45° and less than 135° with each other. The street line forming the least frontage shall be deemed the front of the lot except where the two street lines are equal, in which case the owner shall be required to specify which is the front when requesting a zoning permit.

**LOT, DEPTH.** The depth of a lot, for the purpose of this chapter, is the distance measured in the mean direction of the side lines of the lot from the midpoint of the front lot line to the midpoint of the opposite main rear line of the lot.

**LOT, INTERIOR.** A lot other than a corner lot with frontage on only one street or access easement.

**LOT, THROUGH.** An interior lot having frontage on two streets.

**LOT OF RECORD.** A lot which is part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds of the county prior to the adoption of this chapter, or a lot described by metes and bounds, and recorded prior to the adoption of this chapter.

**LOT WIDTH.** The distance between side lot lines measured at the building setback line.

**LOT LINE.** A line or series of connected line segments bounding a lot.

**LOT LINE, FRONT.** The line which separates the lot from a street right-of-way. Corner lots shall have only one front lot line.

**LOT LINE, INTERIOR.** A side lot line, which separates one lot from another lot.

**LOT LINE, REAR.** That lot line which is opposite and most distant from the front lot line, except in the case of a triangular lot, a line ten (10) feet in length, entirely within the lot, parallel to, and at the maximum distance from the front lot line, or a chord thereof if the front lot line is curved, shall be considered as the rear lot line for purposes of determining the required rear yard. In cases where neither of these conditions is applicable, the Zoning Administrator shall designate the rear lot line.

**LOT LINE, SIDE.** A lot line other than a front or rear lot line.

**MALL.** See **SHOPPING CENTER.**

**MANUFACTURED HOME.** A dwelling unit that is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis; a dwelling unit that exceeds forty (40) feet in length and eight (8) feet in width; a dwelling unit that is constructed in accordance with the National Manufactured Home Construction and Safety Standards; and a dwelling unit that is not constructed in accordance with the standards of the North Carolina State Building Code for one and two family dwellings.



(1) **CLASS A.** A manufactured home constructed after July 1, 1976 and that meets or exceeds the construction standards promulgated by the Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

- a. Is a multi-sectional home (i.e. double-wide, triple-wide).
- b. The pitch of the manufactured home's roof has a minimum vertical rise of two and two tenths (2.2) feet for each 12 feet of horizontal run and the roof is finished with shingles.
- c. The exterior siding consists predominately of vinyl or aluminum horizontal lap siding, wood or hardboard, or other non-glare surface.
- d. A continuous, permanent brick masonry or stone curtain wall or foundation, unpierced except for ventilation and access, is installed under the manufactured home.
- e. The tongue, axles, removable towing apparatus, and transporting lights are removed after final placement on the site.

(2) **CLASS B.** A manufactured home constructed after July 1, 1976 and that meets or exceeds the construction standards promulgated by the Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

- a. Is a single-section home (i.e. single-wide).
- b. The pitch of the manufactured home's roof has a minimum vertical rise of two and two tenths (2.2) feet for each twelve (12) feet of horizontal run and the roof is finished with shingles.
- c. The exterior siding consists predominately of vinyl or aluminum horizontal lap siding, wood or hardboard, or other non-glare surface.
- d. A continuous, permanent brick, masonry or stone curtain wall or foundation, unpierced except for ventilation and access, is installed under the manufactured home.
- e. The tongue, axles, removable towing apparatus, and transporting lights are removed after final placement on the site.

(3) **CLASS C.** A manufactured home constructed after July 1, 1976 and that meets or exceeds the construction standards promulgated by the Department of Housing and Urban Development that were in effect at the time of

construction and that satisfies the following additional criteria:

- a. A continuous, non-flammable/non-combustible curtain wall, skirting, permanent masonry, or other approved product curtain wall or foundation, unpierced except for ventilation and access, is installed under the manufactured home.

(4) **CLASS D.** A manufactured home that does not meet the definition of a class A, class B, or class C manufactured home.

**MANUFACTURED HOME PARK.** A plot of ground, together with all contiguous or adjoining parcels of land, that is owned or controlled by the same person, persons, family, partnership, corporation, company, or affiliates which has been planned or improved for the placement and rental of either four or more manufactured homes or four or more land sites for placement of manufactured homes for dwelling or sleeping purposes. For purposes of this chapter only, a contract for deed, written lease with option to purchase, or similar written promise to convey land between unrelated parties upon a condition subsequent shall be considered to be a conveyance.

**MANUFACTURING A.** A manufacturing establishment primarily engaged in the fabrication or assembly of products from pre-structured materials or components. Because of the nature of its operations and products, Manufacturing A produces little or no noise, odor, vibration, glare, and/or air and water pollution, and, therefore, has minimal impact on surrounding properties. This definition may include the uses in the following NAICS group(s):

- 3149 Other Textile Product Mills
- 315 Apparel Manufacturing

- 336991 Motorcycle, Bicycle and Parts Manufacturing
- 3369 Other Transportation Equipment
- 3399 Other Miscellaneous Manufacturing

**MANUFACTURING B.** A manufacturing establishment primarily engaged in the manufacture of foodstuffs, textiles, electrical components or tobacco products, and the fabrication of wood, leather, paper, water or plastic products. Because of the nature of its operations and products, Manufacturing B could impact immediately adjoining properties due to noise, odor, vibration, glare, and/or air and water pollution. This definition may include the uses in the following NAICS group(s):

- 3119 Other Food Manufacturing
- 3122 Tobacco Manufacturing
- 313 Textile Mills
- 3169 Other Leather and Allied Product Manufacturing
- 3219 Other Wood Product Manufacturing
- 322 Paper Manufacturing
- 3231 Printing and Related Support Activities
- 3261 Plastics Product Manufacturing
- 3341 Computer and Peripheral Equipment Manufacturing
- 3342 Communications Equipment Manufacturing
- 3343 Audio and Video Equipment
- 3344 Semiconductor and other electronic component manufacturing
- 3351 Electric Lighting Equipment Manufacturing
- 3353 Electrical Equipment Manufacturing
- 337 Furniture and Related Products Manufacturing
- 3391 Medical Equipment and Supplies Manufacturing

**MANUFACTURING C.** A manufacturing establishment primarily engaged in the processing and manufacturing of materials or products not otherwise classified under Manufacturing A, Manufacturing B, or other use defined in this section. Manufacturing C includes the processing and manufacturing of products from extracted or raw materials, the assembly of large or heavy machinery, and the storing or using of flammable, explosive, hazardous, or toxic materials in the manufacturing processes. Because of the nature of its operations and products, Manufacturing C may impact surrounding properties due to noise, odor, vibration, glare, and/or air and water pollution. This definition may include the uses in the following NAICS group(s):

- 3133 Textile and Fabric Finishing and Fabric Coating Mills
- 3161 Leather and Hide Tanning and Finishing
- 321114 Wood Preservation
- 3212 Veneer, Plywood, and Engineered Wood Product Manufacturing
- 3221 Pulp, Paper and Paper Board
- 3241 Petroleum and Coal Products Manufacturing
- 3259 Other Chemical Product and Preparation Manufacturing
- 3262 Rubber Product Manufacturing
- 3271 Clay Product and Refractory Manufacturing
- 3272 Glass and Glass Product Manufacturing
- 3279 Other Nonmetallic Mineral Product Manufacturing
- 331 Primary Metal Manufacturing
- 3329 Other Fabricated Metal Product Manufacturing
- 3333 Commercial and Service Industry Machinery Manufacturing
- 3353 Electrical Equipment Manufacturing
- 3359 Other Equipment and Component Manufacturing
- 3369 Other Transportation Equipment Manufacturing

**MASSAGE AND BODY WORK THERAPY.** Any massage or body work therapy as defined by the North Carolina Massage and Bodywork Therapy Practice Act, G.S. 90-621 et.seq., provided by a person licensed as provided therein to perform such therapy.

**MEAT PACKING PLANT.** An establishment primarily engaged in the slaughtering of cattle, hogs, sheep, lambs, and calves for meat to be sold or to be used on the same premises in canning, cooking, curing, and freezing, and in making sausage, lard, and other products. The definition includes all uses in the following NAICS group(s):

- 3116 Animal Slaughtering and Processing

**MEDICAL OR DENTAL LABORATORY.** An establishment primarily engaged in providing professional analytic or diagnostic services to the medical profession, or to the patient, on direction of a physician; or an establishment primarily engaged in making dentures, artificial teeth, and orthodontic appliances to order for the dental profession. This definition includes only those uses in the following NAICS group(s):

- 6215 Medical and Diagnostic Laboratories
- 3391 Medical Equipment and Supplies Manufacturing

**MEDICAL AND SURGICAL OFFICES.** An establishment primarily engaged in furnishing medical and surgical services to individuals and licensed for such practice by the State. This definition includes only those uses in the following NAICS group(s):

- 6211 Offices of Physicians
- 6212 Offices of Dentists
- 6213 Offices of Other Health Practitioners

**MINING AND DREDGING OF SAND.** The in-channel or near-channel extraction of sand. NAICS Codes 212321, construction sand or gravel dredging, and 212322, industrial sand pits and dredging. Also included within this definition is the surface removal of accumulated sand not within a stream or water body.

**MINI-WAREHOUSE.** A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized and controlled-access stalls or lockers for the dead storage of customers' goods or wares.

**MANUFACTURED HOME SPACE.** Any parcel of ground within a manufactured home park designed for the exclusive use of one mobile home.

**MODULAR HOME.** A dwelling unit constructed in accordance with the standards set forth in the State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

**MOTOR VEHICLE REPAIR AND MAINTENANCE.** An establishment engaged in providing mechanical automotive maintenance and repair, such as engine repair, exhaust system replacement and transmission repair, and/or providing other related services, such as upholstery or glass replacement. This use includes service stations but does not include body work or painting. This definition includes only those uses in the following NAICS group(s):

- 8111 Automotive Repair and Maintenance
- 81112 Automotive Body, Paint, Interior and Glass Repair

**MOTOR VEHICLE BODY OR PAINT SHOP.** An establishment primarily engaged in body work, painting, or customizing of automobiles or other motor vehicles. This definition includes only those uses in the following NAICS group(s):

- 81112 Automotive Body, Paint, Interior and Glass Repair

**MOTOR VEHICLE SALES, RENTAL AND LEASING.** Any use where automobiles, other motor vehicles, or manufactured homes are stored and/or displayed for the purpose of sale or lease as an entire or complete unit. This definition includes only those uses in the following NAICS group(s):

- 4411 Automobile Dealers
- 4412 Other Motor Vehicle Dealers
- 45393 Manufactured (Mobile) Home Dealers
- 5321 Automotive Equipment Rental and Leasing

**NONCONFORMING USE or STRUCTURE.** Any use of a building or land which does not conform to the use regulations of this chapter for the district in which it is located, either at the effective date of this chapter or as a result of subsequent amendments which may be incorporated into this chapter.

**NURSING CARE INSTITUTION.** A licensed healthcare facility, however named, governmental or non-governmental, which provides in-patient care to six or more non-related persons for whom planned and continued medical or nursing attention, or both, are indicated in contrast to the occasional or incidental care provided in congregate care facilities. A nursing care institution may be designed and marketed specifically for the elderly, physically handicapped, or both, but not specifically for mentally ill persons who are dangerous to others as defined in G.S. 122C-3(11)(b).

**OPTICAL SERVICES.** An establishment where health practitioners engage in the practice of optometry by providing patients with eye examinations to determine visual acuity or the presence of visual problems. Optical services also include the prescription and sale of such products as eye glasses, contacts, or other instruments intended to enhance visual perception.

**OBSTRUCTION.** Any structure, fence, shrub, tree, bush, flower, plant, motor vehicle, or any other object that obscures, impairs, or prevents view or sight through, over, or across the horizontal or vertical distance area.

**OPEN SPACE.** Unroofed storage area, whether fenced or not.

**PACKAGE TREATMENT PLANT.** Any sewage treatment facility which discharges onto the ground surface or into any stream, lake, or other body of water, but not including ground absorption sanitary treatment systems under the jurisdiction of the County Health Department.

**PARKING SPACE.** A storage of not less than 10 × 20 feet for one automobile, plus the necessary access space. It shall be always located outside the dedicated street right-of-way.

**PARKING, LOT OR DECK.** A principal or accessory use of a zoning lot with or without a parking structure for use as a place for the temporary or long-term parking of motor vehicles.

**PAWN SHOP.** The location at which, or the premises in which, a pawnbroker regularly conducts business.

**PAWN or PAWN TRANSACTION.** A written bailment of personal property as security for debt, redeemable on certain terms within 180 days, unless renewed, and with an implied power of sale on default.

**PAWNBROKER.** A person engaged in the business of lending money on the security of pledged goods and who may also purchase merchandise for resale from dealers and traders.

**PET CARE SERVICES (EXCEPT VETERINARY SERVICES).** This industry comprises establishments primarily engaged in providing pet care services (except veterinary) such as boarding, grooming, sitting and training pets.

**PERSON.** Includes a firm, association, corporation, trust, and company, as well as an individual.

**PLANNING BOARD.** The Planning Board of the county.

**PLANNED DEVELOPMENT.** An area of a minimum contiguous size, as specified herein, to be planned, developed, operated, and maintained according to approved plans as a single entity and containing one or more structures with appurtenant common areas.

**PLANNED INDUSTRIAL DEVELOPMENT.** A Planned Development consisting primarily of industrial uses but which may also include retail service and recreational uses to accommodate employees of the principle industrial uses within the development.

**PROFESSIONAL OFFICES.** An establishment primarily engaged in providing: engineering, architectural, and surveying services; accounting, auditing, and bookkeeping services; public relations services; legal services; real estate services; the services of insurance agents, brokers and carriers; the services of security and commodity brokers; and the services of bank holding companies. This definition includes only those uses in the following NAICS group(s):

5111	Newspaper, Periodical, Book, and Database Publishers
5615	Travel Arrangement and Reservation Services
5231	Securities and Commodity Contracts Intermediation and Brokerage
5241	Insurance Carriers
5242	Agencies, Brokerages, and other insurance related activities
5312	Offices or Real Estate Agents and Brokers
5511	Management of Companies and Enterprises
5418	Advertising and Related Services
5614	Business Support Services
5416	Management, Scientific and Technical Consulting Services
5415	Computer System Design and Related Services
5112	Software Publishers
5415	Computer System Design and Related Service
5411	Legal Services
5413	Architectural, Engineering and Related Services
5412	Accounting, Tax Preparation, Bookkeeping, and Payroll Services
5418	Advertising and Related Services

**PROGRESSIVE CARE COMMUNITY.** An area of land including one or more buildings under unified management, planned and developed as a unit to provide for the traditional residency and care of the elderly in a full range of living and care arrangements which includes at least two of the following: independent living and care, congregate care, or nursing care institutions.

**PUBLIC WORKS FACILITY.** All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the N.C. Utilities Commission.

**PUBLIC SEWAGE DISPOSAL SYSTEM.** A system serving two or more dwelling units and approved by the County Division of the District Health Department and the State Department of Water and Air Resources.

**PUBLIC WATER SUPPLY.** Any water supply furnishing potable water to ten or more residences or businesses or combination of businesses or residences. Approval by the Division of Health Services, Department of Human Resources, is required.

**PUBLIC USE.** Any area, building, structure held, used or controlled exclusively for public purposes by any department or branch of the Federal Government, State of North Carolina, or the Davie County government under the direct authority of the Board of County Commissioners, the Davie County School Board or any other quasi public entities, without reference to the ownership of the building or structures or the realty upon which it is situated.

**PUBLIC SAFETY FACILITY.** A facility operated by a public agency, a private contractor thereof, or by a private nonprofit volunteer organization and used for the base of operations and/or housing of equipment or personnel for the provision of dispatched public safety services including law enforcement, fire protection, rescue services, and/or emergency medical services. Such a facility may contain living quarters for on duty personnel. Facilities for the maintenance of equipment housed at the operation site are also permitted.

**PUBLIC BUILDINGS** The offices of the executive, legislative, judicial, administrative and regulatory branches of federal, state and local governments. This definition includes only those uses in the following NAICS group(s)

92 Public Administration

**QUASI-PUBLIC USE.** An entity whose use is essentially public, as in services rendered, although it is under private ownership or control.

**RECREATION, ACTIVE:** Leisure-time activities, usually of a formal nature and often preformed with others, requiring equipment and taking place at prescribed places, sites or fields. Active recreation space may include facilities such as ballfields, tennis courts, or swimming pools, or tot-lots and other similar type play areas. Active recreation space may also be used for picnicking, boating, fishing, swimming, outdoor games and sports, equestrian-activities, and activities incidental and related to the foregoing, all on a non-commercial basis.

**RECREATION, PASSIVE:** Activities that involve relatively inactive or less energetic activities, such as walking, sitting, or picnicking

**RESEARCH LABORATORY.** An establishment primarily engaged in commercial research and providing testing services such as calibration and certification of instruments, food testing services, forensic laboratories, metallurgical testing, and industrial X-ray inspection services, etc. This definition includes only those uses in the following NAICS group(s)

5417 Scientific Research and Development Services

**RESTAURANT (WITH DRIVE-THROUGH SERVICE).** An establishment which delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises. This definition includes only those uses in the following NAICS group(s):

722110 Full Service Restaurants  
722211 Limited Service Restaurants  
722212 Cafeterias, Grill Buffets and Buffets  
722213 Snack and Nonalcoholic Beverage Bars

**RESTAURANT (WITHOUT DRIVE-THROUGH SERVICE).** An establishment, which serves prepared food and beverages primarily to customers seated at tables or counters located within the building or designated outdoor seating areas. This includes cafes, tea rooms, and outdoor cafes. This definition includes only those uses in the following NAICS group(s):

722110 Full Service Restaurants  
722211 Limited Service Restaurants  
722212 Cafeterias, Grill Buffets and Buffets  
722213 Snack and Nonalcoholic Beverage Bars

**RETAIL, GENERAL.** An establishment primarily engaged in selling goods to the public. This definition includes only those uses in the following NAICS group(s)

- 44131 Automotive Parts and Accessories Stores (indoor sales only)
- 442 Furniture and Home Furnishings Stores
- 443 Electronics and Appliance Stores
- 44413 Hardware stores
- 446 Health and Personal Care Stores
- 448 Clothing and Clothing Accessories Stores
- 451 Sporting Goods, Hobby, Book, and Music Stores
- 452 General Merchandise Stores
- 453 Miscellaneous Store Retailers (excluding 45393, Manufactured Home Dealers)

**RETAIL, NONSTORE.** A use that retails merchandise using nonstore methods, such as the broadcasting and publishing of direct-response advertising, direct solicitation, and electronic shopping. This definition includes only those uses in the following NAICS group(s)

- 4541 Electronic Shopping and Mail-Order Houses
- 4542 Vending Machine Operators
- 4543 Direct Selling Establishments (excluding onsite fuel storage)

**RETAIL STORE, LARGE.** A single retail or wholesale use which occupies no less than 65,000 square feet of gross floor area, typically requires high parking to building area ratios and has a regional sales market. Such stores include but are not limited to membership warehouse clubs that emphasize bulk sales, discount stores, and department stores.

**RETAIL STORE, MEDIUM.** A single retail or wholesale use which occupies between 25,000 and 65,000 square feet of gross floor area, typically requires moderate parking to building area ratios and has a local sales market.

**RETAIL STORE, SMALL.** A single retail or wholesale use which occupies less than 25,000 square feet of gross floor area, typically requires low parking to building area ratios and has a local or neighborhood sales market.

**RIDING STABLES.** An establishment where horses are boarded and cared for, where instruction in riding, jumping, and showing is offered, or where horses may be hired for riding.

**RURAL RESORT AND RETREAT:** A private establishment consisting of a detached structure or structures located in a rural setting in which lodging units are offered to transients for compensation as the principal use, along with conference and meeting facilities, restaurant and/or banquet facilities, and recreational amenities of a rural nature.

**RURAL RESORT/RETREAT AND CONFERENCE CENTER:** This category provides commercial hospitality lodgings in spacious settings that are principally intended for vacationing, relaxation and conference activities for visitors to the community. Permitted are single family dwellings (attached or detached) guest homes, or an accessory apartment to be used only by employees or owners of the resort and retreat. Permitted also are tourist lodgings, with commonly incidental, recreation-oriented uses, including golf courses, horseback riding, swimming, tennis, and other similar outdoor activities; as well as facilities contained within the principal resort building: restaurants, health clubs, professional business offices, and conference and meeting facilities.

**SAWMILL.** A facility where logs are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot. This definition includes only those uses in the following NAICS group(s):

- 321113 Sawmills

**SCHOOL, VOCATIONAL OR PROFESSIONAL.** A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or elementary or secondary school. This definition includes only those uses in the following NAICS group(s):

- 6112 Junior Colleges
- 6113 Colleges, Universities and Professional Schools
- 6114 Business School and Computer and Management Training
- 6115 Technical and Trade Schools
- 6116 Other Schools and Instruction

**SCHOOL, PUBLIC.** A structure used primarily by and for any two (2) or more age or grade levels in grades kindergarten through twelve (12) and operated by the public school system or approved by the North Carolina Department of Public Instruction as meeting the requirements of State law. Any school for children age six (6) or under not meeting these requirements shall be considered a day care facility for purposes of this ordinance. This definition includes only those uses in the following NAICS group(s):

- 6111 Elementary and Secondary Schools

**SECURITY TRAINING OPERATIONS AND SERVICES.** A facility located on at least 25 contiguous acres, which provides the following services: explosives training; driver training (including vehicle maintenance facility to support driver training activities); towers that are 100-feet tall or less and are used in connection with security training; emergency response training; office, clerical, research and services related to **SECURITY TRAINING OPERATIONS AND SERVICES.**

**SELF-CONTAINED TRAVEL TRAILERS.** A travel trailer which may operate independently of connections to electricity, water, and sewer for a limited period of time, having its own battery or LP gas system or both, to operate lights, refrigerator, stove, and heater; having a water tank with a pressure system; and having a holding tank with a toilet.

**SERVICE STATION.** A building or lot dedicated to the rendering of services such as the sale of gasoline, oil, grease, and accessories, and the minor repair of automobiles, excluding body work, overhauling, and painting.

**SETBACK.** The minimum required horizontal distance between a structure and the property line, street right-of-way line, street centerline or access easement.

**SETBACK LINES.** The lines on the front, rear, and sides of a lot which delineates the area within which a structure may be built and maintained according to the district regulations.

**SETBACK, FRONT.** Any setback from a street or road, as measured from the edge of the public right-of-way or edge of access easement.

**SETBACK, SIDE.** Any interior property line setback other than a rear setback.

**SERVICES A, BUSINESS.** An establishment primarily engaged in providing a service(s) to businesses and to a lesser extent, individuals. All merchandise and rental equipment is stored inside enclosed buildings. Business Services A includes the following list of uses (including NAICS groups and all subcategories not elsewhere listed):

5414	Specialized Design Services
56141	Document Prep Services
5322	Consumer Goods Rental
5415	Computer Systems Design and Related Services
5614	Business Support Services

**SERVICES B, BUSINESS.** An establishment primarily engaged in providing services to commercial and business establishments. Operations may include large scale facilities and storage of merchandise and equipment outside enclosed buildings. Business Services B includes the following list of uses (including related NAICS groups and all subcategories not elsewhere listed):

8123	Dry Cleaning and Laundry Services
5418	Advertising, Public Relations and Related Services
5617	Services to Buildings and Dwellings
5323	General Rental Centers
8113	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance
8114	Personal and Household Goods Repair and Maintenance
561622	Locksmiths

**SHOPPING CENTER.** A building or group of buildings with two or more uses, either connected or freestanding, which is designed with common parking, pedestrian movement, ingress and egress, and used for the sale of merchandise or services to the public. Shopping centers shall be construed to include all out-parcels, whether or not developed, and shall permit any permitted within the zoning district in which it is located except for those uses that require outdoor storage.

**SHOPPING CENTER, LARGE.** A shopping center totaling sixty-five thousand (65,000) square feet or more of gross floor area.

**SHOPPING CENTER, MEDIUM.** A shopping center containing between 25,000 and 65,000 square feet of gross floor area.

**SHOPPING CENTER, SMALL.** A shopping center totaling twenty-five thousand (25,000) square feet or less of gross floor area.

**SHOOTING RANGE, INDOOR.** The use of a completely enclosed structure for archery and/or the discharging of firearms for the purposes of target practice or temporary competitions.

**SHOOTING RANGE, OUTDOOR.** The use of land for archery and/or the discharging of firearms for the purposes of target practice or temporary competitions.

**SIGN AREA.** The entire face of a sign and all wall work including illuminating tubing incidental to its decoration shall be included for measurement of sign areas, excluding architectural trim and structural embellishments. In the case of an open sign made up of individual letters, figures, or designs, the spaces between such letters, figures, or designs shall be included as part of the sign area. In computing sign area, only one side of a double-face sign structure shall be considered.

**SIGN, FREESTANDING.** Any sign which is attached to or mounted upon the ground by means of one or more upright posts, pillars, or braces placed upon the ground by means of one or more upright posts, pillars, or braces placed upon the ground, and which is not attached to any building (excludes bill-boards, poster panels, and outdoor advertising signs).

**SIGN, LOCAL INTEREST.** A sign of a temporary nature used to advertise or announce a particular event, usually of local concern.

**SIGN, OFF-SITE (BILLBOARD).** One advertising device used to disseminate information concerning a person, place, or thing not pertaining to the use of the land upon which it is located.

**SIGN, ON-SITE.** Signs relating in subject matter to the premises where located, or to products, accommodations, services, or activities on the premises.

**SIGN, PERMANENT.** Signs erected, located, or affixed in a manner enabling continued use of the sign for a relatively long, unspecified period of time.

**SIGN, PROJECTING.** A sign projecting from the exterior wall of a building or suspended from and supported by the underside of a horizontal surface, such as a canopy.

**SIGN, COMMERCIAL.** Any sign located in a district zoned for commercial uses.

**SIGN.** Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

**SIGN, INDUSTRIAL.** Any sign located in a district zoned for industrial uses.

**SIGN, RESIDENTIAL.** Any sign located in a district zoned for residential uses.

**Solar Energy Generating Facility.** A solar collection system that generates electricity from sunlight to a wholesale electricity beneficiary. These solar farms shall consist of a minimum of three (3) individual photovoltaic modules (solar panels) which are in assembly of solar cell to generate electricity. The energy beneficiary(ies) shall not be located on the energy facility site. This definition does not include solar devices for single family homes or any solar devices which are an accessory to a primary use. This definition includes only those uses in the following NAICS group(s):

221114 Solar Electric Power Generation

**STREET.** A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

**STRUCTURE.** As follows:

(1) Anything constructed or erected, the use of which requires more or less permanent location on the ground, or which is attached to something having a more or less permanent location on the ground.

(2) An edifice or a building of any kind; in the broadest sense, any product or piece of work artificially built up or composed of parts and joined together in some definite manner.

**TEMPORARY STRUCTURE.** A building placed on a lot for a specific purpose which is to be removed within a specified time period. Examples of temporary structures are monitoring stations, mobile classrooms, construction trailers and guard houses, and produce stands.

**THEATER, DRIVE-IN.** An establishment for the outdoor viewing of motion pictures by patrons while in motor vehicles. This definition includes only those uses in the following NAICS group(s)

512132 Drive-In Motion Picture Theaters



**THEATER, INDOOR.** An establishment for the indoor viewing of motion pictures by patrons. This definition includes only those uses in the following NAICS group(s)

512131 Motion Picture Theaters (except Drive-Ins)

**USE, ACCESSORY.** A use of land or portion thereof customarily incidental and subordinate to the principal use of the land and located on the same lot with the principal use.

**USE, TEMPORARY.** A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

**USED FOR.** Includes the meaning **DESIGNED FOR.**

**VARIANCE.** A modification of the existing zoning chapter by the County Board of Adjustment when strict enforcement of this chapter would cause undue hardship owing to circumstances unique to the individual property where the variance is granted.

**VETERINARY SERVICES.** Any facility used for the purpose of giving licensed medical treatment to animals or pets and any other customarily incidental treatment of the animals, such as grooming, boarding, or selling of pet supplies. This definition includes only those uses in the following NAICS group(s):

54194 Veterinary Services  
81291 Pet Care Services (except Veterinary)

**WAREHOUSING.** Establishments primarily engaged in the warehousing and storage of general merchandise, refrigerated goods, and farm products. This definition includes only those uses in the following NAICS group(s)

4931 Warehousing and Storage

**WAREHOUSING, SELF STORAGE.** Establishments primarily engaged in the rental or leasing of mini-warehouses and self-storage units. This definition includes only those uses in the following NAICS group(s)

531130 Lessors of mini warehouses and self storage units

**WHOLESALE TRADE A.** An establishment primarily engaged in selling durable and non-durable goods to retailers; to industrial, commercial, institutional, farm, construction contractors; or for professional business uses; or to other wholesalers. Merchandise is stored inside enclosed buildings. Activities including physically assembling, sorting, and grading goods in large lots and breaking bulk lots for redistribution in smaller lots are conducted inside enclosed buildings in such a way as to have a minimal impact on surrounding properties. Operations with over twenty-five percent (25%) of sales to retail customers require the appropriate retail zoning district. This definition includes only those uses in the following NAICS group(s):

4231 Motor Vehicle Supplies and New Parts Wholesalers  
4232 Furniture and Home Furnishing Wholesalers  
4233 Lumber and Other Construction Materials Wholesalers  
4234 Professional and Commercial Equipment and Supplies Wholesaler  
4236 Household Appliance and Electrical and Electronic Goods Wholesalers  
4237 Hardware, Plumbing and Heating Equipment and Supplies Wholesalers  
4239 Miscellaneous Durable Goods Wholesalers  
4241 Paper and Paper Products Wholesalers  
4242 Drugs and Druggists Sundries Wholesalers  
4243 Apparel, Piece Goods and Notions Wholesalers  
4244 Grocery and Related Products Wholesalers  
4248 Beer, Wine and Distilled Alcoholic Beverage Wholesalers  
4249 Miscellaneous Non-durable Goods Wholesalers (except 42491 Farm Supplies Wholesalers)

**WHOLESALE TRADE B.** An establishment primarily engaged in selling durable and non durable goods to retailers; to industrial, commercial, institutional, farm, construction contractors; or to professional business uses; or to other wholesalers. Merchandise may be stored outside or inside enclosed buildings. Activities including physically assembling, sorting, and grading goods in large lots, and breaking bulk lots for redistribution in smaller lots may be conducted outside enclosed buildings. Operations with over twenty-five (25%) of sales to retail customers require the appropriate retail zoning district. This definition includes only those uses in the following NAICS group(s):

4231 Motor Vehicle and Motor Vehicle Parts and Supplies Wholesalers (except 42314 Motor Vehicle Parts Used Wholesalers)  
4235 Metal and Mineral (excluding Petroleum Wholesalers)  
4238 Machinery, Equipment and Supplies Wholesalers

4245 Farm Product Raw Material Wholesalers  
4246 Chemical and Allied Products Wholesalers  
424910 Farm Supplies Merchant Wholesalers

**WINE TASTING ROOM.** A facility in which wine products grown or processed on the owner's property may be tasted and sold. This definition shall also include the following associated uses as permitted: gift/retail sales, assembly areas, meeting rooms, dining and catering facilities, and a restaurant facility, if expressly requested and permitted. The facility must be operated in association with an existing vineyard (bona fide farm) located on the same property, or multiple adjoining properties in same ownership.

**WINERY.** A manufacturing facility or establishment engaged in the processing of grapes to produce wine or wine-like beverages as defined by the North Carolina General Statutes.

**YARD.** An open space on the same lot with a principal building, unoccupied and unobstructed from the upward, except where encroachments and accessory buildings are expressly permitted.

**YARD, INTERIOR SIDE.** The yard extending along the length of the lot between the required front yard and the required rear yard, and between the side lot line and the side building setback line, as required in this ordinance, provided that the side lot line is not adjacent to a public street right-of-way.

**YARD, STREET SIDE.** The yard extending along the length of the lot between the required front yard and the required rear yard adjacent to a public right-of-way or private access easement, and between the side lot line and the side building setback line as required in this ordinance.

**YARD, REAR.** An open, unoccupied space extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

(Ord. passed 5-21-84; Am. Ord. passed 7-29-85; Am. Ord. passed 11-20-89; Am. Ord. passed 11-20-89; Am. Ord. passed 4-3-95; Am. Ord. passed 12-16-96; Am. Ord. passed 6-23-97; Am. Ord. passed 11-16-98; Am. Ord. passed 2-16-04; Am. Ord. passed 5-16-05; Am. Ord. passed 3-20-06; Am. Ord. passed 5-1-06; Am. Ord. passed 5-1-06; Am. Ord. 6-5-06; Am. Ord. passed 11-1-10; Am. Ord. 11-7-11; Am. Ord. 7-16-12; Am. Ord. 7-14-14)

## **§ 155.002 PURPOSE.**

The purposes of the county zoning chapter are to promote the public health, safety, morals, and general welfare of the county; promote the orderly development of the area; lessen congestion on the roads and streets; secure safety from fire, panic, and other dangers; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; and facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

(Ord. passed 5-21-84; Am. Ord. 11-1-10)

## **§ 155.003 AUTHORITY.**

The Board of County Commissioners of the county enacts this chapter in pursuance of the authority granted by the G.S. Chapter 153A, Article 18.

(Ord. passed 5-21-84)

## **§ 155.004 TITLE.**

This chapter shall be know as the "Zoning Chapter of the County," and may be referred to as "zoning chapter," and the map referred to is identified by the title "Official Zoning Map," and may be know as the "zoning map."

(Ord. passed 5-21-84)

## **§ 155.005 TERRITORIAL JURISDICTION.**

For the purpose of this chapter, the zoning jurisdiction of the county shall include the land outside the corporate limits of Mocksville's extraterritorial planning jurisdiction.

(Ord. passed 5-21-84)

## **§ 155.006 INCORPORATION OF ZONING MAP.**

The "Official Zoning Map," and all notations, references, and other information shown on the map are incorporated by reference and made a part of this chapter.

(Ord. passed 5-21-84)

## **§ 155.007 BONA FIDE FARMS EXEMPT.**

The provisions of this chapter shall not apply to bona fide farms. This chapter does not exercise any controls over crop lands, timber lands, pasture lands, apple orchards, idle or other farm lands, nor over any farm house, barn, poultry house, or other farm buildings including tenant or other houses for persons working on the farms, as long as such homes shall be in the same ownership as the farm and located on the farm. Such agricultural uses maintain the openness of the land and achieve the purposes of this chapter without the need for regulation. Residences for nonfarm use or occupancy and other nonfarm uses shall be subject to the provisions of this chapter.

(Ord. passed 5-21-84)

### **GENERAL REGULATIONS**

## **§ 155.020 ZONING TO APPLY TO EVERY BUILDING AND USE.**

(A) No building or land shall be used or occupied and no building or part shall be erected, moved, or altered, except in conformity with the regulations for the district in which it is located.

(B) No building shall be erected or altered so as to exceed the height limit, to accommodate or house a greater number of families, to occupy a greater percentage of the lot area, or to have narrower or smaller rear, front, or side yards than are required as specified in the regulations for the district in which it is located.

(C) No part of a yard or other open space required about any building for the purposes of complying with the provisions of this chapter shall be included as a part of a yard or other open space similarly required for another building.

(Ord. passed 5-21-84)

## **§ 155.021 NONCONFORMING USES AND BUILDINGS.**

(A) *Nonconforming uses.*

(1) A nonconforming use of any building or land shall not be enlarged or extended. However, a nonconforming use of any building may be extended to any portion of such building which was, at the time such use became nonconforming, manifestly arranged or designed for such use.

(2) A nonconforming use may be changed from one nonconforming use to another similar nonconforming use.

(3) No structural alterations shall be made in a building housing a nonconforming use, except routine maintenance up to 10% of the tax value of the structure.

(4) A nonconforming use of any building or structure which is damaged to an extent exceeding 75% of its then reproductive value, exclusive of foundations, by fire, flood, explosion, earthquake, riot, or act of God, shall be discontinued, and such building or structures shall be used only in conformance with the provisions of the district in which it is located.

(5) If a nonconforming use is discontinued for a period of more than 180 days, any future use of the land or building shall be in conformity with the provisions of this chapter.

(B) *Nonconforming buildings and structures.*

(1) A nonconforming building or structure shall not be enlarged or extended unless such extension shall comply with all the requirements of this chapter for the district in which it is located.

(2) A nonconforming building or structure, which is damaged to an extent exceeding 75% of its then reproduction value, exclusive of foundations, by fire, flood, explosion, earthquake, riot, or act of God, shall not be reconstructed except in conformity with the provisions of this chapter. However, any single-family dwelling unit in any commercial district shall be allowed to rebuild regardless of the extent of damage.

(Ord. passed 5-21-84)

## **§ 155.022 ONLY THE PRINCIPAL BUILDING TO BE ON ANY LOT; LOT MUST ABUT ON A STREET.**

(A) Every building erected or structurally altered shall be located on a lot, and with the exception of group developments and manufactured home parks, there shall be not more than one principal building (including manufactured homes) and accessory buildings on a lot.

(B) No dwelling shall be erected on a lot or tract of land which does not have access to at least one public street or road.

(Ord. passed 5-21-84; Am. Ord. passed 5-16-05)

## **§ 155.023 REDUCTION OF LOT PROHIBITED.**

No lot shall be reduced in size so that lot width, yard requirements, lot area per dwelling unit, or other requirements of this chapter are not maintained.

(Ord. passed 5-21-84)

## **§ 155.024 OBSTRUCTION TO VISION AT STREET INTERSECTIONS.**

In any district within the triangular area formed by joining points (with a straight line) on the center lines of intersection or intercepting streets 60 feet from their intersection, there shall be no obstruction to vision by structures, grade, or foliage other than power or utility poles between a height of three feet and a height of ten feet, measured above the average elevation of the existing surface of each street at the center lines.

(Ord. passed 5-21-84)

## **§ 155.025 LOT OF RECORD; DATE AND PERMITTED USE.**

(A) In any district where residences are permitted, a lot having an area or width less than the required area or width and having been a lot of record on or before the effective date of this chapter, may be occupied by a single-family dwelling. However, the minimum front, rear, and side yard requirements for the district in which it is located shall be met.

(B) In the commercial districts, a lot having an area or width of less than the required area or width and having been a lot of record on or before the effective date of this chapter, may be occupied by a permitted use. However, all other requirements of the district shall be met.

(Ord. passed 5-21-84)

## **§ 155.026 SAME ADJOINING AND VACANT LOTS.**

If two or more adjoining and vacant lots of record are in a single ownership after the effective date of this chapter and each lot individually has less area or width than the minimum requirements of the district in which such lots are located, these lots shall be considered as a single lot which meets the minimum requirements of this chapter.

(Ord. passed 5-21-84)

## **§ 155.027 SIDE YARDS ON CORNER LOTS.**

In residential districts, the minimum width of the side yard along an intersection of streets shall be at least 25 feet from the road right-of-way line. Accessory buildings in the rear yard shall also comply with this requirement.

(Ord. passed 5-21-84)

## **§ 155.028 FRONT YARD SETBACKS.**

(A) The front yard requirements for the various districts shall not apply to any lot where the front yard coverage on neighboring developed lots is less than the minimum required front yard. This applies only if the developed lots are located wholly or in part within 100 feet of each side of such lot and within the same block and zoning district and fronting on the same street or road as such lot. In such cases, the front yard on this lot may be less than the required front yard, but not less than the average of the existing front yards on the developed lots, provided that the front yard on such lot shall not be less than ½ of the required front yard.

(B) All measurements for front yard and corner side yards shall be made from the state road right-of-way line.

(C) Permitted Non Residential uses and structures within any residential zoning district shall meet the required setback for a principal building.

(Ord. passed 5-21-84; Ord. Amend. 2-2-15)

## **§ 155.029 EXCEPTIONS TO HEIGHT LIMITS.**

Roof structures for the housing of communication towers, elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, skylight, towers, steeples, flagpoles, chimneys, wireless masts, water tanks, silos, or similar structures may be erected above the height limits specified in this chapter, but no roof structure or any space above the height limit shall be allowed for the purpose of providing additional floor space for residential or commercial use.

(Ord. passed 5-21-84; Am. Ord. passed 12-16-96)

## **§ 155.030 DEVELOPMENT STANDARDS FOR MANUFACTURED HOMES**

(A) *General requirements.* All manufactured homes, either on individual lots or in parks, shall meet the following standards.

(1) All units shall be skirted with a solid, nonflammable material.

(2) All units shall be setup and anchored in accordance with the North Carolina Manufactured Home Code as revised.

(3) All manufactured homes shall be properly skirted after the final inspection but prior to the activation of electrical service to the home.

(B) *Manufactured home prohibited uses.* Manufactured homes designed in accordance with state and federal standards and intended to be used as dwelling units shall not be used for any other purpose (including storage, accessory structures, or any nonresidential use).

(C) *Manufactured home as a temporary use.* A manufactured home may be permitted as a temporary use according to the following standards.

(1) Hardship. See § 155.190.

(2) Construction or reconstruction of a permanent site-built dwelling. A temporary use permit may be approved by the Planning Director for up to two years. The permit may be renewed for one additional two year period upon a showing by the applicant that the single family site built dwelling will be completed within the two year permit renewal and that unnecessary hardship would result if the permit were not renewed. The following information shall be submitted and requirements met before the Planning Director may approve a temporary use permit for a manufactured home:

(a) A completed application form;

(b) The manufactured home shall meet the standards for a Class C manufactured home;

(c) Information which validates the age, size, model number, and serial number of the manufactured home. A copy of the current bill of sale, current title, or certified tax listing form from the county in which the home is presently located may be used to validate the age, size, model number and serial number;

(d) An approved on-site wastewater system permit from the Davie County Environmental Health Department or evidence of an approved connection to a public sewer system;

(e) A site plan with the proposed location of the manufactured home and the single-family dwelling to be built on the property showing. The manufactured home shall be located as near to the side or rear of the property as practicable (subject to location of the on-site sewage disposal system);

(f) An application for a zoning permit and building permit including house plans for the single family site-built dwelling. A valid building permit shall be required to be issued prior to the issuance of the temporary use permit;

(g) All applicable fees shall be paid; and

(h) The manufactured home shall be removed no later than 14 days following the issuance of the certificate of occupancy for the single family site-built dwelling. Failure to remove the manufactured home shall be considered a violation of the Zoning Code.

(D) *Nonconforming manufactured home replacement standards.* Any proposed replacement of a nonconforming manufactured home shall occur no more than six months from the date the existing nonconforming home is removed from the property. If the replacement manufactured home has not been permitted within six months of the removal of the existing nonconforming manufactured home, only a valid conforming use (as listed in § 155.125) shall be established on the lot. The following information shall be submitted and requirements met prior to a zoning compliance permit being approved:

(1) The replacement manufactured home shall be the same age or newer than the existing nonconforming manufactured home but in any case shall not be manufactured prior to July 1, 1976.

(2) If the existing nonconforming manufactured home has been removed from the property prior to applying for a zoning compliance permit for the replacement home, the property owner shall submit a notarized statement certifying the actual date the existing nonconforming manufactured home was removed from the property and stating the name and contact information of the person(s) responsible for removing the home.

(3) A notarized statement which validates the age, size, model number, and serial number of the replacement manufactured home. A copy of the current bill of sale, current title, or certified tax listing form from the county in which the home is presently located may be used to validate the age, size, model number and serial number.

(4) A notarized statement which validates the age, size, model number, serial number and location of the existing nonconforming manufactured home. A copy of the current bill of sale, current title, or certified tax listing form from the Davie County Tax Assessor may be used to validate the age, size, model number and serial number. A survey prepared

by a North Carolina licensed land surveyor may be required to certify the location of the existing nonconforming manufactured home.

(5) Any other information required as part of the application for a zoning compliance permit (see §155.282).

(E) *Enforcement procedures.* When the Planning Director has determined that the person responsible (defined as the manufactured home owner or the property owner in the case of a leased lot), has not taken steps to implement the requirements of this section, the Planning Director shall send the person responsible a registered letter by first class U.S. Mail notifying the person responsible of the violation. The person responsible shall have 30 days from the date the letter was placed in the U.S. Mail to bring the manufactured home into compliance with the applicable standard of the Zoning Code.

(Ord. passed 5-21-84; Am. Ord. passed 5-16-05)

## **§ 155.031 JUNKED OR WRECKED CARS AND MANUFACTURED HOMES.**

(A) *Purpose.* This Section is enacted to protect the health, safety, and general welfare of the people of Davie County pursuant to powers granted under NC General Statutes Sections 153A-132, 153A-136, and 153A-140, the Davie County Code, and subsequent re-codifications and/or amendments, and other applicable legislation, as may be adopted in the future.

(B) *Objectives.* The principal objectives of this Section are:

1. To prevent injury and illness to occupants of property and the public and to remove public nuisances.
2. To provide countywide standards for the abatement of public nuisances including, but not limited to solid waste, junked motor vehicles and abandoned manufactured homes.
3. To establish responsibility of involved parties and assure that people are not unnecessarily exposed to dangers of public nuisances.

(C) *Junk or Wrecked Cars.* Junked or wrecked cars may be stored on a lot. This storage period shall not exceed one month, except where the Board of Adjustment may grant an extension because of specific circumstances. The Planning Director shall notify the property owners by certified mail when a violation has occurred. The property owner shall have one month from the date the letter was sent to comply with the requirements of this section.

(D) *Abandoned Manufactured Homes Unlawful; Removal Authorized.* It shall be unlawful for the registered owner or persons entitled to the possession of an abandoned manufactured home, or for the registered owner, lessee, or occupant of the real property upon which an abandoned manufactured home is located, to cause or allow a manufactured home to be an abandoned manufactured home.

(Ord. passed 5-21-84; Am. Ord. passed 6-1-15)

## **§ 155.032 MODULAR CLASSROOMS, MODULAR OFFICES, AND CONSTRUCTION TRAILERS.**

(A) *Modular Classrooms.* Modular Classrooms shall meet the following conditions:

- (1) All modular classrooms shall be listed as such and shall not be used for any other purpose.
- (2) All modular classrooms shall require a zoning compliance permit.
- (3) All modular classrooms shall be set up in accordance with all applicable state and local codes.
- (4) All modular classrooms shall be skirted with a non-flammable material after the final inspection but prior to the activation of electrical service to the modular classroom.

(B) *Modular offices.* Modular offices shall meet the following conditions:

- (1) All modular offices shall be listed as such and shall not be used for any other purpose.

- (2) All modular offices shall require a zoning compliance permit.
  - (3) All modular offices shall be set up in accordance with all applicable state and local codes.
  - (4) All modular offices shall be skirted with a non-flammable material after the final inspection but prior to the activation of electrical service to the modular office.
- (C) *Construction trailers.* Construction trailers (job trailers) shall be permitted only on a temporary basis and must meet the following conditions:
- (1) All construction trailers shall be listed as such and shall not be used for any other purpose.
  - (2) All construction trailers shall require a zoning compliance permit.
  - (3) All construction trailers shall be set up in accordance with all applicable state and local codes.
  - (4) All construction trailers shall be removed no later than seven days following the issuance of the certificate of occupancy for the principal building for which the construction trailer was intended.
  - (5) If a construction trailer is relocated within the same development site as originally permitted, a new zoning compliance permit shall be required.

(Ord. passed 5-21-84; Am. Ord. passed 5-16-05)

## **§ 155.033 COMMUNICATION TOWERS; DEVELOPMENT STANDARDS.**

- (A) *General Requirements.* All communication towers shall meet the following requirements:
- (1) *Signage Prohibitions.* No signs or logos of any type shall be allowed on any communication tower.
  - (2) *Compliance with Other Regulations.* Any builder, user, carrier, etc. shall submit documentation that the communication tower and antennae will meet the American National Standards Institute (ANSI) standards and applicable Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) regulations, and comply with all other federal, state or local laws and regulations. Approval by the FAA shall be submitted prior to the issuance of a zoning or building permit. At the time of application for a building or other county permit, the plans for the tower and antennae construction shall be certified by a structural engineer licensed to work in North Carolina as meeting current safety and design standards of applicable codes.
  - (3) *Co-location Requirements.* Towers shall be designed and constructed so as to support a minimum of three users.
  - (4) *Subsequent Co-location Requirements.* Subsequent co-location or shared use on existing communication towers or other structures which do not increase the height of the existing tower or structure shall not require a special use permit.
  - (5) *Security Fencing.* There shall be a minimum eight foot high fence installed around the perimeter of the tower compound. Security fencing shall not be required for accessory communication facilities.
  - (6) *Replacement or Alternation of Nonconforming Communication Towers.* Nonconforming towers shall be treated the same as any other nonconforming use.
  - (7) *Removal of Communication Towers No Longer in Use.* A tower whose continuous use for communication purposes has been discontinued for a period of 180 consecutive days shall be removed by the owner. "Discontinuance" for purposes of this section shall mean the voluntary termination or cessation of a use of the original permitted use.
  - (8) *Public Service Access.* At the request of the local governing authority a license shall be granted to the local governing authority to place public service communication antennae or other public service telecommunication devices on the communication tower, provided that such communication antennae or other telecommunication devices do not



interfere with function of the antennae or array of antennae of the communication tower operator or other existing service providers located on the communication tower.

(B) *Specific Requirements.*

(1) *Setback Requirements.* All communication towers adjacent to any residential and non-residential zoning district shall have a minimum setback of 100% of the tower's height. For the purpose of this section the height of an Accessory Communication Facility shall be determined by the distance by which the Accessory Communication Facility exceeds the height of principal structure to which the Accessory Communication Facility is attached. In no case, however, shall the setback be less than the minimum setback required for the principal building or structure in the zoning district in which the principal building or structure is located.

(2) *Co-Location (Shared Use) Requirements.* Communication towers proposed to be located within a five mile radius of another communication tower shall require co-location on such other communication tower. In the event that co-location is not feasible, the Board of Adjustment may issue a Special Use Permit before a communication tower can be located within a five mile radius of another communication tower. In no instance shall a communication tower be closer than one mile of another tower.

(3) *Color.* Communication towers shall be light gray except when otherwise required by the Federal Aviation Administration (FAA).

(4) *Illumination.* Communication towers in agricultural and residential districts shall be illuminated only as required by the Federal Aviation Administration (FAA). Illumination shall not be oriented to project lighting onto surrounding residential properties.

(Ord. passed 12-16-96)

## **§ 155.034 MINING AND DREDGING OF SAND.**

The mining and dredging of sand from dry land, creeks and rivers for purposes other than public safety, navigation, and water quality performed by or for a local, state, or federal governmental agency shall meet the following additional requirements.

(A) *Operations affected by regulations.* Mining and dredging of sand shall not include drag-line dredging. Permissible dredging shall only include vacuum or suction-type dredging. Dredging performed by a property owner for the purpose of property maintenance shall not be required to meet these development standards when the total area of the land disturbance is one acre or less. This shall not include a contract or lease for commercial dredging purposes by a third party on behalf of a property owner.

(B) *Access.* All mining and dredging operations shall obtain a driveway permit, if needed, from the North Carolina Department of Transportation prior to any activity. All such operations shall have direct access to a public street by means of a dedicated driveway. Public streets providing access to the site shall be adequate, as determined by the North Carolina Department of Transportation, to safely support the vehicle traffic which will be generated by the operation.

(C) *Cessation of activity and remediation.* Whenever the mining and/or dredging operation is completed, ceases activity for more than three years, or is ordered to be permanently discontinued by any county, state, or federal agency, all equipment and material associated with the activity shall be removed from the property and the land-based portion of the operation shall be returned to a state consistent with the condition of the property which existed prior to the commencement of mining and dredging. Failure to comply with this section within the time stated in the reclamation plan shall subject the operator and the property owner to any and all remedies permitted under this ordinance. In addition, failure to comply may also constitute a public health nuisance and as such may be remedied by the county pursuant to G.S. § 153A-140.

(D) *Conformance with other laws.* Prior to commencement of activity, the operator shall submit copies of all state and federal permits required for legally conducting the activity and shall submit copies of amended permits if approved.

(E) *Equipment and land maintenance.* All site-based equipment used in the operation, which is visible from the river, an adjacent property, or a public road, shall be maintained in a workmanlike manner free of significant rust or other conditions which would make the equipment appear to be derelict. No equipment not regularly and routinely used as part of the operation shall be stored or otherwise kept on the site. Only routine or emergency maintenance of site-based non-vehicular equipment associated with the mining and dredging operation shall be permitted on the site. No oil, gasoline, or other hazardous or toxic substance shall be permitted to drain onto the land and, if accidentally spilled, shall be completely remedied. All land associated with the operation shall be maintained free of litter and any other condition which constitutes a public health nuisance.

(F) *Flooding.* Whenever a mining and dredging operation would in the course of its operation create an offsite flooding hazard, the operator, before commencing any such activity, and at such other times during the mining and dredging operation as may be necessary, shall take whatever necessary and legal action is required to afford the same protection as if no mining and dredging operation existed. No mining and dredging operation shall impede the flow of any watercourse.

(G) *Hazardous material.* If at any time during the mining and dredging operation any governmental agency discovers or suspects that a hazardous material exists within the river system that may be or has been extracted along with the material being mined and dredged, the mining and dredging operation shall cease. No activity shall recommence until such time as the Planning Director or Zoning Enforcement Officer is satisfied that there is no threat to the public.

(H) *Hours of operation.* Any part of the mining and dredging operation that generates noise, dust, or odor, including the transport of material, shall be limited to operating between the hours of 7:00 a.m. and 5:00 p.m. Monday through Friday and may not operate at all on Saturdays and Sundays.

(I) *Operational plan.* The petitioner shall submit the following information with the application for special use permit:

(1) The name, address, and telephone number of the operator and the name, address, and telephone number of a contact person;

(2) The nature of the operation and its purpose;

(3) The approximate date to begin the operation and its expected duration;

(4) The estimated type and volume of extraction material;

(5) A description of the method of operation, including the disposition of spoil and by-products;

(6) The amount, location, and description of the equipment to be used in the extraction process (photos if possible);

(7) The type and number of trucks and/or other equipment proposed to be used to remove material from the site and the maximum number of trips per day of such vehicles;

(8) Any phasing of the operation and the relationship of the various phases;

(9) A reclamation plan stating when reclamation will commence, what type of reclamation will be made and how, and how long reclamation will take to complete (a maximum 90-day reclamation period will be permitted); and,

(10) An acknowledgement of responsibility and a statement of action for ensuring that all requirements of this section will be met prior to and throughout the duration of any activity.

(J) *Sedimentation control.* No mining and dredging equipment shall cause erosion of the stream bank. No material generated as part of the mining and dredging operation shall be carried by wind or water to any adjacent property, public road, public right-of-way, or public easement. In addition, all public roads shall remain free of spillage or material blown off of vehicles or tracked by vehicles onto roads from the site. All sites shall have either a sedimentation and erosion control plan approved by the North Carolina Division of Land Quality or a sealed statement from an engineer registered in the state of North Carolina that such a plan is not required by state law for any and all phases of the operation.

(K) *Setbacks.* Setbacks are required from adjacent lots and occupied dwellings not owned by the land owner where the mining and dredging operation is located. No part of the land-based portion of any mining and dredging operation, as shown on the site plan, shall be within 200 feet of an adjacent lot or within 500 feet of an occupied dwelling unless the owner of the adjoining lot or occupied dwelling grants an easement for the purpose of mining and dredging, regardless of whether such lot or dwelling is immediately adjacent to the lot on which the mining and dredging operation is located. No part of any driveway or access road used for the transport of material or equipment to or from the site may be located within 50 feet of an adjacent lot or 200 feet from an occupied dwelling unless either a densely planted evergreen buffer is installed, a plan for dust control from the access road and from transport vehicles is approved by the Board of Adjustment, or an easement is granted from the adjoining property owner to reduce the setback. Whenever two or more adjoining lots are held in single ownership, such lots may be considered as one lot for the purposes of meeting the setback requirements. If the lot on which the mining and dredging operation is located is reduced in size so that the dimensional requirements cannot be met, the mining and dredging operation shall cease until the setbacks are met.

(L) *Required buffers.* The land-based portion of a mining and dredging operation shall not cut or remove any existing trees closer than 50 feet from the top of the stream bank, except that an access path to the stream no wider than 25 feet may be cleared and stabilized to prevent erosion. No part of the land-based portion of a mining and dredging operation shall be located closer than 50 feet from the top of the stream bank. Any trees cut or cleared as part of the mining and dredging operation shall be planted with similar native trees within 90 days of the operation ceasing activity. Replanting shall be coordinated with the Davie County Soil and Water Conservation District regarding type and quantity of plant material to achieve a condition as near to that which existed prior to the clearing of any trees.

(M) *Dust control.* Acceptable means of dust control may include a combination of watering the access road, completely covering the cargo area of the hauling vehicle with a tarp or other fabric cover, or other such measures deemed necessary by the Board of Adjustment to prevent a nuisance to adjacent properties.

(N) *Site plan required.* A site plan drawn to scale shall accompany any application for a special use permit and shall include the following:

- (1) The entire location of the land-based portion of the operation;
- (2) The total water-based portion of the operation;
- (3) The location and width of all roads and driveways serving the site;
- (4) The proposed location of all equipment and materials storage areas;
- (5) The location of any structures and other uses on the site;
- (6) Calculations showing compliance with all size and dimensional requirements;
- (7) Location of all required buffers, if any;
- (8) Dust control measures proposed;

(9) Any other information required by this section and any other information deemed necessary by the Planning Director or the Board of Adjustment to demonstrate compliance with the provisions of this section.

(O) *Size.* The land-based portion of any mining and dredging operation shall be located on a lot at least ten acres in size if the operation is less than one acre in total land area or on a lot at least 20 acres in size if the operation is one acre or more in total land area. The land-based portion of any mining and dredging operation shall not occupy more than 50% of the total lot area on which it is located, including all storage, processing, parking, and transportation facilities but not including driveways and/or access roads leading to the site from the public street. Whenever two or more adjoining lots are held in single ownership, these lots may be considered as one lot for the purposes of meeting the minimum lot size requirements of this division. If at any time the lot on which the operation is located is reduced to less than the required minimum lot size, the mining and dredging operation shall cease until the minimum lot size is met.

(P) *Term.* The Special Use Permit may be granted for a term of up to ten years from the date of approval of the permit. Upon expiration of the permit, application for a new permit may be submitted and shall contain all required information to demonstrate compliance. The Board of Adjustment, in their review, may consider existing conditions of the site, changes in development patterns of the surrounding areas, or other issues related to the granting of the permit. (Ord. passed 2-16-04; Ord. Am. 7-14-14)

## §155.035 RURAL RETREATS AND RESORTS

(A) **Rural Retreats and Resorts.** Rural retreats and rural resorts shall comply with the following standards.

- (1) **Parcel Size.** The minimum lot area of rural resorts and retreats shall comply with Section (11) (a).
- (2) **Separation Requirement.** When not located within a Planned Unit Development, rural retreats shall be appropriately sited so as not to infringe on the character of any existing residential use or the natural topography of the area.
- (3) **Setbacks.** All new buildings, active recreational areas, parking, and lighted areas shall meet the requirements of Section 11 (c)
- (4) **Access.** A dedicated easement or strip of land that is a minimum of thirty (30) feet wide shall be provided to the site from a public road that has a minimum eighteen (18) foot wide travel portion width that consists of an all purpose paved material.
  - (a) For any establishment that is not located on a state maintained road, a copy of the deed establishing the ingress/egress easement shall be provided to the Planning Director. The deed shall demonstrate that the easement may be used to support the establishment.
  - (b) Entrances and exits from the state-maintained road shall provide safe ingress and egress from roads, and shall be channeled to prevent unrestricted access to and from the premises.
- (5) All structures used in conjunction with the resort/treat conference shall be designed and constructed to mimic the outward appearance of single family residences, garages typically found on single-family residential lots in Davie County, and/or barns common to Davie County. Exterior materials not commonly found in use on residential buildings in Davie County and highly reflective materials shall not be permitted.

(6) **Water and Sewer.** The establishment shall be served by public water and sewer if located within a Highway Business District. Otherwise, the establishment shall be served by a public or private water system and a private wastewater collection and treatment system.

(7) **Open Space.** A minimum of 75% of the site shall remain as open space. Recreational uses customarily incidental and subordinate to the rural resort or retreat permitted in the open space area may include: swimming pools and related facilities, boating facilities, tennis and other sports courts, equestrian facilities, picnic areas, golf courses and related facilities, ball fields, children's play equipment and passive recreation facilities. Driveways and parking areas supporting these recreational facilities may also be located in the open space area.

a) On-site recreation facilities shall be used only by employees, trainees or conferees.

(8) **May be Open to Public.** These establishments may be open to the general public for patronage.

(9) Outdoor events (e.g., weddings, receptions, parties, concerts) or similar activities conducted for compensation shall be permitted only upon application for a temporary zoning permit from the zoning officer, who may impose conditions regarding hours of operation, volumes of amplified music, type and intensity of outdoor lighting, traffic control measures, and similar health, safety, and welfare matters.

(10) No products shall be sold on-site except for those that are clearly incidental and integral to and necessary to the comfort and convenience of resort visitors, including: pro shops, personal necessities shops and gift shops.

(11) **Additional Standards** Rural retreats and resorts shall comply with the following additional requirements in addition to the general standards identified above. Where there is a conflict between these standards and the general standards controlling the development of rural resorts and retreats, these standards shall control.

(a) **Intensity/character.** The minimum lot area shall be as follows.

Use	Size of Lot (minimum)	No. of Guest Rooms	*Average Daily Users
Level I-Rural Retreat, small scale	10 acres	Up to 20 rooms	Up to 100 users
Level II-Rural Retreat, medium scale	20 acres	21-40 rooms	>100 and up to 150 users
Level III-Rural Retreat, large scale	30 acres	41-60 rooms	>150 and up to 200 users

\*Average daily users -include employees and the trainees and conferees the which are trips made to the facility for the purpose of delivering food, supplies and related material are in addition to the average daily users.

(b) **Size of Use.**

(i) The restaurant and banquet facilities on premises shall not exceed 20 percent of the total floor area of the rural retreat or resort.

(ii) Outdoor storage. No outdoor storage shall be permitted. This shall include materials, equipment, parts, supplies, waste (except in approved waste containers), and similar items. Approved waste containers shall be located in the rear of the building and be completely screened from public view.

(c) **Yard Standards.** The minimum required yards shall be as follows:

(i) Level I-Rural Retreat: 150 feet minimum from all lot lines.

(ii) Level II-Rural Retreat: 200 feet minimum from all lot lines.

(iii) Level III-Rural Retreat: 250 feet minimum from all lot lines.

(d) **Landscaping/Buffering/Screening.**

(i) Screening/Landscaping. Landscaping shall meet the requirements of Section 155.172 Landscaping and Buffer Requirements.

(ii) Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(e) **Roads/Access.**

(i) There shall be no more than two points of access to a rural retreat or resort. This requirement shall not preclude an additional access for emergency vehicles only.

(f) **Parking.**

(i) **General.** Parking and loading shall be provided as required by Section 155.050 Parking.

(ii) All parking and storage for retail areas shall be screened from adjoining properties used or zoned for residential or agricultural purposes. If existing topography and natural vegetation does not provide an adequate visual barrier, selective screening may be required.

**(g) Exterior Lighting Standards.**

**Pole-Mounted Exterior Lighting.** The maximum height of pole-mounted exterior lighting shall be 25 feet.

(i) **Shielded Lighting/Light Element.** Fully shielded lighting fixtures shall be used in all areas. The light element (lamp or globe) of a fixture shall not extend below the cutoff shield.

(ii) **Hours of Operation.** All exterior lighting shall be extinguished from 10:00 p.m. to 6:00 a.m., except for exterior lighting that is determined necessary for security purposes.

(iii) No lighting shall be directed onto adjacent property. Floodlights or other high-intensity lighting shall be prohibited.

Ord. Passed 12/04/06

**PARKING**

**§ 155.050 GENERAL PARKING STANDARDS.**

(A) Off-street parking space shall be provided in accordance with this subchapter in all districts.

(B) The off-street parking required by this subchapter shall be permanent space and shall not be used for any other purposes.

(C) Each parking space shall not be less than 9 x 18 feet, exclusive of adequate egress and ingress drives, landscaping, and maneuvering space.

(D) New parking areas on adjacent non-residential and non-industrial development sites shall be connected unless the county determines that topography or other natural features prevents it.

(E) All off-street parking shall be served by interior circulation drives. No private off-street parking spaces shall directly connect to public streets.

(F) All access driveways and required parking areas shall be paved with asphalt, concrete, or brick pavers, except for areas used for overflow, special events, and peak parking. This standard does not apply to single-family detached residential lots or recreational uses, and shall only apply to that portion of an industrial lot that is used for and serves employee and/or visitor parking.

(1) All required parking spaces shall be clearly marked on the ground.

(2) Parking area edges shall be protected by suitable curbing, wheel guards, or other means to prevent vehicular encroachment on a public right-of-way or on an adjacent property.

(3) If a use, building or structure having inadequate parking spaces is increased by 50% or less, additional parking spaces shall only be required if the addition is a new development.

(4) If a use, building or structure having inadequate parking spaces is increased by more than 50%, sufficient additional parking spaces shall be required to bring the total development into conformance with these regulations.

(G) Any non-paved surface used for overflow, special events, and peak parking shall be maintained with crushed rock, stone, gravel, healthy, living turf grass or similar ground cover. (This standard does not apply to single-family detached residential lots.)

(1) Non-paved parking areas shall be located to the rear of the principal building, and set back a minimum of 20 feet from the rear and side property lines.

(2) (a) A buffer strip shall be provided adjacent to non-paved parking areas not maintained with healthy, living turf grass or similar ground cover.

(b) This buffer strip shall be in addition to the normal lot setback and landscaping requirements.

(H) Any non-paved surface used for parking or driveways on industrial sites shall be maintained with crushed rock, stone, gravel, or similar material.

(I) Stacking spaces shall be located entirely outside of a required driveway or parking aisle needed to access required parking spaces.

(J) Vehicles in required stacking spaces shall not extend into any required parking spaces, parking aisles, public or private rights-of-way, or street access to the lot.

(K) Adequate onsite turnaround area shall be provided for all parking spaces.

(L) Pedestrian walkways (crosswalks or sidewalks), at least five feet in width, shall be installed to connect all required parking areas with public access to buildings.

(M) Vehicle circulation in a parking lot shall consist of vehicle turns no greater than 90 degrees. Vehicle turns shall be spaced no closer than 40 feet apart.

(N) Any non-paved surface used for parking or driveways for recreational uses shall be maintained with crushed rock, stone, gravel or similar material.

(Ord. passed 5-21-84; Am. Ord. passed 8-18-03; Am. Ord. passed 9-20-04; Am. Ord. passed 11-21-05; Am. Ord. passed 9-3-2013)

## **§ 155.051 USE OF PARKING LOTS PERMITTED.**

(A) The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time.

(B) No portion of any street right-of-way shall be considered as fulfilling or partially fulfilling the area requirements for off-street parking required by the terms of this chapter.

(Ord. passed 5-21-84)

## **§ 155.052 ENFORCEMENT.**

(A) Each application for a zoning permit or certificate of occupancy shall include information as to the location and dimensions of off-street parking space and the means of ingress and egress between such space and a street. This information shall be of sufficient detail to enable the Planning Director to determine whether or not the requirements of this chapter are met.

(B) The certificate of occupancy of the use of any structure or land where off-street parking space is required shall be withheld by the Planning Director until the provisions of [§ 155.053](#) are fully met. If at any time such compliance ceases, any certificate of occupancy which has been issued for the use of the property shall immediately become void.

(Ord. passed 5-21-84)

## **§ 155.053 SCHEDULE OF PARKING SPACES.**

Parking shall be provided at the rate of one space per 500 square feet of gross floor area except for the following:

(A) Office uses shall have at least one space per 300 gross square feet of building area.

(B) Warehouse uses shall have at least one space per each employee on the shift with highest employment plus one space per each vehicle in business use.

(C) Senior high schools shall have at least one space per employee, one space per five students, and one space

per each school bus kept on site.

- (D) Shopping centers shall have at least three spaces per 1,000 square feet of gross floor area.
- (E) Industrial manufacturing uses and warehouse storage associated with a manufacturing use shall have at least one space per each employee on the shift with highest employment plus one space per each vehicle in business use.
- (F) Single-family and duplex residential units shall have at least two spaces per unit.
- (G) Multifamily residential units shall have at least 1-1/2 spaces per unit.
- (H) Civic, social and fraternal organizations shall have at least one space per 250 square feet of gross floor area.
- (I) Auditoriums and places of public assembly shall have at least one space per six seats or one space per 50 square feet of gross floor area if no seats are provided.
- (J) Drive-thru facilities shall provide a minimum of five stacking spaces per drive-thru facility, window, or bay except for the following:
  - (1) Fast food restaurants shall have an additional five stacking spaces. A minimum of five of the total stacking spaces shall be located at or prior to the ordering station.
  - (2) Non-automated car washes shall only be required to have a minimum of two stacking spaces per bay, one of which is located for use as a dry-down area.
  - (3) Automated car washes shall be required to have an additional two stacking spaces per wash bay.
- (K) Elementary schools and junior high schools shall have at least one space for each employee plus one space per classroom.
- (L) Public Recreational uses minimum parking requirements shall be determined by the Planning Director based on similar uses, location of recreational facility, number of employees, expected traffic generated and other planning criteria and information. Any appeal of such a parking determination shall be heard by the Board of Adjustment.

(Ord. passed 5-21-84; Am. Ord. passed 8-18-03; Am. Ord. passed 10-20-03; Am. Ord. passed 9-3-2013)

## **§ 155.054 PARKING AISLES.**

- (A) Aisles shall be a minimum of 24 feet in width if serving two-way traffic and a minimum of 12 feet in width if serving one-way traffic.
- (B) No parking aisle serving the general public that contains more than ten parking spaces shall dead-end. Any parking aisle that dead-ends shall be provided a suitable turnaround.

(Ord. passed 8-18-03)

### ***LOADING AND UNLOADING***

## **§ 155.070 AREA TO BE REQUIRED.**

- (A) At the time of the erection or expansion of any main building or part which is used or is to be used for any commercial or industrial use, the property owner or his or her authorized representative shall be required to provide off-street loading and unloading space as specified in this subchapter.
- (B) Off-street loading and unloading spaces shall be designed and constructed so that all-maneuvering to park vehicles for loading and unloading can take place entirely within the premises. These spaces shall be provided so as not to interfere with the free, normal movement of vehicles and pedestrians on the public right-of-way.

(Ord. passed 5-21-84)

## **§ 155.071 SCHEDULE OF LOADING SPACES.**

(A) For purposes of this section, an off-street loading berth shall have minimum dimensions of 12 feet by 30 feet and 14 feet overhead clearance with adequate means of ingress and egress.

(B) For any structure containing less than 20,000 square feet of gross floor area, no berths shall be required. Larger structures, however, shall provide berths as specified below:

(C) *Schedule of loading spaces.*

**Square Feet of Floor Area of Commercial & Industrial Uses      Required Number of Berths**

0 - 19,999    0

20,000 - 39,999    1

40,000 - 59,999    2

60,000 - 109,999    3

110,000 - 159,999    4

Above 160,000    Add one berth for each additional 80,000 square feet or fraction thereof

(Ord. passed 5-21-84)

## **§ 155.072 ENFORCEMENT.**

(A) Each application for a building and zoning permit or certificate of occupancy shall include information as to the location and dimensions of off-street loading and unloading space and the means of ingress and egress between such space and a street. This information shall be in a sufficient detail to enable the Zoning Enforcement Officer to determine whether or not the requirements of this chapter are met.

(B) The certificate of occupancy of the use of any structure or land where off-street loading and unloading space is required shall be withheld by the Zoning Enforcement Officer until the provisions of this chapter are fully met. If at any time such compliance ceases, any certificate of occupancy which has been issued for the use of the property shall immediately become void and of no effect.

(Ord. passed 5-21-84)

## **SIGNS**

### **§ 155.090 PURPOSE.**

It is the purpose of this subchapter to permit signs of a commercial, industrial, and residential nature in appropriate sites throughout the community. Although signs are a necessary part of the community, the size and placement of signs shall be controlled in order to protect property values, to protect the physical appearance of the community, and to prohibit signs that may contribute to traffic hazards.

(Ord. passed 5-21-84)

### **§ 155.091 SIGN DESCRIPTIONS.**

(A) *Advertising sign.* A sign which directs attention to a business, commodity or product, service, profession, activity, or entertainment not conducted, sold, or offered upon the premises where such sign is located.

(B) *Business sign.* A sign which directs attention to a business, profession, commodity or product, service, activity, or entertainment conducted, sold, or offered upon the premises where such sign is located.



(C) *Nameplate sign.* An unlighted sign which states only the name and title, or address, or both, of the occupant of the lot where the sign is located.

(D) *Directional sign.* A sign indicating the direction to churches, schools, hospitals, parks, scenic or historic sites, or other such public places, including off-street parking and transportation terminals. Such signs shall contain only the name and address of the public place.

(E) *Temporary construction sign.* A sign identifying the name and address of the building or uses, the developers, and architect.

(F) *Real estate sign.* Sign advertising the property on which it is located for sale, rent, or lease.

(G) *Public signs.* Signs and notices erected by, or at the direction of, an authorized government official.

(H) *Private signs.* Signs erected other than by,

or at the direction of, an authorized government official.

(I) *Identification sign.* A permanent sign announcing the name of a park, or other publicly owned or operated structure or facility located on the premises at major entrances, and limited to announcing only the name of the structure, facility, or development; the owners or developers; and the date of its establishment.

(J) *Projecting sign.* A sign which is attached to the building wall and extends more than 18 inches from the face of such a wall.

(K) *Roof sign.* Sign erected on, or over, the roof of a building.

(L) *Freestanding sign.* Sign erected on poles or other supports wholly or partially independent of a building for support.

(M) *Wall sign.* Sign erected parallel to the face or outside wall of a building, and supported throughout its entire length by the building and not projecting more than 18 inches from the building.

(N) *Suspended sign.* A sign suspended beneath a canopy or marquee.

(O) *Illuminated sign.* A sign which has characters, letters, figures, designs, or outlines illuminated by electric lighting or luminous tubes as part of the sign.

(P) *Indirectly illuminated sign.* An illuminated, nonflashing sign whose illumination is derived entirely from an external, artificial, source that is arranged and designed to prevent a visual traffic hazard or create a nuisance on adjoining property.

(Q) *Flashing sign.* A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits sudden or marked changes in light or color effects. Illuminated signs which indicate time, temperature, weather, or similar information shall not be considered flashing signs.

(Ord. passed 5-21-84; Am. Ord. 11-21-05)

## **§ 155.092 SIGNS PERMITTED IN ALL DISTRICTS.**

(A) Signs required by law.

(B) Signs erected by, or at the direction of, an authorized municipal official.

(C) Warning signs and no trespassing signs.

(Ord. passed 5-21-84)

## **§ 155.093 SIGNS PERMITTED IN ALL DISTRICTS SUBJECT TO THE LIMITATIONS IMPOSED.**

(A) Directional signs limited to six square feet in area, and provided they are unilluminated and of a neat construction.

(B) Temporary signs or displays involved in campaigns of religious, charitable, civic, fraternal, political, and similar organizations, or involved in the celebrations of holidays or other special events including the opening of new establishments.

(C) Temporary construction signs, unilluminated, shall be permitted on the construction site.

(D) In nonresidence districts, one sign shall be permitted for each separate street frontage of a lot pertaining to the sale, rent, or lease of the lot or a building thereon, provided it shall not exceed 32 square feet of surface area, and shall be unlighted. A notice indicating that a property has been sold or leased may be affixed to such sign or signs provided the area of such signs is not increased. All real estate signs shall be removed immediately upon occupancy by the new tenant or owner.

(Ord. passed 5-21-84)

## **§ 155.094 SIGNS PROHIBITED IN ALL DISTRICTS.**

(A) No private sign shall be erected or maintained which copies, imitates, or approximates official street or highway signs, such as "stop" or "caution" signs. No private sign shall be erected or maintained which involves flashing illumination.

(B) No private sign shall be posed on any traffic control, street lighting, power, telephone, or other utility pole, or on any tree along any street or road, nor shall any private sign be permitted to be erected which in any way interferes with any utility line.

(C) No sign that violates any provision of any law of the state relative to outdoor advertising shall be erected or permitted.

(D) No private sign shall be erected in the public right-of-way, nor project over the public right-of-way except as may be provided for under § 155.093(B). Wall signs, as defined in division (M) of § 155.091, shall be permitted to project up to 18 inches from a building wall over the public right-of-way, if such projection is necessary to the installation of the sign.

(Ord. passed 5-21-84)

## **§ 155.095 SIGNS SUBJECT TO STATE LAWS.**

Signs and other sources of illumination adjacent to public street and highways shall be subject to the provisions of G.S. § 136-32.2.

(Ord. passed 5-21-84)

## **§ 155.096 MAINTENANCE AND REMOVAL.**

All signs and sign structures shall be kept in good repair (including the replacement of burned out bulbs and broken plastic facing). The Planning Director shall have the authority to cause the removal of any unsafe sign unless such signs are repaired and made otherwise to comply with the requirements of this subchapter.

(Ord. passed 5-21-84)

## **§ 155.097 MINIMUM DESIGN STANDARDS.**

All freestanding and roof signs that exceed 20 feet in height shall be structurally engineered to with-stand 20 pounds per square foot of wind pressure.

(Ord. passed 5-21-84)

## **§ 155.098 PERMIT REQUIRED.**

With the exception of temporary signs, a zoning permit shall be required for all signs.

(Ord. passed 5-21-84)

## **§ 155.099 PERMIT APPLICATION.**

Applications for permits shall be submitted on forms obtained at the office of the Planning Director. Each application shall be accompanied by plans which shall:

- (A) Indicate the proposed site by identifying the property by ownership, location, and use.
- (B) Show the location of the sign on the lot in relation to property lines and buildings, zoning district boundaries, right-of-way lines, and existing signs.
- (C) Show size, character, complete structural specifications, and methods of anchoring and support.
- (D) If warranted, the Planning Director may require additional information that will enable him to determine whether or not the sign will be erected in conformance with this subchapter.

(Ord. passed 5-21-84)

## **§ 155.100 NONCONFORMING SIGNS.**

Nonconforming on-site signs shall be removed at the discontinuance of a business use. Property owners are responsible for removal of nonconforming signs.

(Ord. passed 5-21-84)

## **§ 155.101 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS.**

- (A) One nameplate sign shall be permitted provided the surface area does not exceed two square feet.
- (B) One sign for each separate street frontage of a lot and pertaining to the lease or sale of a building or property shall be permitted provided it shall not exceed six square feet in surface area and is unilluminated.
- (C) *Temporary signs.*
  - (1) Temporary signs advertising a new subdivision or apartment development on the land where it is placed shall be permitted, provided:
    - (a) Such signs do not exceed 40 square feet in surface area;
    - (b) Or no more than 15 feet nor less than two feet above ground;
    - (c) Or either unilluminated or indirectly illuminated;
  - (2) Only one such sign shall be erected at each dedicated street entrance for a new subdivision, or, in the case, of new apartment development, which does not involve a new dedicated street entrance, one such sign shall be permitted

at the major driveway entrance. The sign shall only contain the name of the owner or agent causing the sign to be erected.

(D) One identification sign, as defined in this subchapter, not to exceed 24 square feet in surface area, shall be permitted for each major entrance to the premises. In addition, a bulletin board may be permitted provided the total of 24 square feet is not exceeded by both bulletin board and identification sign at any major entrance to the premises.

(E) One identification sign for each driveway entrance to a multi-family or group housing development shall be permitted not to exceed six square feet in surface area.

(F) Permanent signs identifying a subdivision shall be permitted provided such signs do not exceed 24 square feet in surface area, and are eight unilluminated or indirectly illuminated.

(G) Schools and churches are permitted one freestanding sign containing a maximum display area 32 square feet, and one changeable copy sign, which does not exceed 24 square feet in display area, provided that:

(1) Total sign height does not exceed eight feet above ground level;

(2) The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign.

(a) Normal grade shall be construed to be the lower of:

1. Existing grade prior to construction; or
2. The newly established grade after construction, exclusive of any filling, berming, mounding or excavating.

(b) In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street, or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

(3) Lighting for the sign is indirectly illuminated (no flood, spot or other light source directed at the sign).

(4) (a) In the case of more than one use per lot, the area of individual freestanding signs shall be based on one square foot of sign area per lineal street frontage of that portion of the lot used by each use.

(b) In no case shall the total area of freestanding signs on a lot exceed 1-1/2 square feet for lineal foot of lot frontage.

(Ord. passed 5-21-84; Am. Ord. passed 11-21-05)

## **§ 155.102 SIGNS PERMITTED IN COMMERCIAL AND INDUSTRIAL DISTRICTS.**

(A) Wall and projecting business signs shall be permitted provided that the total area of such signs for any one building wall shall not exceed 1/3 of the surface area of that wall.

(B) One freestanding business sign shall be permitted for each separate street frontage of an establishment. The area of any such sign shall not exceed 1-1/2 square feet of surface area for each lineal foot of lot frontage on the street. In the case of more than one establishment per lot, the area of individual freestanding signs shall be based on the street frontage of that portion of the lot used by each establishment. In no case shall the total area in freestanding business signs on a lot exceed 1-1/2 square feet for lineal foot of lot frontage.

(1) Total sign shall not exceed eight feet above ground level.

(2) The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign.

- (a) Normal grade shall be construed to be the lower of:
  - 1. Existing grade prior to construction; or
  - 2. The newly established grade after construction, exclusive of any filling, berming, mounding or excavating.
- (b) In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street, or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.
- (3) Lighting for the sign is indirectly illuminated (no flood, spot or other light source directed at the sign).
- (C) One suspended business sign, not to exceed six square feet in surface area, shall be permitted for each entrance to a building.
- (D) Roof business signs shall be permitted provided no portion of such signs extends beyond the edge of any exterior wall, the height of the sign above the roof does not exceed of the height of the building on which it is located, and the free passage from any part of the roof to any other part is not prevented.
- (E) Outdoor advertising signs (billboards) shall be permitted provided such signs are not located within 100 feet of any residential district or within 300 feet of each other. Further, the face of any billboard shall be limited to 400 square feet.

(Ord. passed 5-21-84; Am. Ord. passed 11-21-05)

## ***ESTABLISHMENT OF DISTRICTS***

### **§ 155.120 USE DISTRICTS.**

For the purpose of this chapter, the county is divided into the following zoning districts:

- (A) *R-A*. Residential-Agricultural District.
- (B) *R-20*. Residential District.
- (C) *R-12*. Residential-Suburban District.
- (D) *R-8*. Residential-Multiple Dwelling District.
- (E) *R-M*. Residential-Mobile Home District.
- (F) *H-B*. Highway Business District.
- (G) *N-B*. Neighborhood Business District.
- (H) *C-S*. Community Shopping District.
- (I) *I-1*. Industrial District.
- (J) *I-2*. Industrial District.
- (K) *I-3*. Industrial District.
- (L) *I-4*. Industrial District.

(M) *OD*. Quality Design Overlay District; an overlay district containing supplemental provisions which regulate site design.

(Ord. passed 5-21-84; Am. Ord. passed 11-1-10)

## **§ 155.121 DISTRICT BOUNDARIES.**

The boundaries of these districts are established as shown on the map entitled "Official Zoning Map," which was made a part of this chapter in § 155.006.

(Ord. passed 5-21-84)

## **§ 155.122 RULES GOVERNING BOUNDARIES.**

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

(A) Where such zoning boundaries are indicated as approximately following street lines, alley lines, and lot lines existing on or before the effective date of this chapter, such lines shall be construed to be such boundaries.

(B) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or railroad right-of-way lines or such lines extended, such center line, street lines or railroad right-of-way lines shall be construed to be such boundaries.

(C) Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, highways, or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel at such distance as indicated on the zoning map. If no distance is given, such dimensions shall be determined by use of the scale shown on the zoning map. However, when boundaries of the R-20 district run parallel to a road and dimensions are not given, it shall be assumed that the boundary lines run 500 feet from the road right-of-way.

(D) Where a district boundary line divides a lot in single ownership, the district requirements for the least restricted portion of such lot shall be deemed to apply to the whole lot provided that such extensions shall not include any part of such a lot more than 35 feet beyond the district boundary line.

(E) In subdivided property, the location of zoning boundaries shall be determined by use of the scale appearing on the map.

(F) In subdivided property, the location of zoning boundaries shall be construed to be the nearest parallel lot lines; however, if the zoning boundaries lie at a scaled distance greater than 25 feet from any parallel or approximately parallel lot line, the boundary shall be determined by use of the scale.

(Ord. passed 5-21-84)

## **§ 155.123 USE REQUIREMENTS BY DISTRICT.**

Within the various zoning districts as indicated on the official zoning map, and subject to all requirements and conditions specified in this chapter, land, buildings, and structures shall only be used and buildings and structures shall only be erected which are intended or designed to be used for uses listed in the Table of Permitted Uses. In the appropriate columns of the following table, permitted uses in various districts are indicated by an "X." Special uses are indicated by an "S," and permitted uses that must be reviewed by a Project Review Committee are indicated by a "P."

(Ord. passed 5-21-84)

## **§ 155.124 OTHER USES NOT SPECIFICALLY LISTED.**

The Zoning Enforcement Officer, in cases of questioned use, shall make a determination whether or not the particular use is permitted in that district. An aggrieved party may appeal such determination to the Board of Adjustment in the manner set forth in § 155.241.

(Ord. passed 5-21-84)

## § 155.125 TABLE OF USE DISTRICTS.

(A) *Types of uses by districts.*

- (1) X. Indicates permitted uses.
- (2) S. Indicates special use required.
- (3) P. Indicates permitted uses that must be approved by the Project Review Committee to insure compliance with the prescribed development standards.
- (4) P/C. Indicates permit required from Zoning Administrator; use must meet additional conditions

(B) *Table of use districts.*

<b>USE DISTRICTS</b>													
<b>Use</b>	<b>R-A</b>	<b>R-20</b>	<b>R-12</b>	<b>R-8</b>	<b>R-M</b>	<b>H-B</b>	<b>N-B</b>	<b>C-S</b>	<b>S-P</b>	<b>I-1</b>	<b>I-2</b>	<b>I-3</b>	<b>I-4</b>
<b>Agriculture</b>													
Agribusiness.	X												
Agricultural uses not on bona fide farms as defined by this chapter See §155.130.1	P/C	P/C	P/C	P/C	P/C								
Greenhouses, private (noncommercial).	X	S	S	S	S								
Kennels See §155.130.16	P/C												
Pet Care(except veterinary) Services See §155.130.19	S					P/C							
Pet shops without outside runs.					X	X							
Veterinary services without outside runs.	S	S				S	S	S					
Solar Energy Generating Facility. See §155.130.29									P/C				
<b>Education</b>													
Artist studio See §155.130.3	S	S					S						
School, Vocational or Professional	S	S				X		X					
Day care facilities. See §155.130.13	P/C	P/C	S	S	S	P/C	P/C	P/C					
Research laboratories	S	S								X			
Libraries	X	X	S	S	S	X	X	X					
Public schools (K-12), colleges, universities, and private schools housing a curriculum approximately the same as ordinarily given in public school including Christian schools.	X	X	X	X	X								
<b>Government</b>													
Landfills, provided that all public health regulations are met.	S	S	S	S	S							X	X

Package treatment plants.	S	S	S	S	S	S	S	S		S	S	S	S
<b>Use</b>	<i>R-A</i>	<i>R-20</i>	<i>R-12</i>	<i>R-8</i>	<i>R-M</i>	<i>H-B</i>	<i>N-B</i>	<i>C-S</i>	<i>S-P</i>	<i>I-1</i>	<i>I-2</i>	<i>I-3</i>	<i>I-4</i>
Public buildings, (administrative and service offices).	X	X	X	X	X	X	X						
Public safety facilities.	X	X	X	X	X	X	X						
Public works and public utilities.	X	X	X	X	X	X	X						
Security training operations and services facility.	P										P	P	P
<b>Health</b>													
Hospital.						X		X					
Massage parlor.						S		S					
Medical laboratories.						X		X					
Medical offices and clinics (including dental).	S	S				X		X					
<b>Use</b>	<i>R-A</i>	<i>R-20</i>	<i>R-12</i>	<i>R-8</i>	<i>R-M</i>	<i>H-B</i>	<i>N-B</i>	<i>C-S</i>	<i>S-P</i>	<i>I-1</i>	<i>I-2</i>	<i>I-3</i>	<i>I-4</i>
<b>Industrial</b>													
Planned Industrial Development, See §155.130.27										P/C	P/C	P/C	P/C
Manufacturing A										X	X		
Manufacturing B												X	
Manufacturing C													X
Auction sales, except livestock.										X			
Auction sales, with livestock.									X				
Communication Tower and Accessory Facilities	S									X	X	X	X
Concrete and asphalt products plant.									X				X
Dairy products finished processing and distributing facilities (excluding dairy farming operations).											X		
Building Contractors, General See §155.130.7						P/C				P/C			
Building Contractors, Heavy See §155.130.7												P/C	P/C
Fruit and Vegetable Market						X	X	X		X			
Group developments (subject to §§155.170-155.172).										P	P	P	P
Machine and welding shops.						X							X
Meat packing and poultry processing plants.									X				
Mining and dredging of sand (see § 155.034 for Development Standards).	S												S
<b>Use</b>	<i>R-A</i>	<i>R-20</i>	<i>R-12</i>	<i>R-8</i>	<i>R-M</i>	<i>H-B</i>	<i>N-B</i>	<i>C-S</i>	<i>S-P</i>	<i>I-1</i>	<i>I-2</i>	<i>I-3</i>	<i>I-4</i>
Mining and quarry operations see													S



§ 155.130.17														
Sawmills, planing mills, pallet and basket factories.														X
Trucking operations, commercial and industrial.								S		X	X	X	X	
Waste sites (hazardous), provided they are licensed by the State Department of Human Resources, Division of Health Services.									X					
Warehousing establishments, except for the storage of dangerous or offensive items such as uncured hides and explosives.										X	X	X	X	
Warehousing, self storage					X			X		X				
Wrecking yards or junk yards and similar types of used materials industries See §155.130.25									P/C					
<b>Recreation</b>														
Drag racing course.	S					S								
<b>Use</b>	<b>R-A</b>	<b>R-20</b>	<b>R-12</b>	<b>R-8</b>	<b>R-M</b>	<b>H-B</b>	<b>N-B</b>	<b>C-S</b>	<b>S-P</b>	<b>I-1</b>	<b>I-2</b>	<b>I-3</b>	<b>I-4</b>	
Go-cart track.	S					S								
Motor cross course (including bicycles without motors).	S					S								
Miniature golf courses.	S					S								
Private airports.	S	S												X
Rural Resort and Retreat	S					X								
Private recreational facilities, including parks, playgrounds, golf courses (but excluding miniature golf), swimming pools, fishing lakes, clubs, and lodges, and other similar uses that cater exclusively to members or their guests).	S	S	S	S	S	X		X						
Public recreational facilities, including parks, playgrounds, community centers, clubs, and lodges, golf courses, swimming pools, fishing lakes, family camp grounds, and similar recreational uses.	S	S	S	S	S									
<b>Religion</b>														
Burial grounds not associated with any church shall be set back at least 20 feet from any property line.	X	X	X	X	X									
Churches and customary related uses excluding cemeteries.	X	X	X	X	X	X		X						
<b>Use</b>	<b>R-A</b>	<b>R-20</b>	<b>R-12</b>	<b>R-8</b>	<b>R-M</b>	<b>H-B</b>	<b>N-B</b>	<b>C-S</b>	<b>S-P</b>	<b>I-1</b>	<b>I-2</b>	<b>I-3</b>	<b>I-4</b>	
Churches and their customary related uses including cemeteries, See §155.130.12	P/C	P/C	P/C	P/C	P/C									

<b>Retail trade and services</b>													
Automatic Teller Machine						X	X	X					
Amusement, Commercial, Indoor						X		X		X			
Amusement, Commercial, Outdoor See §155.130.2						P/C		P/C		P/C			
Banking and Financial Services						X	X	X					
Broadcast Studio						X				X	X		
Car Wash, Automatic See §155.130.9						P/C		P/C		P/C			
Car Wash, Industrial See §155.130.10										P/C	P/C	P/C	P/C
Car Wash, Full Service						X		X		X			
Car Wash, Self Service See §155.130.11						P/C		P/C		P/C			
Convenience Store						X	X	X		X			
Retail, General						X	X	X					
Restaurant, with drive through service						X	X	X					
Restaurant, without drive through service						X	X	X					
Retail, nonstore						X		X					
Retail store, large						X		X					
Retail store, medium and small						X		X					
Riding Stables	S	S				X							
Shopping Center, small						X		X					
Shopping Center, large								X					
Shopping Center, medium								X					
Services A, Business						X	X	X					
Services B, Business See §155.130.21						P/C				P/C	P/C		
Shooting Range, Indoor						X				X			
Shooting Range, Outdoor	S					S				S			
Wholesale Trade, A						X				X			
Wholesale Trade, B	S					X				X	X		
Adult establishment. See §155.130.4						P/C				P/C	P/C	P/C	P/C
Assembly halls, armories, and the like (public assembly facilities).						X							
Auto parking lots.						X		X					
Motor Vehicle Sales, Rental and Leasing See §155.130.5						P/C		P/C					
Automobile paint and body shops See §155.130.6						P/C							
<b>Use</b>	<b>R-A</b>	<b>R-20</b>	<b>R-12</b>	<b>R-8</b>	<b>R-M</b>	<b>H-B</b>	<b>N-B</b>	<b>C-S</b>	<b>S-P</b>	<b>I-1</b>	<b>I-2</b>	<b>I-3</b>	<b>I-4</b>
Motor Vehicle Repair and Maintenance						X		X					
Backyard workshops as accessory						X		X					

use to a dwelling unit in a commercial district.														
Bicycle, motorcycles, lawn mowers, and power saw sales and service.						X	X	X						
Billiard and pool halls.						X		X						
Building supplies stores See § 155.130.8						P/C		P/C			P/C			
Cabinet, woodworking, and upholstery shops.						X	X							
Dry cleaning and laundry pick-up stations and dry cleaning plants, housing not more than 1,000 square feet.						X	X	X		X				
Exterminators.						X		X						
Farm machinery, sales, and service (equipment may be stored in flood plain).						X		X			X			
Feed and seed stores.						X	X	X			X			
Flea market.						S								
Floral shops, but no commercial greenhouses.						X		X						
Funeral homes and mortuaries.						X		X						
Greenhouses, commercial See § 155.130.14	S	S				P/C	P/C	P/C		P/C				
Group development, commercial (subject to §§155.170-155.172).						P		P						
Pawn shops.						X		X						
Launderettes and laundromats.						X		X						
Locksmiths and gunsmiths.						X		X						
Miniature golf courses. (See also <i>Recreation</i> .)						X		X						
Motels, hotels, tourist cottages.						X		X						
Office supplies and equipment, sales and service.						X		X						
Optical goods stores and opticians.						X		X						
Pet shops without outside runs.						X		X						
<b>Use</b>	<b>R-A</b>	<b>R-20</b>	<b>R-12</b>	<b>R-8</b>	<b>R-M</b>	<b>H-B</b>	<b>N-B</b>	<b>C-S</b>	<b>S-P</b>	<b>I-1</b>	<b>I-2</b>	<b>I-3</b>	<b>I-4</b>	
Professional Offices						X	X	X		X				
Taxicab stands.						X		X						
Theaters, indoor.						X		X						
Theaters, drive-in_ See § 155.130.22						P/C								
Trucking operations, private See § 155.130.23						P/C								
<b>Residential</b>														
Group Home, A	X	X	X	X	X									
Group Home, B	X	X	X	X	X									

Congregate Care Facility See §155.130.18	P/C	P/C				P/C							
Habilitation Facility A See §155.130.15	P/C	P/C	S	S	S	P/C		P/C					
Habilitation Facility B See §155.130.15	S	S	S	S	S	P/C		P/C					
Nursing Care Institution See §155.130.18	P/C	P/C				P/C		P/C					
Progressive Care Community See §155.130.20	P/C	P/C	P/C			P/C		P/C					
Backyard workshops for building tradesmen and small appliances repair shops, but excluding open storage.	X	S											
Backyard workshops in any residential district with a lot of 20,000 square feet or more.	X	S	S	S	S								
Dwelling units, single-family.	X	X	X	X	X								
Dwelling units, two-family.	S	S		P	P								
Dwelling units, multi-family.			P	P									
Dwelling units as accessory uses, attached or detached. See 155.130.26	X	X											
<b>Use</b>	<b>R-A</b>	<b>R-20</b>	<b>R-12</b>	<b>R-8</b>	<b>R-M</b>	<b>H-B</b>	<b>N-B</b>	<b>C-S</b>	<b>S-P</b>	<b>I-1</b>	<b>I-2</b>	<b>I-3</b>	<b>I-4</b>
Group development, residential, subject to §§155.170-155.172.			P	P	P								
Hotels.						X		X					
Class A manufactured homes on individual lots:	X	X			X								
Class B manufactured homes on individual lots:	X				X								
Class C manufactured homes on individual lots:	S				X								
Class D manufactured homes on individual lots: Class D manufactured homes shall not be permitted in Davie County													
Manufactured home due to hardship.	S	S	S	S	S								
Manufactured home parks.					S								
Temporary manufactured home (for the construction or reconstruction of a site built single family dwelling).	X	X											
<b>Others</b>													
Airports.	S	S								S	S	S	S
Accessory uses and structures.	X	X	X	X	X	X	X	X		X	X	X	X
Temporary, seasonal uses and structures. See 155.130.28						P/C	P/C	P/C		P/C	P/C	P/C	P/C
Modular classrooms, modular offices, and construction trailers (see §155.032).	X	X	X	X	X	X		X		X	X	X	X
Signs, billboards (§ 155.102).										X	X	X	X

Signs, commercial ( <a href="#">§ 155.102</a> ).						X	X	X					
Signs, general ( <a href="#">§§ 155.092</a> and <a href="#">155.093</a> ).	X	X	X	X	X	X	X	X					
Signs, industrial ( <a href="#">§ 155.102</a> ).										X	X	X	X
Signs, residential ( <a href="#">§ 155.101</a> ).	X	X	X	X	X								
Temporary sawmills See <a href="#">§155.130.24</a>	S	S	S	S	S								

(Ord. passed 5-21-84; Am. Ord. passed 11-20-89; Am. Ord. passed 7-1-96; Am. Ord. passed 12-16-96; Am. Ord. passed 11-16-98; Am. Ord. passed 2-16-04; Am. Ord. passed 5-16-05; Am. Ord. passed 3-20-06; Am. Ord. passed 5-1-06; Am. Ord. passed 6-5-06; Am. Ord. passed 11-1-10; Am. Ord. passed 8-1-11; Am. Ord. 11-7-11; Am. Ord. passed 11-4-13; Am. Ord. 2-6-17)

## § 155.130 CONDITIONS

These conditions apply only to uses “Permitted with Conditions” or by “Special Use Permit” in the applicable zoning district as shown in §155.125 Table of Uses.

### §155.130.1 Agricultural uses not on a bona fide farm

- (a) Provided all agricultural buildings, (private stables, cattle barns, and the like) shall be located at least 100 feet from any property line.

### §155.130.2 Amusements, Commercial, Outdoor.

- (a) Outdoor amusement facilities shall be separated by an opaque screen from any abutting property located in a residential district;
- (b) No permanently established amusement facilities, such as miniature golf courses, skateboard courses, or mechanical rides shall be located within 200 feet of the closest point of any abutting property located in a residential district;
- (c) Hours of operation shall be no earlier than 8:00 a.m. and no later than 12:00 midnight

### §155.130.3 Artist Studio

- (a) The number of employees shall be limited to no more than 5 total (including the applicant and any family members).
- (b) New buildings and accessory structures shall maintain the traditional character and quality of detached single-family dwelling units by using design elements, such as single points of entry noticeable from the street, pitched roofs, visible trim or framing around windows, porches, and chimneys.
- (c) Maximum square footage footprint for all buildings shall be limited to 3,500 square feet.
- (d) All parking shall be located to the rear of the property.
- (e) A 15-foot-wide, well-landscaped buffer shall be planted along all sides of the building and parking areas, where adjacent to residential property. The required buffer shall consist of at least 2 rows of evergreen shrubs or trees, planted 7 feet on center, with each row staggered such that no unobstructed openings of 1 foot or more shall exist within 2 years of planting. Planting shall occur prior to a certificate of occupancy or by the next planting season, upon submittal of a landscaping bond or letter of credit to guarantee the installation of required landscaping. Plants shall be at least 4 feet in height and at least 3 feet in width, measured 2 feet above grade at planting. In the event that any plants die or become diseased and have to be removed, a 6-foot, solid wood fence may be required to be installed in the affected buffer area by the Planning Director, after a finding that required landscaping is not being adequately maintained.
- (f) Truck traffic to the business shall be limited to passenger vehicles (pick-up trucks) and 2-axle parcel delivery trucks (UPS, Federal Express, or similar parcel delivery services). No tandem or tractor trailer trucks shall be permitted.
- (g) No outdoor lighting shall be installed other than normal residential dusk-to-dawn lighting. No lighting shall be directed onto adjacent property.

(h) Flood lights or other high-intensity lighting shall be prohibited.

(i) No outdoor storage of any kind shall be permitted. Outdoor storage includes materials, vehicles, equipment, parts, supplies of any type, or any other item located on the property not contained within the building shown on the site plan.

(j) Noise, air pollutant, vibration, dust, odor, direct or sky-reflected glare that emanates beyond the boundaries of the property upon which the use is located shall be prohibited.

#### §155.130.4 Adult Establishment

The intent of these conditions is to prevent the concentration of adult establishments, and to separate adult establishments from residential neighborhoods, schools, religious institutions, child care centers, parks, playgrounds, and to reduce secondary impacts of these establishments on the surrounding neighborhoods. Adult establishments are permitted in the Highway Business and Industrial districts, subject to the following conditions:

(a) The hours of operation for an adult establishment shall be limited to the hours of 10:00 a.m. to 1:00 a.m.

(b) No adult establishment shall be located within 1,000 feet of a residentially zoned or residentially used property, church, school, public park, or childcare center, as measured in a straight line from property line to property line (not street distance). Adult establishments located within a group development shall be a minimum 500 feet from any church or childcare center within that development, measured from outside wall to outside wall.

(c) No such business shall locate within 1,000 feet of any other adult establishment, as measured in a straight line from property line to property line (not street distance).

(d) No more than one adult establishment may be located within the same structure or on the same deeded lot.

(e) No other principal or accessory use may occupy the same building, structure, property, or portion thereof with any adult establishment.

(f) An adult establishment shall not locate within a nonconforming structure or nonconforming property.

(g) The gross floor area of any adult establishment shall not exceed 5,000 square feet, and all business-related activity shall be conducted within the building.

(h) All performers or entertainment employees of adult establishments shall perform on an elevated stage or platform, elevated from the main floor by at least 3 feet.

(i) Treatment of windows, doors, and the like. All windows, doors, openings, and the like for all adult uses shall be so located, covered, screened or otherwise treated so that views into the interior of the establishment are not possible.

(j) Except for signs as may be permitted by the underlying zoning district, no printed material, slide, video, photograph, written text, live show, or other visual presentation format shall be visible from outside the walls of the establishment; nor shall any live or recorded voices, music or sounds be heard from outside the walls of the establishment.

(k) Enclosed or fenced parking shall be prohibited.

(l) An adult establishment lawfully operated as a conforming use is not rendered a nonconforming use by the subsequent change of a zoning district or residence, church, school, public park, or childcare center use with respect to the above spacing requirements.

#### §155.130.5 Auto Sales, new and used

A) Motor vehicle sales, lease, and rental lots shall front on a major or minor arterial. Drive-in service windows and service processing, stacking and circulation lanes are prohibited in the established front setback of the principal building and within 75 feet of the right-of-way in a principal building's side yard that abuts a major or minor thoroughfare. On-site stacking lanes for drive-in service windows shall be a minimum of 200 feet in

length if accessed directly from a thoroughfare or minimum of 100 feet if accessed directly from a street of lesser capacity.

- B) All signs on the site shall conform to the standards of this article. Non-conforming signs, if present anywhere on the site, shall be removed prior to issuance of a change of use permit, issuance of grading permit, or commencement of new construction on the site.
- C) Vehicles for sale or lease may be displayed in the established front yard under the following conditions:
  - 1) All new display areas must be paved with a decorative paving material; and
  - 2) No vehicle shall be displayed within fifteen feet of the street right-of-way; and
  - 3) A strip averaging eight feet in width, but in no case less than five feet in width, located in the area of the lot between the street right-of-way and the vehicle display area shall be heavily landscaped with evergreen shrubs and flowering plants which are suitable for this climate and the growing conditions present on the site. A recommended plant list for shrubs is available from the Davie County Planning Department. This strip shall be immediately adjacent to the vehicle display area. The number of plantings may be reduced if used in conjunction with and placed on the street side of an opaque, decorative wall at least 2.5 feet in height. This requirement is in addition to any other screening requirements established by this article .

D) Outdoor storage of vehicles in process of repair and vehicles for sale or lease that are in the process of dealer preparation for buyer/lessee pick up are permitted as follows:

- 1. Such storage areas are exempt from the interior landscaping requirements for parking lots. However, the perimeter landscaping requirements of parking lots shall apply to such storage areas.
- 2. Such storage areas may only be located behind the principal building and/or its accessory buildings, and shall not be placed within 100 feet of any property line that abuts a thoroughfare or local public street.

E) Businesses are prohibited from using amplified speaker/public address systems except within fully enclosed building(s).

F) Outdoor lighting shall meet all of the following requirements:

- (1) The maximum height for lighting (pole mounted and wall mounted) shall be twenty feet, including the base/mounting fixture; and
- (2) Floodlights are not permitted for parking lot illumination; and
- (3) Lighting shall be directed downward and light spillover minimized with the use of hoods and similar devices; and
- (4) Lighting fixtures that produce glare visible from adjacent property(s) and public rights-of-way are prohibited.

#### §155.130.6 Automobile paint and body shops

- (a) Outdoor storage of any materials, machinery (excluding vehicles in direct use by the business), scrap waste, junk or the like shall be prohibited;
- (b) Any and all activities related to or including painting of vehicles, vehicle parts, engines, or accessories shall be performed inside a building or structure designed to accommodate spray painting;
- (c) All spray painting rooms or structures shall be approved, prior to construction, by the county Fire Marshal or the North Carolina Department of Air Quality (whichever applies);
- (d) Vehicles which are (i) inoperable under their own power, (ii) unregistered with the North Carolina Department of Motor Vehicles, or (iii) unlicensed by the North Carolina Department of Motor Vehicles shall be stored, on the property, within a building or structure at all times and such vehicles shall not be visible to any person on adjoining or neighboring properties;
- (e) Any and all vehicles to be serviced or worked on at the business shall be kept completely within a screened and fenced area, such screen being a minimum of six feet in height and designed to be visually impenetrable to any person on adjoining or neighboring properties.
- (f) All chemicals and paints be stored and disposed of in accordance with all applicable environmental regulations and laws.

§155.130.7 BUILDING CONTRACTORS, GENERAL; HEAVY.

(A) All outdoor storage of non-passenger vehicles and building materials shall be kept at least 100 linear feet from any adjacent residential use and shall be located in a side or rear yard only. This setback requirement may be reduced to 50 feet if the outdoor storage area is enclosed by a solid fence of 6 minimum feet with approval from the Planning Director.

(B) No outdoor equipment or materials shall be visible to the public.

(C) Any materials within a fenced area shall not be stacked higher than the fence.

§155.130.8 Building Supply Stores

(a) Provided that all open storage is surrounded by a fence at least six feet in height.

§155.130.9 Car Wash, AUTOMATIC.

- A) The outdoor service area of a car wash shall be placed and screened in accordance with the standards for on-site parking.
- B) Car washes, vacuums, and similar service devices shall be a minimum of twenty feet from the nearest portion of an adjacent residential zoning district or residential use.
- C) Car washes accessory to a principle use shall be located in the side or rear yard only.

§155.130.10 CAR WASH, INDUSTRIAL.

- A) The outdoor service area of a car wash shall be placed and screened in accordance with the standards for on-site parking.
- B) Car washes, vacuums, and similar service devices shall be a minimum of twenty feet from the nearest portion of an adjacent residential zoning district or residential use.
- C) Car washes accessory to a principle use shall be located in the rear yard only.

§155.130.11 Car Wash, SELF-SERVICE.

- A) The outdoor service area of a car wash shall be placed and screened in accordance with the standards for on-site parking.
- B) Car washes, vacuums, and similar service devices shall be a minimum of twenty feet from the nearest portion of an adjacent residential zoning district or residential use.

§155.130.12 Churches and their customary related uses, including cemeteries

- A) Tombstones, crypts, monuments and mausoleums must be located at least twenty-five feet from any street right-of-way line or abutting property. Greater setbacks shall be observed if otherwise required by the zoning district in which it is located. Gravesites shall also be set back at least twenty feet from any side or rear lot lines in cemeteries (or cemetery expansions).
- B) Sales of crypts shall be allowed as an accessory use on premises (for cemeteries as a principal use only). No building in conjunction with such sales shall be located closer than twenty feet from any side lot line abutting a residential district and forty feet from any such rear lot line.
- C) Notwithstanding any other provisions of this article, a minimum of three (3) acres shall be needed for any cemetery being developed as a principal use.

§155.130.13 Day Care Facilities

- A) Outdoor play and/or recreation areas shall be located behind the front building line in the rear yard or side yard only. If located in the side yard, a minimum side yard setback of ten (10) feet shall be observed. On corner or through lots, a minimum twenty (20) foot setback as measured from the abutting street right-of-way line shall be required.
- B) All outdoor play and recreation areas shall be surrounded by a fence or wall at least four (4) feet in height.
- C) Outdoor activities are limited to the fenced area between 8:00 A.M. and 10:00 P.M.
- D) At least one off-street passenger loading/unloading space separate from required parking shall be provided for each twenty people enrolled. Adequate onsite turnaround area shall be provided for all loading/unloading and parking spaces.
- E) Uses designed to accommodate more than 30 children shall have a minimum lot size of one acre.
- F) Child care facilities shall comply with other conditions as required by the Board of Adjustment to insure compatibility with surrounding properties.

§155.130.14 Greenhouses, commercial or nurseries

(a) Provided all structures are located at least 100 feet from any property line.



§155.130.15 Habilitation Facility, A or B.

- A) Outdoor activity areas shall be located behind the front building line in the rear yard or side yard only. If located in the side yard, a minimum side yard setback of ten feet shall be observed. On corner or through lots, a minimum twenty foot setback as measured from the abutting street right-of-way line shall be required.
- B) All outdoor activity areas shall be surrounded by a fence or wall at least four feet in height.
- C) Outdoor activities shall be permitted only between the hours of 8:00 A.M. and 10:00 P.M.
- D) At least one off-street passenger loading/unloading space separate from required parking shall be provided for each twenty people enrolled.

§155.130.16 Kennel

- A) All structures, buildings or enclosed areas used for the operation shall be a minimum of one hundred (100) feet from all property lines.
- B) Sewage disposal system and sanitation control methods as approved by Davie County Health Department shall be required. This provision shall include, but not be limited to, the sanitary removal or disposal of all solid waste, carcasses, or any other items deemed necessary for removal or disposal because of unsafe or unsanitary conditions by the Health Department.
- C) Number of adult animals: Minimum lot size shall be as follows:
  - 1. 1 to 5 animals: 5 acres
  - 2. 6 to 10 animals: 10 acres
  - 3. 11+ animals: 20 acres
- D) Security fencing shall be provided outside the kennel facility.
- E) A Type B buffer shall be required around the kennel facility if fencing is not opaque.
- F) Animals are to be on a leash at all times when they are outside the kennel.
- G) No other commercial activity may take place on the property.

§155.130.17. Mining and Quarry Operations

- (a) Buffer strips shall be provided as defined in §155.001.
- (b) All mining openings and quarries shall be enclosed by a substantial wire or masonry fence not less than five feet in height if determined necessary for safety; if a strand type barbed wire fence is provided, it shall have at least five strands of wire in conformance with the standards of the State Department of Labor.
- (c) Normally, blasting operations shall be conducted only between the hours of 8:00 a.m. and 6:00 p.m., except when mining safety standards as defined by the US Bureau of Mines dictates otherwise.
- (d) All blasting, drilling, and other sources of noise vibrations, flying debris, and dust shall be conducted in such a way as to cause the minimum nuisance or hazard to adjacent or neighboring properties at any time.
- (e) No extractive use or process shall pollute or impede the normal flow of any stream or water course.
- (f) No extractive use or process shall be conducted in such a way as to produce a flooding hazard to adjacent or neighboring properties at any time.

§155.130.18 Nursing Care Institutions and Congregate Care Facilities.

- A) Any facility which is licensed to have more than fifty residents shall maintain a side setback of at least twenty feet and a rear setback of at least forty feet when the side or rear yard is in or abuts a residential district. Driveway access to accessory structures shall be through the main entrance to the facility. Accessory structures shall be arranged to provide for adequate on-site vehicular and pedestrian traffic.
- B) Any portion of a building, which contains living areas, shall be set back a minimum of fifteen feet from internal driveways and parking areas. This standard shall only apply to the living areas of buildings which contain a mixture of uses such as offices, storage and living areas.
- C) Any building greater than 10,000 square feet or 1 story in height shall be a minimum of 50 feet from any adjoining property lines and include a Type A buffer. The setback shall be increased 5 feet for each additional 5,000 square feet over 10,000 square feet and increased 10 feet for each story above 1 when the building is adjacent to a residentially zoned lot.
- D) Acceptable materials for additions and new construction include wood, brick, stone, stucco, vinyl, and similar materials designed to give the exterior a residential appearance. Under no circumstances shall metal siding, not intended to mimic traditional wood siding used on residential structures, or unfinished concrete block be permitted.

155.130.19 Pet Care (except Veterinary) Services

- A) There shall be no outdoor runs.
- B) The setback from property lines shall be increased by 50 feet if located adjacent to a residentially zoned lot.

§155.130.20 Progressive Care Community.

- A) Accessory buildings shall only include accessory dwellings containing no more than four dwelling units, recreation centers and similar facilities, dining halls, and maintenance buildings. All other buildings shall be principal buildings the use of which shall be for congregate or nursing care.
- B) Driveway access to accessory structures shall be through the main entrance to the community.
- C) Structures shall be arranged to provide for adequate on-site vehicular and pedestrian traffic.
- D) Paved walkways shall be provided between accessory dwellings, the principal building, and all common facilities such as dining halls and recreation centers.
- E) All lease/sale arrangements for accessory dwellings shall be under the direct control of the management company responsible for the progressive care community.
- F) Principal and accessory buildings shall be predominately designed and constructed with architectural features common to residential structures including, but not limited to, the following features: roof pitch, facade material, and size, type and placement of windows and doors. Acceptable materials for additions and new construction include wood, brick, stone, stucco, vinyl, and similar materials designed to give the exterior a residential appearance. Under no circumstances shall metal siding, not intended to mimic traditional wood siding, or unfinished concrete block be permitted.
- G) Any building greater than 10,000 square feet or 1 story in height shall be a minimum of 50 feet from any adjoining property lines and include a Type A buffer. The setback shall be increased 5 feet for each additional 5,000 square feet over 10,000 square feet and increased 10 feet for each story above 1 when the building is adjacent to a residentially zoned lot.
- H) No site shall have a density greater than ten units per acre for accessory residential dwellings. For the purposes of calculating density all land lying underneath and within twenty feet of any congregate care or nursing care facility and all loading/unloading, garbage collection, and parking areas associated with congregate care or nursing care facilities shall be excluded from the total acreage.
- I) A minimum of five acres shall be required. All land used for the progressive care community shall be contiguous and shall not be divided or transected by public roads, private roads granting easement(s) to tracts of land not included within the community, or natural features which would visually and functionally divide the development, including, but not limited to, preventing the free flow of pedestrian and vehicular traffic.
- J) All structures are limited in occupancy to persons aged sixty-two years or older, the physically handicapped, and their spouses except for rooms or units occupied by resident staff personnel performing duties directly related to the operation of the facility.

§155.130.21 Services B, business.

- A) All storage, repair and maintenance of equipment shall occur inside an enclosed building or shall be restricted to the rear yard and screened entirely from the view of adjacent lots and public streets.

§155.130.22 Theaters, drive-in

- (a) No part of any theater screen, projection booth, or other building shall be located closer than 500 feet to any property line or public right-of-way.
- (b) No parking space shall be located closer than 100 feet to any residential district.
- (c) The theater screen shall not face a major street.
- (d) Parking space off of the street shall be provided for patrons awaiting admission in an amount of not less than 10% of the vehicular capacity of the theater.

§155.130.23 Trucking operations, private

- (a) All operations shall be conducted within an enclosed structure with no open storage of supplies or service equipment permitted.

§155.130.24 Temporary Sawmills

- (a) This shall not be in operation for more than one year.
- (b) All sawmill structures shall be leveled and the premises cleared up within six months after discontinuance.

§155.130.25 Wrecking yards or junk yards and similar types of used materials industries

- (a) Operations shall be conducted within a structure or on a lot enclosed by a solid fence at least six feet in height, and the uses will have limited injurious effect on the public interest or welfare.

§155.130.26 Accessory Dwelling Units

- a) An accessory dwelling may be attached, within, or separate from the principal dwelling.
- b) The principal use of the lot shall be residential and the principle structure on the lot shall be a single family residential building.
- c) No more than one accessory dwelling shall be permitted on a single lot of record in conjunction with the principal dwelling unit.
- d) The accessory dwelling shall be owned by the same person as the principal dwelling.
- e) The accessory dwelling shall not be served by a driveway separate from that serving the principal dwelling unless the accessory dwelling is accessed from a rear alley and

the principal dwelling is accessed from a street. A corner lot may be served by a separate driveway if approved by Davie County Development Services.

- f) A detached accessory dwelling shall be located in the rear yard.
- g) The owner of the accessory dwelling shall live on the parcel containing the accessory dwelling.
- h) A detached accessory dwelling shall be the lesser of 1100 square feet or 75% of the living area of the principal dwelling and may have no more than two bedrooms; the structure may be a dwelling only or may combine a dwelling with garage, workshop, studio, or similar accessory use.
- i) No accessory dwelling unit shall be smaller than 600 square feet.
- j) A manufactured home shall not be used as an accessory dwelling unit.

#### §155.130.27 Planned Industrial Development

- a) A Planned Development shall require the submittal of a site plan as well as a Preliminary Subdivision plat in accordance with the Subdivision Regulations. A Final Subdivision plat shall be approved and recorded for any phase of the development prior to the issuance of any zoning or building permits to construct any principle buildings within the development. Final Subdivision plats shall meet the requirements of the Subdivision Regulations. Any re-division of approved and platted lots within the Planned Development is subject to plat review and approval.
- b) Building setbacks may be reduced within the Planned Development to allow for zero lot line buildings. All required minimum setbacks shall be maintained from a defined outer boundary of the Planned Development as shown on the site plan and subdivision plan.
- c) Individual outparcels and lease lots for freestanding individual principle uses shall maintain the building setbacks within the Planned Development of the zoning district where the Planned Development is located.
- d) Front, side, and rear yards shall be established by the site plan and shown on all subdivision plats for each lot within the development.
- e) Shared parking shall be permitted within the development. Appropriate legal documents(e.g. covenants, conditions, and restrictions, etc...) establishing the shared use and access for parking, loading, and driveways shall be submitted with the final subdivision plat.
- f) Planned Developments shall be subject to review by the Project Review Committee at the discretion of the Planning Director.
- g) All utility, road, and site infrastructure plans shall be reviewed by the appropriate Staff to determine consistency with adopted policies and future plans of the County. Site improvements are the responsibility of the developer unless the County finds it is in their best interest to provide any portion of necessary improvements.
- h) A Planned Development shall consist of a minimum of five (5) acres of contiguous land area not separated by existing public streets or public bodies of water.
- i) All other applicable zoning requirements shall apply within the development.

#### §155.130.28 Temporary, Seasonal Uses and Structures

The establishment of temporary sales lots for farmers markets, Christmas trees, and other seasonal agricultural products, plus related goods, are permitted for up to a maximum of three months upon the issuance of a temporary use permit by the zoning administrator. The following conditions shall apply.

- 1. The storage of goods in or sale of goods from trailer(s) on the site shall be prohibited.
- 2. The use may only be located on a vacant lot or on a lot occupied by a nonresidential use.
- 3. Off-street parking may be provided behind or to the side of the established use, but not forward of the required front setback.
- 4. On-site parking may be provided on a dust-free, pervious surface area and need not comply with additional paving requirements.

#### §155.130.29 Solar Energy Generating Facility (SGF).

- 1. Solar energy generation structure shall not exceed a height of fifteen (15) feet.
- 2. All equipment producing noise or sound shall be setback one hundred (100) feet from any side or rear property line in any residentially zoned district.
- 3. All storage must be located indoors. No outdoor storage shall be allowed.
- 4. The facility shall be enclosed with a security fence with a minimum height of eight (8) feet. A Type B buffer shall be required. The buffer shall be located adjacent to the property line and between the property line and the fence.
- 5. No lighting shall be directed onto adjacent property. Flood lights or other high-intensity lighting shall be prohibited.

6. The solar facility shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard.
7. A site plan, drawn and stamped by a North Carolina licensed surveyor or engineer, shall be submitted showing the following: The location and dimensions of all proposed areas for the placement of solar panels, screening/fencing and related improvements; Any preexisting structures on the same lot; and principal structures on other properties that would affect the placement of solar panels; Parking and access areas; Location of any proposed solar access easements. Location where wiring is brought together for interconnection to system components and/or the local utility power grid and the location of the disconnect switch, any proposed new structures; and any other relevant elements as requested by Staff.
8. The Planning Director shall be provided copies of any lease agreement, solar access easement, and a copy of the decommissioning plan for removal of the system/equipment. All other applicable local and state approvals shall be submitted as part of the Special Use Permit or Zoning Permit.
9. Decommissioning (see Appendix C):
  - a. The land owner or tenant must notify the County when the site is abandoned.
  - b. Solar farm owners shall have twelve (12) months to complete decommissioning of the solar facility if no electricity is generated for a continuous period of twelve (12) months. This period may be extended by the Davie County Board of Adjustment, if evidence is provided that the delay is due to circumstances beyond the facility owner/operator's reasonable control.
  - c. Decommissioning shall include removal of solar collectors, cabling, electrical components, and any other associated facilities down to thirty-six (36) inches below grade.
  - d. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas are not to be restored.
  - e. The plan must describe the anticipated life of the solar farm, the estimated decommissioning costs in current dollars, the method for ensuring that funds will be available for decommissioning and restoration, and the anticipated manner in which the solar farm project will be decommissioned and the site restored. Estimates for decommissioning the site and salvage value shall be determined by a North Carolina licensed engineer or a licensed contractor. It is the responsibility of the applicant to provide the County with the certified cost estimate.
  - f. Prior to the issuance of a Zoning Compliance Certificate, the applicant must provide the County with a performance guarantee as provided in subsection g below. The amount of the guarantee shall be 1.25 times the estimated decommissioning cost minus the salvageable value.
  - g. The following types of performance guarantees are permitted:
    - i. A surety or performance bond that renews automatically, includes a minimum 60-day notice to the County prior to cancellation, is approved by the Finance Director, and is from a company on the U.S. Department of Treasury's Listing of Certified Companies. A bond certificate must be submitted to the Finance Department each year verifying the bond has been properly renewed.
    - ii. A certified check deposited with the county finance director, as escrow agent, who will deposit the check in an interest-bearing account of the County, with all interest accruing to the applicant. Funds deposited with the county finance director will be returned when the solar farm is decommissioned and any necessary site restoration is completed.
    - iii. A no-contest irrevocable bank letter of credit from a banking corporation licensed to do business in the State of North Carolina. The terms of the letter must include the absolute right of the County finance director to withdraw funds from the bank upon certification by the County manager that the terms and conditions of the performance guarantee have been breached. The letter of credit must be valid up to 12 months from the date the performance guarantee was approved.
    - iv. The full amount of the bond, certified check, or letter of credit must remain in full force and effect until the solar farm is decommissioned and any necessary site restoration is completed.
10. The owner or future owner of the property on which a solar energy generating facility is installed assumes all risk associated with diminished performance of said system caused by any present or future adjacent structure or landscaping that may interfere with the system's ability to produce power at its rated capacity, regardless of when that adjacent structure or landscaping is constructed or installed.
11. Facilities are exempt from parking requirements if there is not a building component.
12. No more than 75% of a solar generating facility tract of property may be covered with panels.
13. Facilities shall be maintained and in good working condition and be free from debris and nuisances.
14. All applicable state and federal permits shall be submitted with the zoning permit application i.e., NCDOT, NCDENR, FAA.
15. Any other conditions found necessary by Staff or the Board of Adjustment to meet the standards of the Ordinance.

(Ord. passed 11-1-10; Ord. Am. 8-1-11; Ord. Am 11-7-11; Ord. Am. 11-4-13; Am. Ord 2-6-17)

## **INTENT AND DIMENSIONAL REQUIREMENTS**

### **§ 155.140 RESIDENTIAL-AGRICULTURAL DISTRICT (R-A).**

(A) *Intent.* The R-A Residential-Agricultural District is established to maintain a rural development pattern where single-family housing dwellings are intermingled with agricultural uses. Two family dwellings will be allowed with the issuance of a Special Use Permit. Generally, houses will be separated from one another by open fields or wooded areas. The impact of one homeowner's activities on his or her neighbors will be less than if the property owners were located side by side in a subdivision. Consequently, the property owner may have more freedom to use his or her land as he or she sees fit. Therefore, some limited commercial uses will be permitted along with residential and agricultural uses; however, the intent is clearly to exclude commercial and industrial uses or residential subdivisions that require public services (principally water and sewer systems) before they are generally needed in the area.

(B) *Dimensional requirements.*

(1) *Lot size.* Thirty thousand square feet shall be the minimum lot area per dwelling unit or any alternative as described in §155.42 of the Davie County Subdivision Ordinance.

(2) *Lot width.* One hundred feet shall be the minimum width of each lot. The measurement shall be made from one side property line to the other at the building setback line.

(3) *Front yard setback.* Forty feet shall be the minimum setback of the principal structure, measured from the nearest point of the building and the right-of-way line.

(4) *Side yard setback.* Fifteen feet shall be the minimum side yard for each principal building, measured from the nearest point of the building to the side lot line.

(5) *Rear yard setback.* Thirty feet shall be the minimum rear yard for each principal building, measured from the point of the building nearest the rear lot line and the rear lot line.

(6) *Accessory building.* Accessory buildings shall be limited to the rear yard of a lot containing a principal building. These buildings shall not be located within 25 feet of any street right-of-way or within ten feet of any lot line not a street right-of-way line.

- a. Accessory buildings may be located in the front of side yard provided the lot is used for single-family purposes and is greater than one (1) acre in size (area). In such a case, the residential accessory building shall be set back from the road right of way a minimum of one hundred (100) feet and twenty-five (25) feet from any other lot line.
- b. Residential carports may be permitted in the side yard of a single-family dwelling provided such carports meet the side yard setback of a principal structure for the applicable zoning district. For the purposes of this section a residential carport shall be defined as: an accessory building consisting of a roof where the side walls are open and where the purpose of such a structure is to provide covered parking for non-commercial (passenger) motor vehicles. The storage of materials or equipment, other than motor vehicles, in a residential carport is prohibited if the carport is not located in the rear yard.

(7) *Off-street parking.* Requirements specified in §§ 155.050 through 155.053 of this chapter.

(C) *Dimensional requirements, Two Family Dwelling*

(1) *Lot size.* The minimum lot size for two family dwellings shall be twice what is required for the underlying district. However, when these units are served by an individually owned septic tank system, the lot size shall be determined by the County Health Department. In no case shall a unit served by an individually-owned septic tank system have a lot area less than 20,000 square feet.

(2) *Lot width.* One hundred feet shall be the minimum width of the first dwelling with an additional 20 feet for the second unit.

(3) *Front yard setback.* Forty feet shall be the minimum setback of the principal structure, measured from the nearest point of the building and the right-of-way line.

(4) Side yard setback. Fifteen feet shall be the minimum side yard for each principal building, measured from the nearest point of the building to the side lot line for duplex units (two-unit dwellings).

(5) Rear yard setback. Thirty feet shall be the minimum rear yard for each principal building, measured from the point of the structure nearest the rear line and the rear lot line.

(6) Accessory buildings. Accessory buildings shall be limited to the rear yard off lot containing a principal building (excluded from the front and side yards). These buildings shall not be located within ten feet of any street right-of-way or within five feet of any lot line not a street right of way.

(7) Off-street parking. Requirements specified in §§ 155.050 through 155.053 of this chapter.

## § 155.141 RESIDENTIAL DISTRICT (R-20).

(A) The R-20 Residential District is established for residential areas where public services, such as public water and sewer, may not be available; however, housing units are located on ½-acre lots or larger, often within established subdivisions. Two family dwellings will be allowed with the issuance of a Special Use Permit. Because housing units are generally closer together than in the R-A Residential-Agricultural District, there are more restrictions on uses that might infringe on neighboring homeowners.

(B) *Dimensional requirements.*

(1) *Lot size.* Thirty thousand square feet shall be the minimum lot area per dwelling unit or any alternative as described in §155.42 of the Davie County Subdivision Ordinance.

(2) *Lot width.* One hundred feet shall be the minimum width of each lot. The measurement shall be made from one side property line to the other at the building setback line.

(3) *Front yard setback.* Thirty feet shall be the minimum setback of the principal structure, measured from the nearest point of the building and the right of way line.

(4) *Side yard setback.* Fifteen feet shall be the minimum side yard for each principal building, measured from the nearest point of the building and the side lot line.

(5) *Rear yard setback.* Thirty feet shall be the minimum rear yard for each principal building, measured from the point of the building nearest the rear lot line and the rear lot line.

(6) *Accessory building.* Accessory buildings shall be limited to the rear yard of a lot containing a principal building. These buildings shall not be located within 25 feet of any street right-of-way or within ten feet of any lot line not a street right-of-way line.

- a. Accessory buildings may be located in the front of side yard provided the lot is used for single-family purposes and is greater than one (1) acre in size (area). In such a case, the residential accessory building shall be set back from the road right of way a minimum of one hundred (100) feet and twenty-five (25) feet from any other lot line.
- b. Residential carports may be permitted in the side yard of a single-family dwelling provided such carports meet the side yard setback of a principal structure for the applicable zoning district. For the purposes of this section a residential carport shall be defined as: an accessory building consisting of a roof where the side walls are open and where the purpose of such a structure is to provide covered parking for non-commercial (passenger) motor vehicles. The storage of materials or equipment, other than motor vehicles, in a residential carport is prohibited if the carport is not located in the rear yard.

(7) *Off-street parking.* Requirements specified in §§ 155.050 through 155.053 of this chapter.

(C) Dimensional requirements, Two Family Dwelling

(1) Lot size. The minimum lot size for two family dwellings shall be twice what is required for the underlying district. However, when these units are served by an individually owned septic tank system, the lot size shall be determined by the County Health Department. In no case shall a unit served by an individually-owned septic tank system have a lot area less than 20,000 square feet.

(2) Lot width. Eighty feet shall be the minimum width of the first dwelling with an additional 20 feet for the second unit.

(3) Front yard setback. Thirty-five feet shall be the minimum setback of the principal structure, measured from the nearest point of the building and the right-of-way line.

(4) Side yard setback. Ten feet shall be the minimum side yard for each principal building, measured from the nearest point of the building to the side lot line for duplex units (two-unit dwellings).

(5) Rear yard setback. Twenty feet shall be the minimum rear yard for each principal building, measured from the point of the structure nearest the rear line and the rear lot line.

(6) Accessory buildings. Accessory buildings shall be limited to the rear yard off lot containing a principal building (excluded from the front and side yards). These buildings shall not be located within ten feet of any street right-of-way or within five feet of any lot line not a street right of way.

(7) Off-street parking. Requirements specified in §§ 155.050 through 155.053 of this chapter.

(Ord. passed 5-21-84; Ord. Am. 1-5-09; Ord. Am. 3-1-10; Ord. Am. 10-3-11)

## **§ 155.142 RESIDENTIAL-SUBURBAN DISTRICT (R-12).**

(A) The R-12 Residential-Suburban District is established for residential developments on lots smaller than in the R-A and R-20 Districts. Unlike the other two residential districts, single-family dwellings along with duplexes and multi-family units will be permitted in the same district. Because of the density of development (the number of units per acre), these districts will be limited to high growth areas where public utilities are scheduled.

(B) *Dimensional requirements, single-family units.*

(1) *Lot size.* Eight thousand square feet shall be the minimum lot area per dwelling unit or any alternative as described in §155.42 of the Davie County Subdivision Ordinance.

(2) *Lot width.* Eighty feet shall be the minimum width of each lot. The measurement shall be made from one side property line to the other at the building setback line.

(3) *Front yard setback.* Thirty-five feet shall be the minimum setback of the principal structure, measured from the nearest point of the building and the right-of-way line.

(4) *Side yard setback.* Ten feet shall be the minimum side yard for each principal building, measured from the nearest point of the building to the side lot line.

(5) *Rear yard setback.* Twenty feet shall be the minimum rear yard for each principal building, measured from the point of the structure nearest the rear line and the rear lot line.

(6) *Accessory buildings.* Accessory buildings shall be limited to the rear yard of a lot containing a principal building (excluded from the front and side yards). These buildings shall not be located within ten feet of any street right-of-way or within five feet of any lot line not a street right-of-way.

(7) *Off-street parking.* Requirements specified in §§ 155.050 through 155.053 of this chapter.

(C) *Dimensional requirements, duplexes and multi-family units.*

(1) *Lot size.* Twelve thousand square feet shall be the minimum lot area for the first dwelling, 6,000 additional square feet for the second unit, and 4,000 square feet for each unit in excess of two units. However, when these units are served by an individually owned septic tank system, the lot size shall be determined by the County Health Department. In no case shall a unit served by an individually-owned septic tank system have a lot area less than 20,000 square feet.

(2) *Lot width.* Eighty feet shall be the minimum width of the first dwelling with an additional 20 feet for the second unit and five additional feet for each dwelling in excess of two dwellings.

(3) *Front yard setback.* Thirty-five feet shall be the minimum setback of the principal structure, measured from the nearest point of the building and the right-of-way line.

(4) *Side yard setback.* Ten feet shall be the minimum side yard for each principal building, measured from the nearest point of the building to the side lot line for duplex units (two-unit dwellings) and 15 feet for multi-family dwellings.

(5) *Rear yard setback.* Twenty feet shall be the minimum rear yard for each principal building, measured from the point of the structure nearest the rear line and the rear lot line.

(6) *Accessory buildings.* Accessory buildings shall be limited to the rear yard off lot containing a principal building (excluded from the front and side yards). These buildings shall not be located within ten feet of any street right-of-way or within five feet of any lot line not a street right of way.

(7) *Off-street parking.* Requirements specified in §§ 155.050 through 155.053 of this chapter.

(D) *Dimensional requirements, nonresidential uses.*

(1) *Lot size.* Thirty thousand square feet shall be the minimum lot area for each use (for example, churches, schools, and the like).

(2) *Lot width.* One hundred fifty feet; the measurement shall be made from one side property line to the other at the building setback line.

(3) *Front yard setback.* Thirty-five feet shall be the minimum setback of the principal structure, measured from the nearest point of the building and the right-of-way line.

(4) *Side yard setback.* Twenty feet shall be the minimum side yard for each principal building, measured from the point of the structure nearest the side lot line and the side lot line.

(5) *Rear yard setback.* Twenty feet shall be the minimum rear yard for each principal building, measured from the point of the structure nearest the rear lot line and the rear lot line.

(6) *Accessory building.* Accessory buildings shall be limited to the rear yard of a lot containing a principal building (excluded from the front and side yards). These buildings shall not be located within ten feet of any street right-of-way or within five feet of any lot line not a street right-of- way.

(7) *Off-street parking.* Requirements specified in §§ 155.050 through 155.053 of this chapter.

(Ord. passed 5-21-84; Ord. Am. 10-3-11)

## **§ 155.143 RESIDENTIAL-MULTIPLE DWELLING DISTRICT.**

(A) *Intent.* The R-8 Residential-Multiple Dwelling District is established for high-density (units per acre) residential development where the principal use will be multi-family development with some single-family dwellings on individual lots. Because of the high density of development, it is expected that it will be located in growth areas where public water and sewer are available.



(B) *Dimensional requirements, single-family dwellings.*

(1) *Lot size.* Eight thousand square feet shall be the minimum lot area for a single dwelling unit. Any portion of the property located in the road right-of-way shall not be included in this minimum lot area.

(2) *Lot width.* Seventy feet shall be the minimum width of a lot where a single-family dwelling is located. The measurement shall be made from one side property line to the other at the building setback line.

(3) *Front yard setback.* Thirty feet shall be the minimum setback of the principal building, measured from the nearest point of the building and the right-of-way line.

(4) *Side yard setback.* Ten feet shall be the minimum side yard for each principal building, measured from the nearest point of the building to the side lot line. When the lot abuts a street, the minimum side yard shall be increased to 15 feet.

(5) *Rear yard setback.* Thirty feet shall be the minimum rear yard for each principal building, measured from the point of the structure nearest the rear lot line and the rear lot line.

(6) *Accessory buildings.* Accessory buildings shall be limited to the rear yard of a lot containing a principal building (excluded from front and side yards). These buildings shall not be located within 20 feet of any street right-of-way or within five feet of any lot line not a street right-of-way line.

(C) *Dimensional requirements, multi-family dwellings.*

(1) *Lot size.* Eight thousand for the first dwelling unit, 4,000 for the second dwelling unit, and 3,000 for each additional dwelling unit in excess of two.

(2) *Lot width.* Seventy feet for the first dwelling unit and 20 additional feet for each unit in excess of one. The measurement shall be made from one side property line to the other at the building setback line.

(3) *Front yard setback.* Thirty feet shall be the minimum setback for each principal building, measured from the nearest point of the building and the right-of-way line.

(4) *Side yard setback.* Ten feet shall be the minimum side yard for each principal building, measured from the nearest point of the building to the side lot line. When the lot abuts a street, the minimum side yard shall be increased to 15 feet.

(5) *Rear yard setback.* Thirty feet shall be

the minimum rear yard for each building, measured from the point of the structure nearest the rear lot line and the rear lot line.

(6) *Accessory buildings.* Accessory buildings shall be limited to the rear yard of a lot containing two or more principal buildings (excluded from the front and side yards). These buildings shall not be located within 20 feet of any street right-of-way or within five feet of any lot line not a street right-of-way line.

(7) *Off-street parking.* Requirements specified in §§ 155.050 through 155.053 of this chapter.

(Ord. passed 5-21-84)

## **§ 155.144 RESIDENTIAL MANUFACTURED HOME DISTRICT (R-M).**

(A) The R-M Residential-Manufactured Home District is established primarily for manufactured home parks; however, other forms of single-family housing are permitted, including manufactured homes on individual lots. Although this section specifies minimal lot sizes for manufactured home parks and individual housing units, the County Health Department shall have the final authority to determine lot sizes when a septic system is involved, or the State Department of Natural Resources and Community Development, Division of Environmental Management, when a package treatment is involved. All manufactured homes brought into Davie County shall meet the definitions of a manufactured home class A, class B, or class C. Class D manufactured homes shall not be permitted.

(B) *Review process.* Any developer proposing to develop a new manufactured home park or expand an existing one that increases the number of spaces shall have a development plan reviewed by the County Planning Board and acted upon by the County Board of Adjustment. The Board of Adjustment shall have the authority to impose reasonable conditions and safeguards on the proposed development as it deems necessary for the protection of adjoining properties and the public interest.

(C) *Development plan.* Four copies of the development plan shall be submitted to the Planning Director. The development plan shall address the following points:

- (1) The name of the park, the names and addresses of the owner or owners, and the designer or surveyor.
- (2) Date, scale, and approximate north arrow.
- (3) Boundaries of the tract shown with bearings and distances.
- (4) Site plans showing streets, driveways, recreation areas, parking spaces, service buildings, water courses, easements, manufactured home spaces, and all structures to be located on the park site.
- (5) Vicinity map showing the location of the park and the surrounding land usage.
- (6) Names of adjoining property owners.

(D) *Design standards.*

- (1) Manufactured homes shall meet the definition of a manufactured home class A, class B, or class C.
- (2) The lot area for a manufactured home park shall be at least five acres. All areas to be included in the park shall be clearly shown on the plans required by § 155.144(C).
- (3) Each manufactured home in a manufactured home park shall occupy a designated space having at least 10,000 square feet and a width of at least 40 feet, exclusive of common driveways.
- (4) Each manufactured home space shall abut a driveway within the park. The driveways shall be graded and surfaced with a tar and gravel composite paving, asphalt pavement, or concrete pavement on a well- compacted subbase to a continuous width of 20 feet exclusive of required parking space.
- (5) Two off-driveway parking spaces  
  
(minimum dimensions for a parking space are 10 x 20 foot) with not less than four inches of crushed stone or other suitable material on a well-compacted subbase shall be provided for each manufactured home space. Required parking spaces may be included within the 6,000 square feet required for each manufactured home space.
- (6) At least 500 square feet of recreation space for each manufactured home space shall be reserved within each manufactured home park as common recreation space for the residents of the park. Such areas shall, along with driveways and walkways, be adequately lighted for safety. The required recreational space shall not be counted as a part of the minimum lot size. The majority of all recreational space shall be in one contiguous area.
- (7) No manufactured homes or other structures within a manufactured home park shall be closer to each other than 20 feet, except that storage or other auxiliary structures for the exclusive use of the manufactured home may be closer to that manufactured home than 20 feet.
- (8) No manufactured home shall be located closer than 50 feet to the exterior boundary of the park or a bounding street right-of-way. Buildings used for laundry or recreation purposes shall be located no closer than 50 feet to the exterior boundary of the park or the right of a bounding street.
- (9) Proposed water supply and waste disposal facilities for the manufactured home park shall be approved in writing by the State or County Health Officer or his or her representative.

(9) A buffer strip shall be provided by the developer between a manufactured home park and any property developed for residential, commercial, or industrial uses. The buffer strip is excluded in calculating lot sizes and setback lines. All measurements are made from the interior boundary of the buffer strip.

(10) Each manufactured home unit within a manufactured home park shall be secured by adequate tiedowns and anchors so as to conform to the State Regulations for Mobile Homes. Modifications to the above are permitted upon approval by the Building Inspector.

(11) All street in the manufactured home park shall be adequately illuminated from sunset to sunrise.

(12) All units shall be completely skirted by a solid, nonflammable material.

(13) All units shall have permanent, safe steps that are uniform in size.

(E) *Dimensional requirements, single family.* Although the primary use of this district will be for manufactured home parks, single-family units will be permitted if they comply with the dimensional requirements specified for R-12 Residential District. Class A and class B manufactured homes are permitted as single-family units.

(1) *Lot size.* Twelve thousand square feet shall be the minimum lot area per dwelling unit. Any part of the property in the road right-of-way shall not be included in this minimum lot area. Any residential use, however, shall have a minimum lot area of not less than 20,000 square feet when served by a private septic tank system.

(2) *Lot width.* Eighty feet shall be the minimum width of each lot. The measurement shall be made from one side property line to the other at the building setback line.

(3) *Front yard setback.* Thirty-five feet shall be the minimum setback of the principal structure, measured from the nearest point of the building to the right-of-way line or front property line, whichever comes first.

(4) *Side yard setback.* Ten feet shall be the minimum side yard for each principal building, measured from the nearest point of the building to the side lot line.

(5) *Rear yard setback.* Twenty feet shall be the minimum rear yard requirement for the principal building, measured from the nearest point of the structure to the rear lot line.

(6) *Accessory buildings.* Accessory buildings shall be limited to the rear yard of a lot containing a principal building (excluded from the

front and side yards). These buildings shall not be located within ten feet of any street right-of-way or within five feet of any lot line not a street right-of-way.

(7) *Off-street parking.* Requirements specified in §§ 155.050 through 155.053 of this chapter.

(Ord. passed 5-21-84; Am. Ord. passed 7-1-96; Am. Ord. passed 11-16-98)

## **§ 155.145 HIGHWAY BUSINESS DISTRICT (H-B).**

(A) *Intent.* The H-B Highway Business District is established principally for retail operations that are located on the roadways throughout the county.

(B) *Dimensional requirements.*

(A) *Lot size.* Twenty thousand square feet shall be the minimum lot area per business unit. Any part of the property located in the road right-of-way shall not be included in this minimum lot area.

(B) *Lot width.* One hundred feet shall be the minimum width of each lot. The measurement shall be made from one side property line to the other at the building setback line.

(3) *Front yard.* Thirty feet shall be the minimum setback of the principal structure, measured from the nearest point of the building and the right-of-way line.

(4) *Side yard setback.* Ten feet shall be the minimum side yard for each principal building, measured from the nearest point of the building to the side lot line.

(5) *Rear yard setback.* Twenty feet shall be the minimum rear yard for each principal building, measured from the point of the building nearest the rear line and the rear lot line.

(6) *Off-street loading and unloading.* Buildings constructed or converted to uses permitted in this district shall provide off-street loading and unloading space as required in §§ 155.070 through 155.072 of this chapter.

(7) *Off-street parking.* Requirements specified in §§ 155.050 through 155.053 of this chapter.

(8) *Buffer strip.* A buffer strip shall be provided in a side or rear yard where adjacent to any residential area.

(Ord. passed 5-21-84)

## **§ 155.146 COMMUNITY SHOPPING DISTRICT (C-S).**

(A) *Intent.* The C-S Community Shopping District is established for retail trade and consumer services that are clustered together, often sharing common structures, parking lots, and the like, on relatively large tracts of land.

(B) *Dimensional requirements.*

(1) *Lot size.* No specified minimum size.

(2) *Lot width.* No specified minimum size.

(3) *Front yard setback.* Forty feet shall be the minimum setback of the principal structure, measured from the nearest point of the building and the right-of-way line.

(4) *Side yard setback.* Twenty feet shall be the minimum side yard for each principal building, measured from the nearest point of the building to the side lot line.

(5) *Rear yard setback.* Forty feet shall be the minimum rear yard for each principal building, measured from the nearest point of the building to the rear lot line.

(6) *Off-street parking.* Requirements specified in §§ 155.050 through 155.053 of this chapter.

(7) *Off-street loading and unloading.* Provided as specified in §§ 155.070 through 155.072 of this chapter.

(8) *Buffer strip.* Upon any side or rear lot which abuts a residential district, there shall be a densely planted and maintained buffer strip. No such buffer shall, however, extend nearer to a street right-of-way line than the established building line of the adjoining residential lots, and no buffer shall be required upon any yard which abuts a public street.

(Ord. passed 5-21-84)

## **§ 155.147 INDUSTRIAL DISTRICTS.**

(A) *Intent.* Within the broad category of Industrial Districts are four subgroups. Each is distinguished from the other by its degree of compatibility with commercial uses, and in some cases, residential uses. The degree of compatibility decreases as the districts increase from I-1 to I-4. The most compatible uses would be in I-1 and the least compatible would be in the I-4.

(B) *Dimensional Requirements (I-1, I-2, and I-3)*

(1) *Lot size.* One acre shall be the minimum lot area. Any part of the property located in the road right-of-way shall not be included in this minimum lot area.

(2) *Lot width.* Two hundred feet shall be the minimum width of each lot. The measurement shall be made from one side property line to the other at the building setback line.

(3) *Front yard setback.* Fifty feet shall be the minimum setback of the principal building, measured from the nearest point of the building to the right-of-way line.

(4) *Side yard setback.* Fifteen feet shall be the minimum side yard for each principal building.

(5) *Rear yard setback.* Thirty feet shall be the minimum rear yard for each principal building, measured from the nearest point of the building and the rear lot line.

(6) *Off-street loading and unloading.* Buildings constructed or converted to uses permitted in this district shall provide off-street loading and unloading space as required in §§ 155.070 through 155.072 of this chapter.

(7) *Off-street parking.* Requirements specified in §§ 155.050 through 155.053 of this chapter.

(8) *Buffer strip.* Upon any side or rear lot which abuts a residential district, there shall be a densely planted and maintained buffer strip. No such buffer shall, however, extend nearer to a street right-of-way line than the established building line of the adjoining residential lots, and no buffer shall be required upon any yard which abuts a public street.

(C) *Dimensional requirements (I-4).*

(1) *Lot size.* Five acres shall be the minimum lot area. Any part of the property located in the road right-of-way shall not be included in this minimum lot area.

(2) *Lot width.* No specified minimum.

(3) *Front yard setback.* Fifty feet shall be the minimum setback of the principal building, measured from the nearest point of the building and the right-of-way line.

(4) *Side yard setback.* Twenty-five feet shall be the minimum side yard for each principal building, measured from the nearest point of the building to the side lot line.

(5) *Rear yard setback.* Forty feet shall be the minimum rear yard for each principal building, measured from the point of the building nearest the rear line and the rear lot line.

(6) *Off-street loading and unloading.* Provided as specified in §§ 155.070 through 155.072 of this chapter.

(7) *Off-street parking.* Provided as specified in §§ 155.050 through 155.053 of this chapter.

(8) *Buffer strip.* Upon any side or rear lot which abuts a residential district, there shall be a densely planted and maintained buffer strip. No such buffer shall, however, extend nearer to a street right-of-way line than the established building line of the adjoining residential lot, and no buffer shall be required upon any yard which abuts a public street.

(Ord. passed 5-21-84)

## **§ 155.148 QUALITY DESIGN OVERLAY DISTRICT (OD).**

(A) *Intent.* The Quality Design Overlay District is established as an overlay district whose geographic coverage shall encompass primarily the rapidly growing northeastern section of the county. It is intended to supplement, rather than replace the underlying zoning in this area. It does not address elements such as use or intensity (which are controlled by the underlying zone), rather, it addresses design elements such as landscaping, signage, and access. Single-family residences are specifically exempted from the requirements of the QD District.

(B) *Review process.* All development proposals within the Quality Design Overlay District other than single-family residential developments shall be submitted to and reviewed by the Project Review Committee consistent with the provisions of §§ 155.170 through 155.172 of this chapter and in order to ensure compliance with this section.

(C) *Development plan.* The applicant shall, at a minimum, submit plans containing data and information consistent with all other applicable provisions of this chapter. In addition, the applicant shall submit information as requested by the Project Review Committee to determine that the design standards listed in § 155.148(D) have been sufficiently addressed.

(D) *Design standards.* Developments shall comply with all applicable requirements of this chapter. In addition, the following design standards shall be followed. In the event of inconsistencies, the standards contained in this section shall govern.

(1) *Signs.*

(a) No off-premise signs shall be permitted except for unlighted signs advertising not-for-profit organizations. Any such off-premise sign shall comply with the design standards set forth under § 155.148(D)(1)(b) of this section.

(b) *Freestanding signs.*

1. *Number.* One freestanding sign shall be permitted per each 200 linear feet of street frontage of the lot. Lots containing less than 200 linear feet of street frontage shall be permitted one such freestanding sign.

2. *Area.*

a. The area encompassed by freestanding signs shall not exceed .2 square foot per each linear foot of street frontage of the lot.

b. The maximum total area of all allowable freestanding signs shall be equal to no more than 40 square feet. This figure is also subject to the overall limitation of § 155.148(D)(1)(d) and may therefore be less than 40 feet in some cases.

3. *Height.* No freestanding sign shall exceed six feet in height.

(c) *Building signs.*

(1) The maximum total area of all allowable building signs shall be equal to no more than 10% of the area of the wall of which such sign is a part or to which each sign is attached.

(2) Each separate business establishment within a mall or shopping center may have one building sign not to exceed 100 square feet and subject to limitations of subsection (c)(1) above.

(d) *Total sign area and number of signs.* The maximum aggregate area of all allowable signs on each lot, not in a mall or shopping center, including freestanding, building, or any other signs shall be equal to the lesser of either:

1. One hundred (100) square feet,
2. Four percent (4%) of the ground floor area of the principal building, or
3. Two (2) square feet per linear foot of street frontage.

(e) Signs shall be located such that there is at every street intersection a clear view between the heights of three feet and ten feet within the sight triangle described in § 155.172(H), and shall be located outside of the right-of-way of any public street.

(f) No animated sign, nor moving or flashing signs shall be permitted.

(g) No portable signs shall be permitted.

(h) No projecting or suspended signs shall be permitted.

(i) No inflatable signs or tethered balloons shall be permitted.

(j) No beacons shall be permitted.

(k) No roof signs other than integral roof signs shall be permitted. The area occupied by integral roof signs shall be limited to no more than 10% of the total area of the roof, and shall be subject to the total sign area limitations of subsection 155.148(D)(1)(d).

(l) Flags used as promotional devices of any type, including but not limited to the promotion of goods, services, business establishments, events, and the like shall be prohibited.

(m) *Computations.*

1. *Computation of area of individual signs.* The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning chapter regulations and is clearly incidental to the display itself.

2. *Computation of area of multi-faced signs.* The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

3. *Computation of height.* The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (i) existing grade prior to construction, or (ii) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

4. *Computation of maximum total permitted sign area for a lot.* The permitted sum of the area of all individual signs on a lot shall be computed by applying the formula contained in subsection 155.148(D)(1)(d) "Total sign area," to the lot frontage, building frontage, or wall area, as appropriate. Lots fronting on two or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot, building, or wall area frontage on that street.

(2) *Landscaping.* The landscaping and buffering requirements of [§ 155.172](#) shall apply to the Quality Design Overlay District except where the provisions of this section are more restrictive.

(3) *Access.*

(a) Access points to the development (such as curb cuts or driveways) shall be minimized. There shall be no more than one point of entrance and one point of exit for each road or street frontage on each lot, except that, where a road or street frontage exceeds 500 feet, there may be two points of entrance and two points of exit. If the frontage exceeds 1000 feet, three such points may be allowed. Three points shall be the maximum allowable. A single access point which serves as both a point of entrance and a point of exit (two-way traffic) shall be considered as both a point of entrance and a point of exit.

(b) If a subdivision of land within the Quality Design District occurs subsequent to the effective date of these regulations which results in the creation of lots which possess less than 150 feet of street frontage, the preliminary and final subdivision plats for such subdivision shall be approved only if access points for each lot are clearly designated on the plat, and the total number of access points designated on the plat for the entire subdivision does not exceed one point of entrance and one point of exit per each 150 feet of street frontage.

1. Joint driveways and interior access roads shall be permitted.

2. It is the intent of these regulations to exempt from this requirement any subdivision lots clearly intended for single-family residential development.

(c) No driveway except residential access shall be allowed within 300 feet of the centerline of an intersecting thoroughfare or collector street. No driveway except residential access shall be allowed within 200 feet of the centerline of any other intersecting street.

(d) No driveway except residential access shall be allowed within 30 feet of the side property line of any property or development except where a mutual joint access agreement exists between adjoining owners.

(e) Any parcel of record on the effective date of this section which has prohibited all vehicular access based on the provisions herein shall be allowed one access point to its street frontage.

(4) *Parking areas.*

(a) Parking areas shall, where possible, be located at either the rear or sides of the principal building(s).

(b) Parking areas shall be set back a minimum of 20 feet from the front property line or edge of right-of-way, whichever is greater. The setback area shall be occupied by a 20-foot landscaping strip developed to the standards contained in § 155.172(D). If the setback area exceeds 20 feet, the landscaping strip shall be placed nearest the front of the lot.

(c) In addition to the landscaping requirements contained in § 155.172, parking areas shall be landscaped such that there is located, within the interior of the parking area, a landscaped area equivalent to the area of one parking space for each 20 parking spaces in the parking area. A parking area consisting of less than 20 spaces shall have at least one such landscaped area.

(d) Landscaped areas shall be surrounded by a concrete curb or other material, such as landscape timbers, in order to protect the landscaped area and to define its borders.

(e) Landscaped areas shall be composed of materials determined by the Project Review Committee to be appropriate in order to maintain the appearance of the area.

(5) *Utility wiring.* Wiring for utilities such as telephone, electrical, cable television, and the like or related functions shall be placed underground where practicable.

(6) *Building orientation.*

(a) Buildings shall, after complying with all other applicable regulations, be located as

near the front property line as possible with parking areas located either to the rear or sides of the principal building.

(b) In the event that it is not practicable to adhere to the standards of § 155.148(D)(6)(a), the Project Review Committee shall require that the parking area landscaping standards outlined in § 155.148(D)(4) be increased by a factor of 2.0, that is, if § 155.148(D)(4) requires one planting area for each 20 parking spaces, the new requirement shall be two such areas for each 20 spaces.

(7) *Screening.*

(a) Facilities such as solid waste containers, electrical equipment, HVAC equipment and the like which are located on the lot but which are not contained within the principal building shall be screened from public view by an acceptable means such as vegetation, fencing, berming, and the like. No chain link fencing shall be permitted to fulfill this requirement.

(b) A developer may choose to substantially screen from public view a parking area by utilizing an earthen berm, masonry wall, or other suitable means of screening as determined by the Project Review Committee. In such cases, the regulations embodied in § 155.148(D)(6)(a) shall not apply, that is a building not located as near the front property line as possible shall be held to more restrictive landscaping standards.

(8) *Exterior lighting.*

(a) Exterior lighting on any lot shall be designed and directed so that the light is confined primarily to that lot.



(b) No search lights or other high-intensity lighting devices used primarily to illuminate the night sky shall be permitted.

(c) No external lighting device shall exceed a height of 30 feet. The computation of height shall be determined in the same manner as that for signs pursuant to § 155.148(D)(1)(m)3.

(9) *Outdoor Sports Fields*

- (a) Outdoor lighting fixtures shall be installed in a manner to protect the street and neighboring properties from direct glare or hazardous interference of any kind.
- (b) The mounting height of outdoor sports field area lighting fixtures shall not exceed 100 feet from the lowest adjacent grade (this includes bases and other mounting structures).
- (c) All outdoor sports field area lighting fixtures shall be equipped with a glare control package (louvers, shields, or similar devices).
- (d) The fixtures must be aimed so that their beams are directed and fall within the primary playing or area.
- (e) The hours of operation for the lighting system shall coincide with active use of the field or performance area and any necessary maintenance thereof.

(E) *Definitions.* The following definitions shall apply within the Quality Design Overlay District and shall supersede any conflicting definitions found elsewhere in this chapter.

**BUFFER.** A horizontal distance from the property line which may be occupied by screening, utilities, and landscape materials.

**LIGHTING, EXTERIOR.** Lighting such as that used in and around buildings, recreation areas, parking lots and signs

**MARQUEE.** Any permanent roof-like structures projecting beyond a building or extending beyond the wall of the building, generally designed and constructed to provide protection from the weather.

**SCREEN.** A wall; fence; berm; or planted strip composed of deciduous or evergreen trees, or a mixture of trees and dense shrubs.

**SIGN.** Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

**SIGN, ANIMATED.** Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

**SIGN, BUILDING.** Any sign attached to any part of a building, as contrasted to a freestanding sign. Examples include but are not limited to: wall, projecting, suspended, and roof (including integral roof) signs; marquees; canopies; banners; and building markers.

**SIGN, CANOPY.** Any sign that is a part of, or attached to, an awning, canopy, fabric or plastic, or structural protective cover over a door, entrance, window, or service area. A marquee is not a canopy.

**SIGN, FREESTANDING.** Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure. Examples include but are not limited to ground and pole signs.

**SIGNS, GROUND.** A freestanding sign, the entire bottom of which is generally in contact with, or in close proximity to, the ground.

**SIGN, INTEGRAL ROOF.** Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

**SIGNS OFF-PREMISES.** A sign which advertises or publicizes a product, service, or event not available or not occurring on the premises or lot upon which the sign is located.

**SIGN, POLE.** A freestanding sign that is supported by a pole(s) and otherwise separated from the ground by air.

**SIGN, PORTABLE.** Any sign not permanently attached to the ground or other permanent structures, or a sign designed to be transported including but not limited to, signs designed to be transported, including but not limited to signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless the vehicle is used in the normal day-to-day operations of the business.

**SIGN, PROJECTING.** A sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

**SIGN, ROOF.** Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

**SIGN, SUSPENDED.** A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

**SIGN, WALL.** Any sign attached parallel to, but within a six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

**STREET FRONTAGE.** The distance for which a lot line adjoins a public street, from one lot line intersecting the street to the furthest distant lot line intersecting the same street.

(Ord. passed 5-21-84; Am. Ord. passed 4-3-95; Am. Ord. passed 6-23-97; Am. Ord. passed 2-2-15)

## **§ 155.149 COOLEEMEE ZONING OVERLAY DISTRICT.**

(A) *Intent.* The Cooleemee Zoning Overlay District is established as an overlay district whose geographic coverage shall encompass an area as described on the map established as of the effective date of this amendment and being bounded by the South Yadkin River and a line beginning two miles upstream from the town limits of Cooleemee; running parallel with the town limits two miles outside of the town limits, and terminating at a point two miles downstream of the Cooleemee town limits. The overlay district is intended to supplement, rather than replace, the underlying zoning in the area prescribed. The overlay district specifies design elements for commercial, industrial, and multi-family developments such as the location of parking areas, underground utilities, location of buildings, screening, outdoor lighting, sidewalks and street access to developments. The overlay district requires additional review of land developments by the Cooleemee Town Board for any development proposals within the Cooleemee town limits. The overlay district requires review of land developments by the Project Review Committee prior to any review by the Davie County Planning Board, Davie County Board of Adjustment, or Davie County Board of Commissioners for any development proposal on property lying outside the Cooleemee town limits.

(B) *Review process.* All development proposals within the Cooleemee town limits, except for the construction or placement of a single family dwelling on an individually deeded lot, shall be submitted to and reviewed by the Project Review Committee and the Cooleemee Town Board in order to ensure compliance with the Cooleemee Zoning Overlay District. All development proposals outside the Cooleemee town limits but within the Overlay District, except for the construction or placement of a single family dwelling on an individually deeded lot, shall be submitted to and reviewed by the Project Review Committee in order to ensure compliance with the Cooleemee Zoning Overlay District. Development proposals include single family residential subdivision development, multi-family or residential group development, commercial development of any kind, industrial development, civic or government buildings, and recreational uses. If a development proposal requires rezoning the property, and the property lies within the Cooleemee town limits, the Cooleemee Town Board shall review and make a recommendation to the Davie County Planning Board prior to the development being scheduled on the agenda of the Davie County Planning Board.

(C) *Permitted uses.* All uses permitted within the underlying zoning district are permitted within the Cooleemee Zoning Overlay District with the following exceptions.

(1) All proposed new single family residential subdivisions, or proposed expansions of single family residential subdivisions, shall be required to rezone to either a Residential Special Use (R-20-S) district, a Residential-Suburban Special Use (R-12-S) district, or a Residential-Multiple Dwelling Special Use (R-8-S) district which the district shall specify

the type, number, location, and standards of all dwellings planned or existing within the Special Use District. In granting the special use rezoning the Planning Board in making their recommendation and the Board of Commissioners in making their decision should consider the following:

- (a) The adequacy of public utilities and infrastructure including water and sewer systems;
- (b) Housing characteristics of the surrounding area including density, lot sizes, house types (manufactured or non-manufactured), and the like;
- (c) The capacity of the local schools serving the development and the school's ability to meet expected student population generated by development; and,
- (d) The characteristics of the road system serving the development (e.g. traffic conditions, number of driveway accesses from adjoining public streets, and the like).

(D) *Design standards.* Developments shall comply with all applicable provisions of this chapter. In addition, the following design standards shall be followed. In the event of inconsistencies, the standards contained in this section shall govern.

(1) *Access.*

(a) The following are defined as collector streets, as of the effective date of this section, and access to developments (whether residential, commercial, industrial, civic, governmental, recreational, or otherwise) shall be limited according to standards within this section: US Hwy 601, NC Hwy 801, Gladstone Road, Junction Road, Daniels Road, Michaels Road, and Pine Ridge Road. Collector streets are shown on the approved Overlay District Map.

(b) Access points to the development (such as curb cuts or driveways) shall be restricted. There shall be no more than one street or driveway access for each public street frontage of the entire development. Except that, where a public street frontage exceeds 500 feet, there may be two streets or driveway accesses which must be separated by at least 300 feet as measured along the public street. If the public street frontage exceeds 1,000 feet, three such streets or driveway accesses may be allowed which must be separated by at least 300 feet as measured along the public street. Three points shall be the maximum allowable. Negative access easements shall be required between allowable street or driveway accesses.

(c) Connecting streets or driveways shall be required between adjacent parking lots within a planned development, except for single family parking spaces. Lots in single family residential developments shall be served by streets or access driveways from within the development. No individual driveways shall be permitted for single family residential access to collector streets as established by this section.

(d) No driveway shall be allowed within 300 feet of the centerline of an intersecting thoroughfare or collector street. No driveway shall be allowed within 200 feet of the centerline of any other intersecting street.

(e) No driveway, except single family residential driveways, shall be allowed within 30 feet of the side property line of any property or development except where a mutual joint access agreement exists between adjoining owners. Prior to final approval to begin construction, any planned mutual joint access agreement shall be submitted to and reviewed by the Davie County Planning Director.

(f) Any parcel of record on the effective date of this section which has all vehicular access prohibited based on the provisions of this section shall be allowed one access point to the public street frontage. If a property has access to an adjoining private street, then such private street shall satisfy the provision of a single access point.

(2) *Parking areas.*

(a) All parking areas, except for single family residential parking spaces, shall be located at either the rear or sides of the principal building(s).

(b) Parking areas, except for single family residential parking spaces, shall be set back a minimum of 20 feet from the front property line or edge of right-of-way, whichever is greater.

(c) In the event that it is not practicable to adhere to the standards of this section, the Project Review Committee shall require that the interior parking area landscaping standards be increased by a factor of two.

(3) *Utility wiring.* Wiring for utilities such as telephone, electrical, cable television, and the like or related functions shall be placed underground. This requirement shall apply only to the property being developed.

(4) *Building orientation.* Buildings shall, after complying with all other applicable regulations, be located as near the front property line as possible with parking areas located either to the rear or sides of the principal building. Building orientation shall not apply to single family homes on individual lots.

(5) *Screening.*

(a) Facilities such as solid waste containers, electrical equipment, HVAC equipment, utility equipment of any kind, outside storage areas for commercial or industrial establishments, and the like, which are located on the lot, but which are not contained within the principal building shall be screened from public view by an acceptable means such as vegetation, fencing, berming, and the like. No chain link fencing shall be permitted to fulfill this requirement. Screening shall not apply to single family homes on individual lots.

(b) A developer may choose to substantially screen from public view a parking area by utilizing an earthen beret, masonry wall or other suitable means of screening as determined by the Project Review Committee.

(6) *Exterior lighting.*

(a) Exterior lighting on any lot shall be designed and directed so that the light is confined primarily to that lot.

(b) No search lights or other high-intensity lighting devices used primarily to illuminate the night sky shall be permitted.

(c) No external lighting device shall exceed a height of 30 feet. The computation of height shall be determined in the same manner as that for signs.

(7) *Sidewalks.* Sidewalks are required only within the Cooleemee town limits. Four foot sidewalks shall be required to connect proposed developments to existing town sidewalks, where town sidewalks exist, on at least one side of each public or private street within the development. Sidewalks shall be located within a public or private right-of-way, adequate for the purpose of maintenance and use of the sidewalk. The developer is responsible for maintenance of the sidewalk until such time as the Town of Cooleemee or other public agency accepts the sidewalk for maintenance. Developments may also be required to extend sidewalks, where in the opinion of the Cooleemee Town Board, a sidewalk extension will facilitate pedestrian access to a planned town sidewalk, public or private facility, or other planned development. All sidewalks shall meet applicable Americans with Disabilities Act standards, or North Carolina Building Code standards whichever applies.

(8) *Definitions.* The following definitions shall apply within the Cooleemee Zoning Overlay District and shall supersede any conflicting definitions found elsewhere in this section.

**BUFFER.** A horizontal distance from the property line which may be occupied by screening, perpendicular utility crossings, and landscape materials.

**SCREEN.** A wall, fence, berm, or planted strip composed of deciduous or evergreen trees, or a mixture of trees and dense shrubs planted to effectively obscure visibility from outside the screen to anywhere inside the screen.

**STREET FRONTAGE.** The distance for which a lot line is coincident with a street right-of-way, from one lot line intersecting the street right-of-way to the furthest distant lot line intersecting the same street right-of-way.

(Ord. passed 8-6-01; Am. Ord. passed 1-18-05)

## **§ 155.150 NEIGHBORHOOD BUSINESS DISTRICT (N-B).**

(A) *Intent.* The N-B Neighborhood Business District is established to provide for limited, small scale neighborhood commercial activity. This zoning district provides for a range of commercial uses and services to meet the everyday needs of rural residents, to provide employment opportunities for residents of the rural area, and to provide goods and services for travelers and tourists to the area. The zoning district is characterized by small buildings, low traffic generation, and operations with little late night activity.

(B) Dimensional requirements.

(A) Lot size. Twenty thousand square feet shall be the minimum lot area per business unit. Any part of the property located in the road right-of-way shall not be included in this minimum lot area.

(B) Lot width. One hundred feet shall be the minimum width of each lot. The measurement shall be made from one side property line to the other at the building setback line.

(3) Front yard. Thirty feet shall be the minimum setback of the principal structure, measured from the nearest point of the building and the right-of-way line.

(4) Side yard setback. Ten feet shall be the minimum side yard for each principal building, measured from the nearest point of the building to the side lot line.

(5) Rear yard setback. Twenty feet shall be the minimum rear yard for each principal building, measured from the point of the building nearest the rear line and the rear lot line.

(6) Off-street loading and unloading. Buildings constructed or converted to uses permitted in this district shall provide off-street loading and unloading space as required in §§ 155.070 through 155.072 of this chapter.

(7) Off-street parking. Requirements specified in §§ 155.050 through 155.053 of this chapter.

(8) Buffer strip. A buffer strip shall be provided in a side or rear yard where adjacent to any residential area.

(Ord. passed 11-1-10)

## **§ 155.151 SPECIAL PURPOSE DISTRICT (S-P).**

(A) Intent. The Special Purpose district is established to accommodate uses that may constitute health or safety hazards, have greater than average impacts on the environment, or diminish the use and enjoyment of nearby property by generation of noise, smoke, fumes, odors, glare, vibration, commercial vehicle traffic, or similar nuisances.

(B) Dimensional requirements.

1. Lot size. Twenty-five (25) acres shall be the minimum lot area. Any part of the property located in the road right-of-way shall not be included in this minimum lot area.
2. Lot width. No specified minimum.
3. Front yard. One hundred feet shall be the minimum setback of the structure or any installed equipment, measured from the nearest point of the building and the right-of-way line.
4. Side yard setback. Twenty-five feet shall be the minimum side yard for each structure or any installed equipment, measured from the nearest point of the building to the side lot line.
5. Rear yard setback. Forty feet shall be the minimum rear yard for each structure or any installed equipment, measured from the point of the building nearest the rear line and the rear lot line.
6. Off-street loading and unloading. Buildings constructed or converted to uses permitted in this district shall provide off-street loading and unloading space as required in §§ 155.070 through 155.072 of this chapter.
7. Off-street parking. Requirements specified in §§ 155.050 through 155.053 of this chapter.
8. Buffer strip. Upon any lot line which abuts a residential district or public street, there shall be a densely planted and maintained Type B buffer strip as specified in 155.172 of this chapter.

(C) Access. Except for Solar Energy Generating Facilities, which shall require access to a state maintained road, the Special Purpose site shall be accessed by a major or minor arterial road way as identified on the Davie County Comprehensive Transportation Plan.

(D) Community Meeting. The applicant shall organize and conduct a community meeting with the surrounding property owners at minimum 30 days prior to the scheduled Planning Board meeting date. The petitioner must file in the office of the county clerk a written report of any community meeting held by the petitioner. The report shall include, among other things, a listing of those persons and organizations contacted about the meeting and the manner and date of contact, the date, time and location of the meeting, a roster of the persons in attendance at the meeting, a summary of issues discussed at the meeting, and a description of any changes to the rezoning petition made by the petitioner as a result of the meeting.

(Ord. passed 2-6-17; Ord. Amend 10/7/19)

## ***SPECIAL USE DISTRICT***

### **§ 155.160 USE DISTRICTS.**

The following zoning districts are divided into either general use or special use zoning districts:

(A) *Regular zoning districts.*

- (1) R-A or R-A-S.
- (2) R-20 or R-20-S.
- (3) R-12 or R-12-S.
- (4) R-8 or R-8-S.
- (5) R-M or R-M-S.
- (6) H-B or H-B-S.
- (7) N-B or N-B-S.
- (8) C-S or C-S-S.
- (9) S-P or S-P-S.
- (10) I-1 or I-1-S.
- (11) I-2 or I-2-S.
- (12) I-3 or I-3-S.
- (13) I-4 or I-4-S.

(B) *Overlay districts.*

- (1) WS-III-CA
- (2) WS-III-BW or WS-III-BW-S
- (3) WS-IV-CA
- (4) WS-IV-PA or WS-IV-PA-S
- (5) QD

(Ord. passed 1-18-94; Am. Ord. passed 10-21-97; Am. Ord. passed 11-1-10; Am. Ord. passed 2-6-17)

### **§ 155.161 PROCEDURES FOR REGULAR DISTRICTS.**

(A) A person petitioning for rezoning of a tract of land may elect or request general use district zoning or special use district zoning. If the petitioner elects to apply for general use district zoning, he or she may refer, either in his or her petition or at any hearings, to the use intended for the property. The Board of County Commissioners may consider the intended use in determining whether to approve or disapprove the petition, but shall consider the full range of uses permitted within the requested general use district. A statement analyzing the reasonableness of the proposed rezoning shall be prepared for each petition for a rezoning, or other small-scale rezoning. If the petition is approved, the rezoned property may be used for any of the permitted uses in the applicable general use district.

(B) If the applicant elects to petition for special use district zoning, the petition must specify the actual use intended for the property and it must be one permitted in the corresponding general district. If the petition is for special use district zoning, the Board of Commissioners shall approve or disapprove the petition on the basis of the specific use requested. If the petition is approved, the Board of Commissioners may issue a special use zoning permit authorizing the use with specific conditions. The Planning Director shall maintain a separate file of all special use district zoning permits in the County Zoning Office.

(C) When issuing special use district zoning permits, the Board of Commissioners may place conditions on each specific use. Specific conditions applicable to the districts may be proposed by the petitioner or the county or its agencies, but only those conditions mutually approved by the county and the petitioner may be incorporated into the zoning regulations or permit requirements. Conditions and site-specific standards imposed on a special use district shall be limited to those that address the conformance of the development and use of the site to county ordinances and an officially adopted land development plan or other plans, and those that address the impacts reasonably expected to be generated by the development or use of the site. The intent of this process is to insure compatibility between uses. These conditions may include, but are not limited to the following:

- (1) Location of the use on the property;
- (2) The location and extent of supporting facilities such as parking lots, driveways, and access streets;
- (3) The timing of development;
- (4) Location and extent of buffer areas;
- (5) Positioning other special purpose areas on the tract;
- (6) That petitioners shall incorporate in any future conveyance of this property, a detailed description of this special use and all the conditions imposed; and
- (7) Such other matters as may be imposed by the Board of Commissioners.

(Ord. passed 1-18-94; Am. Ord. passed 3-20-06)

## **§ 155.162 PROCEDURES FOR WATERSHED OVERLAY DISTRICTS.**

(A) Within the WS-III-BW or WS-IV-PA overlay districts the intent of special use district zoning is not to specify a single use among those permitted uses but to permit an increase in the built-upon or impervious limits for nonresidential uses on a case-by-case basis. Under current watershed requirements built-upon or impervious limits for nonresidential development cannot exceed 24% in the WS-III-BW or 36% in the WS-IV-PA, in order to promote economic development, while not undermining the intent of the watershed overlay district, the Board of Commissioners may permit new development and expansions to existing development to increase built-upon or impervious limits to 70% on a case-by-case basis. However, the board cannot allow this increase on more than ten percent (10%) of the total land area within the WS-III-BW or the WS-IV-PA watershed.

(B) If the Board of Commissioners intent is to control both the specific use and allow an increase in impervious limits, special use district zoning permits are needed for each. The board can approve each permit during the same review process.

(Ord. passed 1-18-94; Am. Ord. passed 1-20-98)

### ***GROUP DEVELOPMENTS***

## **§ 155.170 TECHNICAL REVIEW COMMITTEE.**

(A) *Purpose.* The Technical Review Committee – or better known as the TRC – is a committee that provides comprehensive review of elements related to the development process. The TRC reviews and makes recommendations on subdivision preliminary plats, site plans for major and multi-family developments, planned developments (PDs), street naming, and any other review requested by the approving authority. The TRC is comprised of County Departments and agencies that have an interest in the development process. The TRC meets as needed.

(C) *Procedures of the Project Review Committee.*

(1) All members of the TRC will be given at least ten calendar days to review any submittals and prepare comments and/or recommendations. The Committee will then present their findings at the next scheduled TRC meeting to the Development Services Department and the Applicant in the form of a short presentation and/or written memo. TRC

members are not required to attend each meeting, however, they are required to submit comments (if any) if an application is sent to them for review. Failure to submit comments at least five (5) days after a scheduled TRC meeting will be considered the same as a "no comments" response.

(2) At the TRC meeting, Planning Staff will present the plan/case, and allow each TRC member the opportunity to highlight any concerns, comments, and/or recommendations they may have concerning the application. Major issues and waiver requests will be highlighted for the Committee. Meetings are by invitation only, however, applicants, design professionals or developers may attend.

(3) If the Technical Review Committee shall find that a proposed project does not meet all of the standards and requirements of § 155.170(D), a copy of the application, with deficiencies noted, shall be returned to the developer for modification and resubmittal.

(4) In the event of failure to comply with the plans approved by the Technical Review Committee, the permit shall immediately become void. No building permits or certificates of occupancy shall be issued until such time as the owner or developer meets with the Committee and presents plans and specifications to indicate that recommended changes have been made.

(5) An application fee shall be paid to the county for each application submitted to the Technical Review Committee to cover the cost of necessary administrative costs. See adopted fee schedule.

(D) *Development requirements.*

(1) The area, yard, and height requirements shall be the same as those established for each zoning district.

(2) Plans are required before any consideration is granted by the Technical Review Committee. Three copies of the proposed plan shall be submitted to the Planning Director. These plans shall provide the following information:

(a) Suitability of the land for development, including topographical features, streams, vegetation, soil types, flood prone areas, historic sites, and other relevant data.

(b) Scheduling of development including phases or stages of likely development.

(c) Location of public water and sewer lines presently in existence, connections to these lines, manholes, pumping stations fire hydrants, and other necessary features (if applicable). All multiple-family projects shall have public water and sewer systems or systems approved by the appropriate state or local authorities.

(d) Proposed stormwater drainage systems.

(e) Proposed grading plan and sedimentation-control measures.

(f) Location and design of streets, curbs, gutters, and street lights (if applicable).

(g) Location of street accesses, easements, monuments, and property lines.

(h) Location and design of sidewalks (if applicable).

(i) Location and floor plans of all proposed structures.

(j) Location and extent of parking and loading areas, including parking spaces and circulation routes.

(k) Proposed landscaping, screening, and fencing.

(l) Recreational areas.

(E) *Appeals.* The Zoning Board of Adjustment shall hear and decide appeals where it alleged that the Technical Review Committee or Planning Director is in error in any order, requirement, decision, or determination affecting a particular project.



- (1) Appeals of Private Road Name requests shall be heard by the Planning Board.

(Ord. passed 5-21-84; ord. am. 2-5-18)

## **§ 155.171 RECREATIONAL LAND REQUIREMENT FOR MULTIPLE FAMILY DWELLINGS.**

The standards established by this section shall apply to multiple family units (including apartments, condominiums, and "Townhouses For Sale," and the like.

(A) *Types of recreational facilities.* Outdoor recreational space provided by the owner/builder should meet the needs of the project residents. Definitions of the particular types of facilities appear below:

- (1) Tot lot (500 to 1,000 square feet) designed for preschool children and shall include such equipment as swings, sandboxes, slides, climbing apparatus, wading pools, grassy areas, paved play areas, benches, and the like, and they shall be adequately fenced.

- (2) Project playground designed for child, adult, and family use, and may include play apparatus, grassy areas, paved game courts, playfields, shelter, pool, tables, picnic shelter, trees, shrubbery, walks, or benches.

- (3) Courtyard and garden space designed for adult family and elderly use. Facilities may include trees, walks, patios, shrubbery, lawns garden plots, table, benches, fountains, or lighting. They are usually enclosed on two or more sides by buildings, fences, or hedges.

- (4) Greenway or natural areas bordering streams, lakes, rivers, or woodlands primarily used for walking or sightseeing. Facilities may include walks, benches, or lakes.

(B) *Area required.* At least 350 square feet of useable land per bedroom shall be provided by the owner/builder for recreational use. Front, side, or rear yards required by this chapter may be used for recreational space provided that these areas are suitable for recreational use as measured by the criteria listed in § 155.171(C).

(C) *Suitability of land.* Criteria for evaluating suitability of recreation, park, and open space areas shall include, but not be limited to, the following:

- (1) *Unity.* The land shall be single parcel except where it is determined that two or more parcels would be in the public interest. The governing board may require that such parcels be connected.

- (2) *Shape, topography, soil.* The shape, topography, and soil of the land shall be useable for active recreation (play areas, ballfields, tennis courts, or similar recreation uses).

- (3) *Location.* The land shall be located to serve the recreational needs of the residents in the development.

- (4) *Accessibility.* Access to the land shall be provided either by an abutting street, walkway, or easement. Such easement shall not be less than ten feet wide if for pedestrian use, or 30 feet if vehicular access is intended.

- (5) *Vegetative cover.* If possible, the existing vegetative cover shall be retained to lend attractiveness to the land parcel and to give protection from the sun's rays so as to facilitate recreational use of the site.

(D) *Maintenance.* Recreational areas required by this chapter must be maintained by the owner or builder so that such areas are safe and useable for the residents. This maintenance shall include, but not be limited to, cleanup, mowing, painting, and replacement of broken or damaged equipment on a regular basis.

(E) *Time period.* Recreational areas required in this chapter must be in place prior to or at the time of issuance of final inspection permit or certificate of occupancy. Where a project is to be built in phases over a period of time, the necessary recreational areas may be provided using the same phasing program.

(Ord. passed 5-21-84)

## § 155.172 LANDSCAPING AND BUFFER REQUIREMENTS.

(A) **Purpose.** Landscaping and bufferstrip requirements are established to improve the appearance of vehicular use areas and property abutting public rights-of-way; to require buffering between noncompatible land uses; to protect, preserve, and promote the visual appeal, character, and value of the surrounding neighborhoods; and to promote public health and safety through the reduction of noise pollution, heat, glare, air pollution, visual pollution, air temperature, and artificial light glare. Landscaping and buffering requirements of this section shall apply to all property located within the zoning jurisdiction of the county. However, individual residential home sites are exempt from this requirement.

(B) **General requirements.**

(1) No new site development, building, structure, or vehicular use area shall hereafter be erected, constructed, or used unless landscaping is provided as required by the provisions of this section.

(2) No property lines shall be altered nor shall any building, structure, or vehicular use area be expanded unless the minimum landscaping required by this section is provided for the property to the extent of its alteration or expansion and not for the entire property. Exemptions may be granted for the first cumulative 3,000 square feet of expansion to buildings, vehicular use areas, and/or open uses of land existing on the effective date of this section.

(C) **Plan review and approval.**

(1) Whenever any property is affected by these landscape and buffer requirements, the property owner or developer shall prepare a plan for submittal to, and approval by, the Planning Director. The Planning Director shall follow the requirements of this section in approving or disapproving any plan required. The contents of the plan shall include the following:

(a) The dimensions and acreage of each lot or plot or portion to be built upon or otherwise used.

(b) The layout of the entire project including the proposed uses of all buildings, and its relation to surrounding properties.

(c) The layout of all off-street parking and loading uses including the location of entry and exit points, the internal vehicular circulation pattern, and the location and dimension of required parking and loading spaces.

(d) The location and dimensions of present and proposed streets and highways.

(e) The location of all existing and proposed plantings and screenings including botanical and common name, installation size, and quantities to be installed.

(f) The location of walls, fences, and railings and an indication of their height and construction materials.

(g) Title; north arrow; scale; names of owner, developer, and person responsible for plan preparation; and the date that the plan was drawn.

(2) No building permit shall be issued until the required landscaping plan has been submitted and approved, and no certificate of occupancy shall be issued until the landscaping is completed as certified by an on-site inspection by the Planning Director unless a performance bond or other acceptable guarantee of improvements has been posted.

(3) Where site plan approval by the Project Review Committee is required, no building permit or certificate of occupancy shall be issued until such approval has been granted. In the event that the requirements of this section conflict with those of other sections of this chapter, the more restrictive shall apply.

(D) **Street frontage landscaping requirements.** On the site of a building or other vehicular use area where such area will not be entirely screened visually by an intervening building or structure, landscaping shall be required along any side that abuts the right of way of a street, road, or highway where the requirements of § 155.172(H) are not violated. Such landscaping shall be provided as follows:

(1) A landscaping strip of ten feet in depth shall be located between abutting right-of-way and any off-street parking, loading, or other vehicular use area except where driveway openings are to be provided.

(2) The landscaping strip shall be planted in accordance with the following standards:

(a) One tree should be planted for each 40 linear feet of the landscaping strip when it is not planted with shrubs, trees, or covered by a wall or other barrier.

(b) All portions of the landscaping strip not planted with shrubs and trees, or covered by a wall or other barrier shall be planted in grass or ground cover.

**(E) Required screening type.**

Screening shall be required along the side and rear property boundaries of the zoning lot.

(1) Type A.

- a. Buffer: Thirty (30) feet.
- b. Screening shall consist of:
  1. A row of trees, forty (40) percent of which are large maturing trees and which are not less than ten (10) feet high at the time of planting and are spaced not more than six (6) feet apart and a row of evergreen conifers or broadleaf evergreens placed not more than five (5) feet apart which would grow to form a continuous hedge of at least six (6) feet in height within two (2) years of planting and lawn, low-growing evergreen shrubs or broadleaf evergreens, evergreen ground cover, or rock mulch covering the balance of the buffer ; or
  2. An opaque fence located within the required buffer; such fence shall be a minimum height of six (6) feet; and
  3. Lawn, low-growing evergreen shrubs or broadleaf evergreens, evergreen ground cover, or rock mulch covering the balance of the buffer.

(2) Type B.

- a. Buffer: Twenty (20) feet.
- b. Screening shall consist of:
  1. A row of evergreen conifers or broadleaf evergreens placed not more than five (5) feet apart which would grow to form a continuous hedge of at least six (6) feet in height within two (2) years of planting; or
  2. A wall located within the required buffer; such wall shall be a minimum height of six (6) feet (above finished grade;) and, if a block wall, it shall be painted on all sides; or an opaque fence six (6) feet in height; or
  3. A berm and planting combination, with the berm an average height of three (3) feet and dense plantings which will, when combined with the berm, achieve a minimum height of six (6) feet and seventy-five (75) percent opacity within two (2) years.
  4. Lawn, low-growing evergreen shrubs, evergreen ground cover, or rock mulch covering the balance of the buffer.

(3) Type C.

- a. Buffer: Ten (10) feet
- b. Screening shall consist of:
  1. A row of evergreen conifers or broadleaf evergreens placed not more than five (5) feet apart which would grow to form a continuous hedge of at least six (6) feet in height within two (2) years of planting; and
  2. Lawn, low-growing evergreen shrubs, evergreen ground cover, or rock mulch covering the balance of the buffer.

**(F) Land use relationships.** The following land use relationships shall be used to determine required screening and buffering.

Proposed land use

	Screening and Buffering				Adjacent land use
	Group 1	Group 2	Group 3	Group 4	
Group 1	None	Type C	Type B	Type A	Type A
Group 2	Type C	Type C	Type B	Type A	
Group 3	Type A	Type A	Type C	Type C	
Group 4	Type A	Type A	Type C	Type C	

- a. Group 1 (least intensive): This includes all permitted uses in the R-A and R-20 districts
- b. Group 2: This includes all permitted uses in the R-12, R-8, R-M, H-B, N-B and C-S districts.
- c. Group 3: This includes all permitted uses in the I-1 and I-2 districts.
- d. Group 4 (most intensive): This includes all permitted uses in I-3, I-4 and S-P districts.

**(G). Parking lot landscaping.**

- (1) The following standards shall apply to all new parking areas with twelve or more spaces and all expansions to existing parking areas which add twelve or more spaces, unless otherwise noted. In an expansion, only the area of expansion is required to be included in the calculation; however, the landscaping may be provided anywhere within the parking area.
- (2) Trees and shrubs shall be planted along all internal driveways as follows:

Type	Minimum Number Per 100 Linear Feet
Large Trees	1
Small Trees	2

Fractions generated by applying the minimum number of plants required per 100 linear feet to the actual linear footage of an area shall be rounded up to the nearest whole number. (For example, a fifty foot area would be required to have 1 large tree and 1 small tree.)

- (3) The area between required trees and shrubs shall be completely filled in with perennials, annual flowers, ornamental grasses, turf grasses, a minimum of three inches of landscaping mulch, or a combination thereof.
- (4) No more than two parking aisles (defined as a travel lane and the parking located on each side) shall abut. Otherwise, parking aisles shall be separated from each other by planted medians which may include pedestrian walkways. No more than thirty parking spaces shall be contained within one parking aisle (i.e. there must be at least one landscape island on each side of a parking aisle every 15 parking spaces).
- (5) At least 5 percent of the interior of all parking areas where landscaping is required, excluding access drives, shall be landscaped. There shall be at least 1 large tree, 2 small trees and 5 large or 10 small shrubs for each 20 parking spaces. Parking lots with fewer than 20 spaces shall be required to plant at least 1 large tree, 2 small trees and 5 large or 10 small shrubs. Trees shall be spaced such that no parking space is more than 65 feet from the trunk of a canopy tree. Shrubs may be located in end planters and around the perimeter of the parking area but not in a required streetyard. All landscape islands and end planters in parking lots shall be completely filled-in with low-growing evergreen shrubs or drought resistant turf grasses.
  - a. Interior parking landscaping requirements for large trees may be omitted if streetyard and landscape buffer widths are increased by 50% and the remaining provisions of this section are met. It is the intent that this provision shall not apply to large scale parking lots.
- (6) Whenever parking areas abut streets, an opaque wall or fence a minimum of three feet in height shall be installed adjacent to a street right-of-way where no streetyard is required except that:
  - (a) A continuous hedge may be substituted for the wall or fence in any district as long as the hedge is a minimum of 18 inches in height at the time of planting, has the ability to achieve a height of two feet during its first full growing season; and
  - (b) A vegetated berm may be substituted for a portion of the wall, fence or hedge.
- (7) Optional Interior Landscaping and Design for Large Parking Lots.

The following subsections are intended as an option for large parking lots containing 300 or more parking spaces where design flexibility is needed to accommodate the unusually high number of parking spaces required for large retail and shopping center development due to high vehicle to square foot floor area ratios. Additional design features are included.

- (a) In parking lots designed for any single large retail store or any shopping center containing 300 or more parking spaces, up to 4 parking aisles (defined as a travel lane and the parking located on each side) may abut provided the optional interior landscaping requirements of this section are met within the parking lot excluding any perimeter, streetyard, internal driveway, required buffer, or other landscape area required by Section 155.172 Landscaping. The maximum distance between required landscape medians shall be no greater than 250 feet.
- (b) No parking space shall be further than 65 feet from the trunk of a large tree. However, large trees are not required within 75 feet of the primary building façade or immediately adjacent to a handicap parking space.
- (c) Tree wells are encouraged along any portion of the building façade not planned for outdoor display, ingress/egress, or loading and unloading. Tree wells shall have a minimum dimension of 8 feet and contain at least one understory or small decorative tree.

- (d) Adequate corrals for shopping carts and other similar customer merchandise carts shall be provided throughout all large parking lots.
- (e) At least one distinctive pedestrian crosswalk shall be provided between the large parking lot and each main entrance to a large retail store or shopping center. A distinctive pedestrian crosswalk may consist of a raised speed table, speed bumps, textured paving surface or other low maintenance surface materials such as pavers, bricks or scored concrete installed in the drive lane located between the main entrances to the store and the parking lot. A distinctive crosswalk will be designed to enhance pedestrian safety and comfort as well as the attractiveness of the crosswalk. Traffic calming devices shall be required between the store front and the parking lot.
- (f) Parked vehicles may overhang a landscaped area no more than 2½ feet, provided curbing or other wheel stops are installed to insure no greater overhang or penetration of the landscaped area. Landscaping, walls, fences, and any other material shall be so located to prevent its damage and/or destruction by overhanging vehicles.

(8) Industrial Parking Areas

- (a) Any parking areas shall meet the required setbacks for structures in the underlying zoning district.
- (b) The parking areas shall be exempt from interior landscaping and aisle requirements.
- (c) A Type C landscape buffer shall be required along the perimeter of such a parking area.

**(H) Residential Screening and buffer requirements.** Screening and buffering shall be provided in the locations and in accordance with the following provisions:

(1) In all residential developments, a buffer strip at least 20 feet in depth or width shall be provided adjacent to all limited access highways, all railroad rights-of-way, and commercial and industrial uses or districts. The buffer strip shall be in addition to the normal lot depth, setback, or width required and shall be a part of the platted lots, having the following restrictions designated on the plat: "This strip reserved for the planting of trees and shrubs by the owner; the building of structures hereon is prohibited."

(2) In all R-8 Residential-Multiple Dwelling Districts or R-M Residential-Manufactured Home Districts, 15-foot buffer strips shall be provided adjacent to all railroad rights-of-way, limited access highways, and commercial and industrial uses or zoning districts. The buffer strip shall be planted with evergreen or deciduous trees spaced not more than 40 feet apart and supplemented with grass and shrubs to effectively screen the view of adjacent properties from the uses within the subject property.

(3) In all R-12 and R-20 residential zoning districts, a 20-foot buffer strip shall be provided adjacent to all railroad rights-of-way, limited access highways, and commercial or industrial area. A 15-foot buffer strip shall be planted along the side and rear property lines where a multiple family project of three or more units abuts another residential use. The buffer strip shall be planted with evergreen or deciduous trees spaced not more than 40 feet apart with grass and shrubs to effectively screen the view of adjacent properties from the uses within the subject property.

**(I) Reserved**

**(J) Sight distance requirements, driveways and street intersection.**

(1) To insure that landscape materials do not constitute a driving hazard, a "sight triangle" will be observed at all street intersections of driveways with streets. Within the sight triangle, no landscape material, wall, or other obstructions shall be permitted between the height of two feet and six feet above the street or driveway elevation.

(2) The sight triangle referred to above consists of the following:

(a) The area of property on both sides of a driveway formed by the intersection of each side of the driveway and the public right-of-way line with two sides of each triangle being 25 feet in length from the point of intersection and the third side being a line connecting the ends of the two other sides.

(b) The area of property located at a corner formed by the intersection of two or more public rights of way with two sides of the triangular area being 25 feet in length along the abutting public right-of-way lines, measured from their point of intersection, and the third side being a line connecting the ends of the other two lines.

**(K) Installation and maintenance.**

(1) Existing landscape material in satisfactory condition may be used to satisfy these requirements in whole or in part when such material achieves the objectives of this subsection. Otherwise, all landscaping shall be of good quality and installed in a sound, workmanship-like manner and according to accepted good construction and planting procedures.

(2) The type of landscape material used in meeting the requirements of this subsection is at the option of the owner or developer. However, a recommended plant list shall be maintained by the Planning Director to provide detailed information on acceptable plant material.

(3) All trees to be used shall be a minimum of eight feet in overall height upon planting. Shrubs shall be a minimum of two feet in height when measured immediately after planting. In any event, plant material required for the purpose of screening shall be of such initial size to reach the required height within two growing seasons after installation.

(4) The owner or tenant of the property shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in a proper, neat, and orderly appearance, free from refuse and debris, at all times. All landscaped areas shall be provided with a readily available water supply with at least one outlet within 150 feet of all plant material to be maintained. All unhealthy or dead plant material shall be replaced within one year, or by the next planting season, whichever comes first.

(Ord. passed 5-21-84; Am. Ord. passed 4-16-01; Amended Ord. 8-4-08; Am.Ord. passed 9-3-2013; Am. Ord. passed 2-6-17)

## **SECURITY TRAINING OPERATIONS AND SERVICES FACILITY**

### **§ 155.176 SPECIFIC STANDARDS.**

(A) A security training operations and services facility is permitted in the Residential-Agricultural (R-A) and Industrial II, III or IV districts only.

(B) The minimum lot size for this use shall be 25 contiguous acres.

(C) All areas within the proposed security training operations and services facility, including but not limited to, firing area(s), backstops, downrange safety zones, parking and accessory areas, driver training area, and the like, shall be under uniform control or ownership.

(D) A security training operations and services facility shall also be subject to the following requirements set forth in §§155.177 through 155.180.

(Ord. passed 5-1-06)

### **§ 155.177 FIREARMS AND EXPLOSIVES TRAINING.**

(A) The design criteria for all firearms ranges cited in the *Military Handbook – Range Facilities and Miscellaneous Training Facilities Other Than Buildings* (MILHDBK-1027/3B), as amended or superseded, or the National Rifle Association *Range Manual*, as amended or superseded, shall be met.

(B) The proposed firearms ranges shall be reviewed by and comments received from the County Sheriff's Department.

(C) No firing or explosive training activities shall occur daily between the hours of 11:00 p.m. to 7:00 a.m., Eastern Standard Time.

(D) The areas immediately adjacent to the proposed training areas and ranges shall be predominately undeveloped, and shall be at least 500 feet from any property line, regardless of the direction of fire, unless the applicant can provide noise or safety test evidence to show that a lesser distance may be acceptable.

(E) (1) The maximum downrange safety area for each range and shooting area shall be essentially fan-shaped, with its vertex being 100 yards each side of the end firing point that meets the MILHDBK-1027/3B or the National Rifle Association *Range Manual*.

(2) The safety area shall not encompass any public right-of-way or other property not owned by range operator or owner.

(F) Weapon types will be restricted to pistol, rifle and shotgun, or similar firearms.

(1) No automatic assault-type weapon shall be used by the general public, but will be allowed by any law enforcement, military or federal agency group duly authorized to use these style weapons.

(2) Limits on caliber size shall be in accordance with the National Rifle Association *Range Manual*, subject to the physical constraints of the property.

(G) Concussion-type explosives will be permitted for use by law enforcement, military or federal agency group duly authorized to use these types of explosives.

(H) Military, para-military or militia-type activities or maneuvers, including but not limited to, hand-to-hand combat training, maritime training, swamp or guerilla warfare techniques, incendiary-type firings, infiltration course-type training, and the like, are permitted for use by law enforcement, military or federal agency groups only.

(I) All actual firing activities will be directed toward either moving or stationary targets only.

(J) Any overnight or temporary storage of weapons, ammunition and explosives shall meet the Department of Defense storage and stand-off safety standards.

(K) In no case shall any explosive material be stored, either inside or outside a "magazine," closer than 1,250 feet to a property line or dwelling unit, and 300 feet to any roadway.

(L) The maximum amount of explosives on site at any one time shall not exceed 100 pounds stored, and ten pounds utilized, during any one evolution.

(M) A listing of the type, amount, and physical location of all explosive material shall be provided by the applicant to the County Development Services Department Office annually at the permit renewal hearing.

(N) The County Development Services Department shall be authorized by the applicant to inspect the site, and shall not be required to give advance notice of its inspection date, for the purpose of determining compliance with all required permits and regulations, including but not limited to: Alcohol, Tobacco and Firearms (AT&F) permits, National Fire Protection Association standards, North Carolina State Building Code (Fire Prevention Code), and local ordinances. The facility shall be inspected annually for the first three years, and thereafter a minimum of once every five years.

(O) The facility and all individuals working with explosives within the facility shall be certified and permitted by Alcohol, Tobacco and Firearms (AT&F) to conduct such operations in compliance with its permits.

(Ord. passed 5-1-06)

## **§ 155.178 DRIVER TRAINING AND VEHICLE MAINTENANCE.**

(A) The areas immediately adjacent to the driver training area shall be predominately undeveloped, and shall be at least 150 feet from any property line, unless the applicant can provide noise or safety test evidence to show that a lesser distance may be acceptable.

(B) Burning of non-vegetative matter and disposal of toxic/hazardous matter is prohibited.

(C) Stockpiling of tires and vehicles is prohibited.

(D) No driver training is permitted on any public road, and all driver training may only be conducted in clearly marked designated driving areas.

(Ord. passed 5-1-06)

## **§ 155.179 SITE PLAN.**

(A) A site plan, drawn at a scale not smaller than one inch=50 feet, on paper of dimensions 24 inches x 36 inches, shall be prepared and sealed by a North Carolina-licensed surveyor, engineer, architect or landscape architect.

(B) The site plan and review shall meet the requirements of §155.170, Project Review Process.

(Ord. passed 5-1-06)

## **§ 155.180 MISCELLANEOUS.**

(A) (1) The site or area used as a security training operations and services facility shall be enclosed by a six-foot fence, or otherwise restricted by natural physical features (i.e., swamps, bodies of water, ditches, and the like), so that access to the site is controlled to insure the safety of patrons, spectators and the public at large.

(2) Warning signs shall be posted at access points and at 100-foot intervals along the entire perimeter of the facility.

(B) The permit is non-transferable, and will be reviewed annually for the first three years after approval, and then every five years thereafter.

(C) The permit does not waive any requirement for compliance with any applicable federal, state and local rules, regulations, permits and other required licenses and permits to conduct any of the aforementioned operations, or to construct any building or improvement.

(D) (1) The operators of a security training operations and services facility must provide proof of coverage by adequate accident and liability insurance companies.

(2) A minimum coverage of \$2,000,000 shall be established.

(E) Any activity not specifically mentioned within the foregoing shall be prohibited.

(Ord. passed 5-1-06)

## **AGRIBUSINESS**

### **§ 155.185 PURPOSE.**

(A) The county recognizes that the preservation and support of the limited amount of agricultural lands and business is important to the county and the state, and is also necessary for the provision of adequate, healthful and nutritious foods for present and future citizens.

(B) It is also recognized that the survival and process of development of agricultural operations usually requires that several farms be operated or managed as one, and thus the farming activities on one property may be directed from a central office located on another to enhance the business opportunity of the farm owner.

(C) Therefore, it is the purpose of this regulation to permit the Project Review Committee to review and issue permits for the construction of, addition to, and/or renovation of non-farm buildings on properties where a farm operation is a permitted use under these regulations.



(Ord. passed 6-5-06)

## § 155.186 DESIGN REQUIREMENTS.

(A) *Lot size.* Minimum tract size shall be those tracts that qualify for Horticulture, Agriculture and Forestry deferment standards.

(B) *Setbacks.* Non-residential buildings up to 15,000 square feet in gross floor area shall be located a minimum of 100 feet from any right-of-way, or 100 feet from any side or rear property line.

1. Setbacks may be reduced by 25 % if a landscaped berm, that is at a minimum of four (4) feet in height and a minimum of 15 feet in width is installed at the perimeter property line where the setback reduction is requested.
2. Setbacks may be reduced an additional 25 % if a 25 foot well-landscaped buffer is planted at the perimeter property line where the setback reduction is requested. The required buffer shall consist of at least 3 rows of evergreen shrubs or trees, planted 7 feet on center, with each row staggered such that no unobstructed openings of 1 foot or more shall exist within 2 years of planting. Planting shall occur prior to a Certificate of Occupancy or by the next planting season upon submittal of a landscaping bond or letter of credit to guarantee the installation of required landscaping. Plants shall be at least 4 feet in height and at least 3 feet in width measured 2 feet above grade at planting.
3. Reduced setbacks shall not be less than what is required in the underlying zoning district.

(Ord. passed 6-5-06; Ord. Am. 4-2-2007)

## § 155.187 ADDITIONAL REQUIREMENTS.

(A) *Association with bona fide farm.* The facility must be operated in association with an existing bona fide farm located on the same property, or multiple adjoining properties under the same ownership.

(B) *Active agricultural production.* A minimum of 40% of the site shall be in active agricultural production, or 100% of the minimum tract size required for deferment standards.

(C) *Located for minimum visual impact.* The facility must be located in such a manner that visual impact is minimal to adjoining properties used or zoned for residential or agricultural purposes.

(D) *Access.* A dedicated easement or strip of land, a minimum of 20 feet wide, shall be provided to the business site from a public or private road, which has a travel portion with a minimum width of 16 feet, and consists of 4 inches of ABC stone or other all purpose weather material.

(E) *Activities and uses permitted.* Warehousing of goods for sale, either retail or wholesale, shall be limited to the rear yard.

(F) *Building exterior.*

(1) All structures used in conjunction with the business shall be designed and constructed to mimic the outward appearance of single-family residences, garages typically found on single-family residential lots in the county, and/or barns common to the county.

(2) Exterior materials not commonly found in use on residential buildings in the county and highly reflective materials shall not be permitted.

(G) *Building size.*

(1) No single building used in conjunction with the business shall exceed 50,000 square feet in gross size.

(2) No combination of multiple buildings on a single site used in conjunction with the business shall exceed 200,000 square feet.

(3) Buildings used in conjunction with the site may not consist of more than 5% of the entire site.

(H) *Hours of operation.* Business activities involving the employment of offsite workers; outside activities; the generation of any noise, light, dust, odor, glare, or vibration detectable outside the business structure; and traffic, including deliveries, shall only be conducted on site between the hours of 7:00 a.m. and 11:00 p.m.

(I) *Screening/landscaping.*

(1) All parking and storage for retail areas shall be screened from adjoining properties used or zoned for residential or agricultural purposes.

(2) If existing topography and natural vegetation does not provide an adequate visual barrier, selective screening may be required.

(a) A well-landscaped screening shall be planted along all sides of the retail building and parking areas.

1. Such screening shall be a minimum of 15 feet in width at any point.

2. Plantings shall consist of at least two rows of evergreen shrubs or trees, planted a maximum of ten feet on center, with each row staggered.

3. Planting shall occur prior to a certificate of occupancy or by the next planting season, upon submittal of a landscaping bond or letter of credit to guarantee the installation of required landscaping.

4. At planting, plants shall be at least three feet in height and at least two feet in width, measured two feet above grade.

5. In the event that any plants die or become diseased and have to be removed, a six-foot, solid wood fence may be required to be installed in the affected buffer area by the Planning Director, after a finding that required landscaping/screening is not being adequately maintained.

(b) If retail facility, parking and storage areas meet or exceed required setback requirements, screening/landscaping shall not be required.

(J) *Lighting.*

(1) No outdoor lighting shall be installed other than normal residential dusk-to-dawn lighting.

(2) No lighting shall be directed onto adjacent property.

(3) Floodlights or other high-intensity lighting shall be prohibited.

(K) *Mixed use permitted.* Business and residential uses may be mixed on a single development site.

(L) *Offsite impacts.* Business activities shall not generate appreciable amounts of offsite noise, light, dust, odor, glare, vibration or traffic above that which is normally generated by residential uses.

(M) *Outdoor storage.*

(1) No outdoor storage of any kind related to the retail business use of the property shall be permitted.

(2) This shall include materials, equipment, parts, supplies, waste (except in approved waste containers), and similar items.

(3) Approved waste containers shall be located in the rear of the building, and be completely screened from public view.

(N) *Signage.*

(1) One sign shall be permitted to be placed on site to advertise the business or indicate its location.

(2) Such sign shall be limited to 32 square feet in total sign area, and shall not be more than six feet in height above ground level.

(a) The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign.

(b) Normal grade shall be construed to be the lower of:

1. Existing grade prior to construction; or
2. The newly established grade after construction, exclusive of any filling, berming mounding, or excavating.

(c) In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street, or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

(3) Lighting for the sign is indirectly illuminated (no flood, spot or other light source directed at the sign).

(O) *Vehicles/equipment.*

- (1) All other vehicles and equipment shall be kept in the rear of the property.
- (2) This requirement shall not apply to passenger vehicles used by residents of the site and employees of the business.

(P) *Associated uses.*

- (1) Associated small-scale processing or catering facilities (i.e. cheese making, restaurant), which may enhance the overall property in relation to tourism, may be permitted on a case-by-case basis by the Project Review Committee.
- (2) Associated uses are subject to the above requirements as well.

(Q) *Festivals.*

- (1) No more than three festivals/events, which require compliance with the Davie County Mass Gathering Ordinance, shall be held during any calendar year.
- (2) Maximum occupancy for any on-site festival shall be disclosed prior to the issuance of a zoning permit.

(Ord. passed 6-5-06)

## **TEMPORARY USES**

### **§ 155.190 TEMPORARY USE PERMITS.**

(A) (1) Not more than one manufactured home may be permitted as an accessory use in a residential district on a temporary basis provided the Board of Adjustment determines a personal hardship exists.

(2) Justification of a personal hardship. The reasons justifying hardship shall be any one of the following:

(a) Medical condition. This hardship shall require a written statement from a physician licensed in the State of North Carolina establishing the medical condition of either the applicant for which the manufactured home is intended or the property owner of the property at which the applicant intends to reside and supply necessary care and supervision. The physician's statement shall declare that the person(s) affected must have constant care and supervision.

(b) Destruction or partial destruction of existing dwelling, or new construction: For temporary use conditions and requirements see §155.030. This temporary permit does not require action by the Board of Adjustment unless otherwise noted.

(c) Other personal hardships: Clear and convincing evidence shall describe the personal hardship and the necessity for the temporary manufactured home. Financial distress or convenience shall not be a sufficient basis justifying hardship absent other cumulative factors.

(B) Conditions governing application. The Board of Adjustment shall grant in particular cases and subject to the appropriate conditions and safeguards permits for temporary uses as authorized by this chapter. The temporary use permit shall not be granted unless and until:

(1) A written application for a temporary use permit is submitted indicating the section of this chapter under which the temporary use permit is sought. All supporting documentation (including any permit required for an on-site private sewage disposal system) shall be included with the written application.

(2) A public hearing is held. Notice of such hearing shall be posted on the property for which the temporary use permit is sought and in a local newspaper. This legal notice shall describe the request and appear at least once weekly for two consecutive weeks. The notice shall be published for the first time not less than ten days nor more than 25 days before the date affixed for the hearing.

(3) The Board of Adjustment finds in the particular case in question, the use for which the temporary use permit is sought, that:

(a) A personal hardship does exist as set forth in this chapter;

(b) The use will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use;

(c) The use will not be detrimental to the public welfare;

(d) The use will not be injurious to property or public improvements in the neighborhood.

(4) In granting such a temporary use permit, the Board of Adjustment may designate such conditions in connection with the proposed use that, in its opinion, will assure that the proposed use will conform to the requirements and spirit of this chapter.

(5) If the specified conditions addressed in the temporary use permit are violated, the permit shall be revoked and the use will no longer be allowed. Only by reapplying to the Board of Adjustment for another temporary use permit and receiving their approval can the use be again permitted.

(C) Expiration. Temporary use permits may be issued in such cases for one year initially and may be renewed for successive one-year periods so long as the hardship continues to exist. Evidence shall be submitted each year, not less than 30 days prior to the anniversary date of the approval of the temporary use permit, demonstrating the hardship is continuing and requesting that the temporary use permit be renewed. Once the hardship ceases to exist, the temporary use permit is automatically voided and the applicant shall remove the manufactured home from the property within 30 days from the date the hardship terminated.

(D) Renewal.

(1) Application for renewal of a temporary use permit shall be made 30 days prior to the expiration date of the permit. All applications shall be made to the Planning Director, and in turn shall be reviewed by the Board of Adjustment to determine relative need.

(2) In the case of a medical hardship, the application for renewal may be approved by the Planning Director subject to review by the Board of Adjustment. Evidence demonstrating the ongoing medical hardship, in accordance with division (A)(1) of this section shall be required to be submitted with the annual permit renewal application.

(Ord. passed 5-21-84; Am. Ord. passed 5-16-05)

**§ 155.191 (RESERVED).**

**§ 155.192 (RESERVED)**

***PLANNING BOARD***

**§ 155.210 ESTABLISHMENT OF PLANNING BOARD.**

The County Planning Board shall be appointed by the Board of County Commissioners. The Board shall consist of seven regular members and two alternate members. Initial terms shall be as follows: two regular members shall be appointed for a term of one year; three regular members shall be appointed for a term of two years; two regular members shall be appointed for a term of three years; and two alternate members shall be appointed for a term of three years. Subsequent terms of regular and alternate members shall be for three-year periods. No regular or alternate member shall serve more than two successive terms as a regular and alternate member. Alternate members, when serving in the absence of a regular member, shall have the ability to vote as a regular member on all matters which come before the Board. A vacancy of a regular member leaving the Board shall be filled by the alternate member with the greatest seniority. All members shall be residents of the county.

(Ord. passed 5-21-84; Am. Ord. passed 9-15-03)

**§ 155.211 ORGANIZATION.**

(A) The Board shall elect its own Chairman and may adopt from time to time such rules and regulations as it deems necessary to carry into effect the provisions of this chapter.

(B) At the first regular meeting after June 30, this Board shall elect from its membership a Chairman and a Vice-Chairman.

(C) The Chairman shall normally preside at all meetings of this Board. In the absence of the Chairman, the Vice-Chairman shall preside; in the absence of both, the senior member present shall serve as acting Chairman. Seniority shall be determined by time of service as a member of this Board.

(D) The Chairman shall appoint committees, designate committee chairs, and perform such other duties as may be determined by the County Board of Commissioners.

(Ord. passed 5-21-84)

**§ 155.212 MEETINGS.**

(A) All meetings shall be open to the public and conducted according to parliamentary law. Procedures in all meetings of this Board shall be governed by *Robert's Rules of Order* except when such rules of order are in conflict with these by-laws and state law.

(B) *Special meeting.* Special meetings may be held at the call of the Chairman or of an acting Chairman, provided that notice of such meetings shall be given to all members at least 48 hours before the hour for which the meeting is called.

(C) *Public access.* All regular and special meetings, hearings, records, files, and accounts of this Board shall be open to the public in accordance with provisions of the General Statutes, provided, however, that the Board may go into Executive Session when done in accordance with the statutes.

(D) *Quorum.*

(1) Four members, including the presiding Chairman, shall constitute a quorum for transacting business and taking official action.

(2) Whenever a quorum is not present at a regular or special meeting, those present may postpone the meeting to another day or hold the meeting for the purpose of considering such matters as are on the agenda or introduced by members.

(3) No action taken at such a meeting shall be official unless and until ratified and confirmed in a subsequent meeting of this Board at which a quorum is present, by approval of the minutes of that meeting at which a quorum was not present, or by formal approval of the action itself at a subsequent meeting.

(E) *Agenda.* The Director shall prepare an agenda for each regular meeting. Copies of the agenda shall be made available to interested persons at the time the meeting is convened. Any matter not listed on the agenda may be introduced by any member of this Board after the matters listed on the agenda have been considered.

(F) *Voting.* Voting by members of the Board shall be by signal of raised hand with yeas recorded and nays recorded.

(G) *Conflict of interest.* No member of this Board shall participate in any committee or Board discussion, vote on, or preside over any issue involving his or her own financial interest or his or her official conduct.

(Ord. passed 5-21-84)

## **§ 155.213 DUTIES.**

In accordance with G.S. § 153A-344, the Planning Board's duties shall include but not be limited to the following:

- (A) Make studies of the county and surrounding areas;
- (B) Determine objectives to be sought in the development of the study area;
- (C) Prepare and adopt plans for achieving these objectives;
- (D) Develop and record policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;
- (E) Advise the Board of Commissioners concerning the use and amendment of means for carrying out plans;
- (F) Exercise any functions in the administration and enforcement of various means for carrying out plans that the Board of Commissioners may direct;
- (G) Regulate the subdivision of land within this Board's territorial jurisdiction as specified in the subdivision regulations for the county;
- (H) Prepare and maintain the county zoning chapter;
- (I) Review and make recommendations on any proposal submitted to this Board;
- (1) The Planning Board shall advise and comment on whether the proposed zoning amendment is consistent with all applicable officially adopted plans, and provide a written recommendation to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board.
  - (2) A comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Board of Commissioners;
  - (3) Hear any appeals from the private road naming process as outlined in Chapter 94 and 155.170 Technical Review Committee
- (J) Perform any other related duties that the Board of Commissioners may direct.

(Ord. passed 5-21-84; Am. Ord. passed 3-20-06; Am. Ord. 2-5-18)

## § 155.214 DIRECTOR.

(A) *Representation.* The Director shall represent this Board before the Board of County Commissioners or before any other public agency or public officer. Toward this end, on matters that are referred to this Board for advice, he or she shall make official recommendations, in accordance with action of this Board.

(B) *Approval of subdivision plats.* The Director, as well as the Chairman and Vice-Chairman, shall have authority to sign final approval of any subdivision plats.

### (C) WAIVER OF ARCHITECTURAL AND SITE DESIGN REQUIREMENTS.

In order to encourage creative design, to avoid undue hardship, and to expedite the zoning approval process for developments within the county, a *waiver* of any of the architectural or site design requirements contained within this article may be approved as follows.

- (A) Minor waiver. The Director or his designee is authorized to grant a minor waiver from the standards of this article subject to the following:
- (1) Any request for a waiver of a standard set forth in the ordinance including, but not necessarily limited to, height requirements and limitation, yard requirements, parking requirements, screening or buffer requirements, planting requirements, ratio requirements, density requirements, spacing requirements, and signage requirements, landscaping material, building design, and parking lot layout shall be granted only after the applicant has demonstrated that:
    - (a) The deviation was a result of unique conditions of the property, OR
    - (b) The deviation will result in a project that is at least equal to or better than what would be accomplished under the strict application of this article.
  - (2) Before granting a minor waiver the Director or his designee shall reasonably determine that granting the waiver:
    - (a) Does not and will not violate the spirit and intent of the ordinance, and
    - (b) Does not and will not adversely affect the rights of other property owners in any material manner.
  - (3) A minor waiver may not deviate by more than ten percent from any of the measurable standards of this article.
  - (4) The authority given to the zoning administrator to grant such waivers shall be construed to be permissive and not mandatory and the zoning administrator may decline to make such waiver. In the event this occurs, the applicant shall have the right to request a variance from the Board of Adjustment.
  - (5) Nothing in this section shall be construed as limiting the Director's or his designee's duties and rights under this article, or an applicant's right to appeal the decision of the zoning administrator to the Board of Adjustment.

### (D) YARD DESIGNATION.

1) On lots which abut more than one street, the front of the lot shall be parallel to the more prominent street. Exceptions may be made to this rule by the Director based upon the arrangement of existing and proposed streets and drives and the orientation of buildings on adjoining lots. Where neither street is more prominent than the other, the Director shall decide which street shall be the front based upon these same criteria.

2) Where multiple buildings are permitted on a single lot of record, each building shall generally front upon a pedestrian oriented street, either external or internal to the development; side and rear yard designations shall be determined on the basis of building orientation.

3) On irregularly shaped lots, the location of required front, side, and rear yards will be determined by the director. The determination will be based on the spirit and intent of this ordinance to achieve an appropriate spacing of buildings and orientation to the street(s).

## **BOARD OF ADJUSTMENT**

### **§ 155.230 PURPOSE OF BOARD OF ADJUSTMENT**

(A) This Chapter addresses the establishment of the Board of Adjustment and those rules governing said Board. The purpose of this Board is to assist in the implementation of this Ordinance with regards to appeals, change in kind of non-conforming uses, variances, and special use permits.

(B) General Rules. The Zoning Board of Adjustment shall be governed by the terms of Chapter 153A, Article 18, Part 3 and Chapter 160A-388 of the North Carolina General Statutes and by the Davie County Zoning Ordinance. All members of the Board shall thoroughly familiarize themselves with these laws.

(C) Powers and Duties of the Board of Adjustment. The Zoning Board of Adjustment shall have the powers and duties listed in this section.

(D) Subpoena power.

(1) The Board of Adjustment may subpoena witnesses and compel the production of evidence.

(2) If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board of Adjustment may apply to the General Court of Justice for an order requiring that its order be obeyed, and the Court shall have jurisdiction to issue these orders after notice to all proper parties.

(3) No testimony of any witness before the Board of Adjustment, pursuant to a subpoena issued in exercise of the power conferred by this subsection, may be used against the witness in the trial of any civil or criminal action, other than a prosecution for false swearing committed on the examination.

(4) Any person who, while under oath during a proceeding before the Board of Adjustment, willfully swears falsely is guilty of a Class 1 misdemeanor.

(5) Receive

### **§ 155.231 ESTABLISHMENT OF THE BOARD OF ADJUSTMENT**

The Board of Adjustment shall consist of seven (7) members who shall be appointed by the Board of Commissioners and who shall be residents of the County. Members shall serve overlapping terms of three (3) years.

In addition to the regular members, the Board of Commissioners may appoint two (2) alternate members, who shall be residents of the County, each for three (3) year terms. The Chairman of the Board of Adjustment, or in his absence the acting chairman, may appoint the alternates to sit for any regular members in case of the absence or disqualification of any regular members. In such case the alternate members shall have the same powers and duties of the regular members they are replacing during such time. In no case, however, shall more than five (5) regular members or combination of regular members and the alternate members be empowered to vote on any matter that comes before the Board.

### **§ 155.232 OFFICERS AND DUTIES**

(A) Chairman

A chairman shall be a regular member of the Board of Adjustment and elected by the majority vote of the full membership of the Board. His/Her term of office shall be one year in which he/she is eligible for re-election or his/her successor is elected, beginning July 1. The chairman shall decide upon all aspects of order and procedure, subject to these rules, unless otherwise directed by the majority of the Board in session at the time. The chairman shall appoint committees found necessary to investigate any matters before the Board.

(B) Vice Chairman

A vice chairman shall be a regular member and elected in the same manner as the chairman and serve the same term. He/She shall serve as acting chairman in the absence of the chairman, and at such times he/she shall have the same powers as the chairman.

(C) Clerk

The clerk, subject to the direction of the chairman of the Board, shall keep all records, conduct all correspondence of the Board, arrange for all required public notices, notify members of the agenda and pending meetings, notify parties of cases prior to the Board making a decision on such cases, shall generally supervise the clerical work of the Board. The clerk shall keep in a permanent volume the minutes of every Board meeting. These shall indicate the names of



members that were present or absent, show the record of all important facts pertaining to each meeting and hearing, every resolution acted upon by the Board, all votes of the Board members upon any resolution, deposition, or final determination of any question, indicating the names of the members voting against or failed to vote.

(D) Alternate Members

Alternate members of the Board shall be called upon to attend only those meetings and hearings at which one or more regular members are absent or unable to participate in that meeting and/or hearing. Regular members, on receiving notice of a special meeting or are unable to participate in a scheduled hearing, shall promptly give notice to the secretary. The secretary shall, by most expeditious means, notify the alternate member to attend. Any meeting, which they are called upon to attend, alternate members shall have the same powers and duties as regular members. Except at the election of officers, at no time shall more than five members participate officially in any meeting or hearing.

## § 155.233 RULES OF CONDUCT FOR MEMBERS

(A) Members of the Board may be removed for cause, including violation of the rules stated below.

(B) Faithful attendance at all meetings of the Board and conscientious performance of the duties required of members. This is a pre-requisite to continue membership of the Board.

(C) No Board member shall take part in the hearing or determination in which he/she has a financial interest, fixed opinion, undisclosed outside contact, close family tie, or close business tie.

(D) No member shall discuss any case with any parties (ex-parte contact) thereto prior to the public hearing of that case; however, members of the Board can receive and/or seek information pertaining to a case from other members, its secretary, or clerk prior to the hearing. In the case of an appeal, planning and zoning staff are a party, and the Board shall not discuss such cases with the secretary or the clerk.

(E) Members of the Board will not express individual opinions on the proper judgment of any case with any party thereto prior to its final determination.

(F) It is possible for a Board member to visit a site prior to the public hearing, however, since the Boards decision must be based on evidence presented at the hearing, it is important for any Board member who visits a site to state at the hearing what he/she observed.

## § 155.234 MEETINGS OF THE BOARD OF ADJUSTMENT

(A) Regular Meetings. Regular meetings of the Board shall be held on the third Monday of each month at 6:00 p.m. in the Commissioners Meeting Room in the Davie County Administration Building, 123 S. Main Street, Mocksville, North Carolina. Provided that the meeting be held at any other convenient time and/or place in the county, when business needs to be acted upon; if directed by the chairman in advance of the meeting.

(B) Special Meetings. Special meetings of the Board may be called at any time by the chairman. A written notice of the time and place of the special meeting shall be delivered by the clerk to each Board member at least forty-eight (48) hours prior to the scheduled meeting.

(C) Cancellation of Meetings. Whenever there are no appeals, applications for special use permits or variances, or other business for the Board or whenever so many regular and alternate members notify the secretary of inability to attend, that a quorum will NOT be available, the chairman may dispense with a regular meeting by giving written or oral notice to all Board members NOT less than twenty-four (24) hours prior to the time set for the meeting.

(D) Quorum. A quorum shall consist of three-fifths (3/5) members of the Board, but the Board shall NOT pass upon any questions relating to an appeal from the decision, order, requirement, or determination of the zoning enforcement officer, or an application for a variance or special use permit when there are less than three (3) members present.

(E) Voting. All regular members shall vote on each issue made in the form of a motion, unless they have disqualified themselves for one or more of the following reasons listed in 155.233 All abstaining from voting will be counted as a "YES". All silent votes will be counted as a "YES". All "NO" votes shall be vocal.

(G) Order of Business

- Call to order;
- Adopt agenda;
- Approval of minutes from the previous meeting;
- Hearing of cases;
- Unfinished business;
- New business; and
- Adjournment.

## § 155. 235 HEARINGS AND NOTICE

(A) Hearings. An evidentiary hearing is required for each decision. The purpose of the hearing is to gather facts, not to gather opinions about the desirability or popularity of the project.

(B) Time. After receipt of a notice of application, the Clerk shall schedule the time for a hearing, which shall be at a regular or special meeting within forty-five (45) days from the filing of such notice of application.

(C) Notice. The Board shall give public notice of the hearing by posting notice on the property which is subject to action. Adjoining property owners shall be notified by letter ten (10) to twenty-five (25) days prior to the hearing stating the facts concerning the public hearing. Such notice shall state the location, general nature involved in the request, and the time and location of the hearing.

(D) Conduct of Hearing. The order of business for the hearing shall be as follows:

1. The Planning staff member shall give a preliminary statement of the case.
2. The applicant shall present facts / evidence that support his application.
3. Persons opposed shall present facts / evidence against the application.
4. Both sides will have an opportunity to present a rebuttal to opposing testimony.
5. The chairman shall summarize the evidence which has been presented, giving both parties opportunity to make objections or corrections. Witnesses may be called and evidence submitted, but the Board shall NOT be limited to consider such evidence to be admissible as in a court of law. The Board may view the premises before arriving at a decision. All witnesses shall be sworn in and are subject to cross-examination.

(E) Rehearing. An application for a rehearing may be made in the same manner as provided for an original meeting. Evidence in support of the application shall initially be limited to that which is necessary to enable the Board to determine whether there has been a substantial change in facts or evidence (change in federal, state, or local law, or a change in the zoning ordinance). The application for rehearing shall be denied by the Board if from the record it finds that there has not been a substantial change in fact or evidence. If the Board finds that there has been a change, then the request shall be treated in the same matter as any other application. If there is a change in conditions (different site plan or an increase or decrease in the size of the request), the case shall be considered a new and distinctive case from that of before.

## **§ 155.236 DECISIONS OF THE BOARD OF ADJUSTMENT**

(A) Evidence. Quality evidence must be in the hearing to support the Boards final decision from an appeal, or application for variance or special use permit.

1. Substantial, competent, and material facts / evidence is needed to support the Boards findings.
2. Hearsay-Hearsay is admissible; however, hearsay evidence cannot be the sole basis for a crucial findings of fact. Crucial findings of fact include those that are contested.
3. Opinion Testimony by Expert. The Board is interested in fact not opinion, however, opinions offered by experts are an exception to this rule.

(B) Time. Decisions by the Board shall be made not more than forty-five (45) days from the time of hearing the case.

(C) Order. Written notice of the decision in a case shall be given to the applicant by the clerk in a reasonable amount of time following the decision. The final decision of the Board shall be shown on record of the case as entered into the minutes of the Board and signed by the chair or other duly authorized member of the Board. Such record shall show the reasons for the determination, with a summary of the evidence introduced and the findings of fact by the Board. Where a variance is granted, the record shall state in detail any exceptional difficulty or unnecessary hardship upon which the appeal was based and which the Board finds to exist. The decision may reverse or affirm, wholly or partly or modify the order, requirement, decision, or determination appealed from. Where a special use permit is granted, the record shall state in detail any facts supporting the findings required to be made prior to issuance of such permit. The record shall state in detail what, if any, conditions and safeguards are imposed by the Board in connection with the granting of the special use permit or variance.

(D) Expiration of Permits. Unless otherwise specified, any order or decision of the Board granting a special use permit or a variance shall be perpetually binding upon the property unless subsequently changed or amended by the Board.

(E) Voting on Hearings. The Board of Adjustment, by a vote of four-fifths (4/5) of its members, may grant a variance from the provisions of this Ordinance. A majority vote shall be required for all other matters before the Board.

(F) Public Record of Decision. The decisions of the Board, as filed in the minutes, shall be a public record, available for inspection at all reasonable times.

## **§ 155.237 STAY OF PROCEEDINGS**

(A) An appeal stays all proceedings in furtherance of the action appealed, unless the officer from whom the appeal is taken certifies to the Board of Adjustment that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed except by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, of notice from whom the appeal is taken and on due cause shown.

## **§ 155.238 CHANGE IN KIND OF NON CONFORMING USE**

(A) The Board may permit a non-conforming use of a building to be changed to another non-conforming use upon a finding by the Board that the new use is more in character with the uses permitted in the district than the previous use.

## **§ 155.239 VARIANCES**

(A) The Board may authorize variances from the terms of the Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety secured, and substantial justice done.

In granting a variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purpose of this ordinance. If a variance for the construction, alteration or use of property is granted, such construction, alteration or use shall be in accordance with the approved site plan. No change in permitted uses may be authorized by variance.

(B) The Board of Adjustment shall refuse to hear an appeal or an application for a variance previously denied if it finds that there have been no substantial changes in conditions or circumstances bearing on the appeal or application.

(C) Zoning and Subdivision Requirements. Any Ordinance that regulates land use or development may provide for variance consistent with the provisions of this Chapter. These requirements shall apply to all regulations in the following areas:

- Zoning
- Subdivision
- Watershed
- Flood Plain

(D) The Board of Adjustment shall make the findings required below, taking into account the nature of the proposed request, the existing use of land in the vicinity and the probable effect of the proposed request upon traffic conditions in the vicinity, if applicable. No variance shall be granted unless the Board of Adjustment finds all of the following in the affirmative:

1. That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would cause an unnecessary hardship;
2. That the circumstances giving rise to the need for the variance are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this Ordinance;
3. That the hardship suffered is not a result of the applicants or property owners own actions; and
4. That the granting of the variance will be consistent with the spirit, purpose, and intent of the Ordinance, such that the public safety is secured and substantial justice is achieved.

## **§ 155.240 SPECIAL USE PERMITS**

(A) The Board shall hear special use permit request to determine whether appropriate conditions and safeguards are met. In granting a Special Use Permit the Board shall make the following affirmative findings:

1. That the Special Use will not materially endanger the public health or safety, if located where proposed and developed according to the plan as proposed;
2. That the Special Use meets all required conditions and specifications;
3. That the Special Use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
4. The Special Use will be in harmony with the area in which it is to be located and will be in general conformity with the plan of development of the county.
5. The proposed use/project will be consistent with the Davie County Land Development Plan and/or other adopted plans and policies.

(B) In granting a Special Use Permit, the Board may impose such additional restrictions and requirements upon such Permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured and substantial justice done. If all requirements and conditions are accepted by the applicant, the Board shall authorize the issuance of the Special Use Permit, otherwise the Permit shall be denied.

(C) Any Special Use Permit so authorized shall be perpetually binding upon the property included in such Permit unless subsequently changed or amended by the Board, as provided for in this Chapter.

(D) The Board may change or amend any Special Use Permit, after a public hearing and subject to the same consideration as provided for in this Chapter for the original issuance of Special Use Permit.

(E) No proposal to amend or change any Special Use Permit shall be considered within twelve (12) months of the date of the original authorization of such Permit or within twelve (12) months of hearing of any previous proposal to amend or change any such Permit unless there has been a substantial change in the conditions or circumstances on the Special Use Permit.

## **§ 155.241 APPEALS TO THE BOARD OF ADJUSTMENT**

(A) The board of adjustment shall hear and decide appeals from decisions of administrative officials charged with enforcement of the zoning or unified development ordinance and may hear appeals arising out of any other ordinance that regulates land use or development, pursuant to all of the following:

(1) Any person who has standing under G.S. 160A-393(d) or the county may appeal a decision to the board of adjustment. An appeal is taken by filing a notice of appeal with the county clerk. The notice of appeal shall state the grounds for the appeal.

(2) The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.

(3) The owner or other party shall have 30 days from receipt of the written notice within which to file an appeal. Any other person with standing appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.

(4) It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" or "Subdivision Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided the sign remains on the property for at least 10 days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision. Absent an ordinance provision to the contrary, posting of signs shall not be required.

(5) The official who made the decision shall transmit to the board all documents and exhibits constituting the record upon which the action appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.

(6) An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the board of adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board of adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.

(7) Subject to the provisions of 155.241 A(6), the board of adjustment shall hear and decide the appeal within a reasonable time.

(8) The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the county would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing. The board of adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision.

(9) The parties to an appeal that has been made under this subsection may agree to mediation or other forms of alternative dispute resolution. The ordinance may set standards and procedures to facilitate and manage such voluntary alternative dispute resolution.

## **§ 155.242 LIABILITY**

(A) The Board of Adjustment members are generally immune from any liability for the decisions the Board makes.

(Ord. passed 5-21-84; Am. Ord. passed 6-1-15)

### ***CHANGES AND AMENDMENTS***

## **§ 155.250 GENERAL PROVISIONS.**

The Board of County Commissioners may, from time to time, on its own motion or on petition, after public notice and hearing as provided by this chapter, amend, supplement, change, modify, or repeal the zoning regulations and restrictions and zone boundaries. No action shall be taken until the proposal has been submitted to the County Planning Board for its

recommendation. If no report has been received from the Planning Board within 30 days after submission of the proposal to the Chairman of the Planning Board. The Board of County Commissioners may proceed as though a favorable report has been received.

(Ord. passed 5-21-84)

## **§ 155.251 PUBLIC NOTIFICATION REQUIREMENTS.**

(A) *Published notice.* Before adopting or amending this chapter, the Board of County Commissioners shall conduct a public hearing on the proposal. A notice of the public hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than ten days nor more than 25 days before the date fixed for the meeting.

(B) *Posting.* In addition to the published notice required by the first paragraph of this section, whenever a change or amendment to the official zoning map is applied for or made affecting a particular parcel or parcels of land within any district which otherwise requires a public hearing under this chapter, a sign notifying the public of the public hearing shall be posted on the property not less than ten days prior to the date of such hearing, provided however, this requirement is not intended to apply to any textural changes in the chapter itself which do not require changes to the official zoning map.

(C) *Letter notification.* Whenever there is a zoning classification action involving a parcel of land, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of the proposed classification by first class mail at the last addresses listed for such owners on the county tax abstracts. The person or persons mailing such notices shall certify to the Board of Commissioners that fact, and such certificate shall be deemed conclusive in the absence of fraud.

(Ord. passed 5-21-84)

## **§ 155.252 PROTEST PETITION REQUIREMENTS.**

Counties do not have the statutory authority for protest petitions.

(Ord. passed 5-21-84; Am. Ord. passed 3-20-06)

## **§ 155.253 APPLICATION FOR AMENDMENT.**

(A) *Application requirements.* Applications for amendments to the zoning chapter shall be filed with the Planning Director at least ten days prior to the date on which it is to be filed with the Planning Board. The Planning Board shall be responsible for presenting the application to the Board of County Commissioners. Each application shall be signed, be in duplicate, and shall contain at least the following information:

- (1) The applicant's name and address in full.
- (2) Applicant's interest in the property and type of rezoning requested.
- (3) The name and address of the recorded owner or owners of the property, if different from § 155.253(A)(1) above.
- (4) If the proposed change would require a change in the zoning map, an accurate diagram of the property proposed for rezoning showing:
  - (a) All property lines with dimensions including north arrow.
  - (b) Adjoining street with right-of-way and paving widths.
  - (c) The location of all structures; the use of all land.
  - (d) The zoning classification of all abutting zoning districts.

(e) Comprehensive site plan if the application is for commercial, industrial, or multi-family development.

(B) *Planning Board's report.* All proposed amendments to the zoning chapter shall be submitted to the Planning Board for review and recommendation. The Planning Board shall have 30 days to submit its report. If the Planning Board fails to submit its report within the above period, it shall be deemed to have approved the proposed amendment.

(C) *Six-month moratorium following denial.* A public hearing shall be held by the Board of County Commissioners before the adoption of any proposed amendments to the zoning chapter. When the Board of County Commissioners shall have denied any application for the change of any zoning district, it shall not thereafter accept any other application for the same change of zoning district affecting the same property, or any portion, until the expiration of six months from the date of such previous denial.

(D) *Conflict of interest.* A member of the Board of County Commissioners shall not vote on any zoning map or text amendment, where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. Members of appointed boards providing advice to the Board of County Commissioners shall not vote on recommendations regarding any zoning map or text amendment, where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

(E) *Statement prior to decision.* Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement, describing whether its action is consistent with an adopted comprehensive plan, and explaining why the Board considers the action taken to be reasonable and in the public interest. This statement is not subject to judicial review.

(Ord. passed 5-21-84; Am. Ord. passed 3-20-06)

## **VESTED RIGHTS**

### **§ 155.260 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**APPROVAL AUTHORITY.** The County Zoning Board of Adjustments, or other board or official designated by ordinance or this subchapter as being authorized to grant the specific zoning or land use permit or approval that constitutes a site specific development plan.

**SITE SPECIFIC DEVELOPMENT PLAN.** As follows.

(1) A plan of land development submitted to the county for purposes of obtaining one of the following zoning or land use permits or approvals:

(a) General use district zoning and special use district zoning provided for in [§ 155.161](#) as amended.

(b) Special use permits as provided for in § 155.236, county zoning chapter.

(2) Notwithstanding the foregoing, neither a variance, a sketch plan nor any other document that fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property shall constitute a site specific development plan.

**ZONING VESTED RIGHT.** A right pursuant to G.S. § 153A-344.1 to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan.

(Ord. passed - -)

### **§ 155.261 PURPOSE.**

The purpose of this chapter to implement the provisions of G.S. § 153A 344.1 pursuant to which a statutory zoning vested right is established upon the approval of a site-specific development plan.

(Ord. passed - -)

**Editor's note:**

*This subchapter is retroactive to October 1, 1991.*

## **§ 155.262 ESTABLISHMENT OF A ZONING VESTED RIGHT.**

(A) A zoning vested right shall be deemed established upon the valid approval, or conditional approval, by the County Zoning Board of Adjustments, as applicable, of a site-specific development plan, following notice and public hearing, after having first been referred to the County Project Review Committee for a recommendation and receiving such recommendation.

(B) The approving authority may approve a site-specific development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare.

(C) Notwithstanding subsections 155.262(A) and (B), approval of a site-specific development plan with the condition that a variance be obtained shall not confer a zoning vested right unless and until the necessary variance is obtained.

(D) A site-specific development plan shall be deemed approved upon the effective date of the approval authority's action or ordinance relating thereto.

(E) The establishment of a zoning vested right shall not preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations that are general in nature and are applicable to all property subject to land-use regulation by the county, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new or amended regulations shall become effective with respect to property that is subject to a site-specific development plan upon the expiration or termination of the vested right in accordance with this chapter.

(F) A zoning vested right is not a personal right, but shall attach to and run with the applicable property. After approval of a site-specific development plan, all successors to the original landowner shall be entitled to exercise such right while applicable.

(Ord. passed - -)

## **§ 155.263 APPROVAL PROCEDURES AND APPROVAL AUTHORITY.**

(A) Except as otherwise provided in this section, an application upon a form prepared by the County Zoning Office for site-specific development plan approval shall be processed in accordance with the procedures established by the county zoning chapter and shall be considered by the designated approval authority for the specific type of zoning or land use permit or approval for which application is made.

(B) Notwithstanding the provisions of § 155.263(A), if the authority to issue a particular zoning or land use permit or approval has been delegated by ordinance to a board, committee, or administrative officials other than the County Zoning Board of Adjustments or other planning agency designated to perform any or all of the duties of a Board of Adjustment, in order to obtain a zoning vested right, the applicant must request in writing at the time of application that the application be considered and acted on by the County Zoning Board of Adjustments, following notice and a public hearing as provided in G.S. § 153A-323.

(C) In order for a zoning vested right to be established upon approval of a site-specific development plan, the applicant must indicate at the time of application, on the form provided by the county, that a zoning vested right is being sought.

(D) Each map, plat, site plan or other document evidencing a site-specific development plan shall contain the following notation: "Approval of this plan establishes a zoning vested right under G.S. § 153A-344.1. Unless terminated at an earlier date, the zoning vested right shall be valid until (date)."

(E) Following approval or conditional approval of a site-specific development plan, nothing in this subchapter shall exempt such a plan from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval.

(F) Nothing in this subchapter shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval or the zoning chapter.

(Ord. passed - -)

## **§ 155.264 DURATION.**

(A) A zoning right that has been vested as provided in this chapter shall remain vested for a period of two years unless specifically and unambiguously provided otherwise pursuant to § 155.264(B). This vesting shall not be extended by any amendments or modifications to a site-specific development plan unless expressly provided by the approval authority at the time the amendment or modification is approved.

(B) Notwithstanding the provisions of § 155.264(A) above, the approval authority may provide that rights shall be vested for a period exceeding two years but not exceeding five years where warranted in light of all relevant circumstances, including, but not limited to, the size of the development, the level of investment, the need for or desirability of the development, economic cycles, and market conditions. These determinations shall be in the sound discretion of the approval authority at the time the site-specific development plan is approved.

(C) Upon issuance of a building permit, the expiration provisions of G.S. § 153A-358 and the revocation provisions of G.S. § 153A-362 shall apply, except that a building permit shall not expire or be revoked because of the running of time while a zoning vested right under this section is outstanding.

(Ord. passed - -)

## **§ 155.265 TERMINATION.**

A zoning right that has been vested as provided in this subchapter shall terminate:

(A) At the end of the applicable vested period with respect to buildings and uses for which no valid building permit applications have been filed;

(B) With the written consent of the affected landowners;

(C) Upon findings by the County Zoning Board of Adjustments, by ordinance after notice and a public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site-specific development plan;

(D) Upon payment to the affected landowners of compensation for all costs, expenses, and other losses incurred by the landowners, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant's fees incurred after approval by the county, together with interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of the property which is caused by such action;

(E) Upon findings by the County Zoning Board of Adjustments, by ordinance after notice and a hearing, the landowner or his or her representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the approval authority of the site-specific development plan; or

(F) Upon the enactment or promulgation of a state or federal law or regulation that precluded development as contemplated in the site-specific development plan, in which case the approval authority may modify the affected provisions, upon a finding that the change in state or federal law has a fundamental effect on the plan, by ordinance after notice and a hearing.

(Ord. passed - -)

## **§ 155.266 FEES.**

Fees and charges provided in the county zoning chapter for the filing of petitions, applications, and the cost of hearing shall be paid by the applicant under this chapter at the time of application.



(Ord. passed - -)

## **§ 155.267 LIMITATIONS.**

Nothing in this chapter is intended or shall be deemed to create any vested right other than those established pursuant to G.S. § 153A-344.1.

(Ord. passed - -)

## **§ 155.268 REPEALER.**

In the event that G.S. § 153A-344.1 is repealed, this subchapter shall be deemed repealed and the provisions hereof no longer effective.

(Ord. passed - -)

## **§ 155.269 EFFECTIVE DATE.**

This subchapter shall be retroactive to October 1, 1991 and shall only apply to site-specific development plans approved on or after the date.

(Ord. passed - -)

### ***ADMINISTRATION AND ENFORCEMENT***

## **§ 155.280 ZONING ENFORCEMENT OFFICER.**

(A) The Zoning Enforcement Officer/Planning Director is authorized and it shall be his or her duty to enforce and administer the provisions of this chapter.

(B) If a ruling of the Zoning Enforcement Officer/Planning Director is questioned, the aggrieved party or parties may appeal such ruling to the Board of Adjustment.

(Ord. passed 5-21-84)

## **§ 155.281 ZONING PERMIT REQUIRED.**

No building, sign, or other structure shall be erected, moved, extended, or enlarged, or structurally altered, nor shall any excavation or filling of any lot for the construction of any building or structure be commenced, nor shall any use be established or re-established on a lot, nor shall any use be expanded, enlarged, or intensified until the Planning Director or his/her designee has issued a zoning compliance permit for such activity.

(Ord. passed 5-21-84; Am. Ord. passed 5-16-05)

## **§ 155.282 APPLICATION FOR ZONING COMPLIANCE PERMIT.**

(A) Each application to the Planning Director for a zoning compliance permit shall be accompanied by a site plan showing:

- (1) The actual dimensions of the lot to be built upon.
- (2) The size of the building or structure to be erected.

(3) The location of the building or structure to be erected or the proposed use of the lot. A surveyed site plan may be required when the proposed location of the building, structure, or use would, if located improperly, be in violation with this chapter.

(4) The location of existing buildings or structures on the lot, if any.

(5) The number of dwelling units the building is designed to accommodate.

(6) The approximate setback lines of building on adjoining lots.

(7) The intended use of the property.

(8) In the case of a private on-site wastewater treatment system (septic system), a copy of the approved permit from the Davie County Health Department or applicable state agency.

(9) In the case of a manufactured home, information validating the age, size, model number and serial number of the manufactured home. A copy of the current bill of sale, current title, or certified tax listing form from the county in which the home is presently located may be used to validate the age, size, model number and serial number.

(10) In the case of commercial, industrial, or other nonresidential use, any additional information necessary to determine compliance with parking, loading, landscaping, utility, storm drainage, or other applicable sections of the Zoning Ordinance.

(11) Such other information as may be essential for determining whether or not the provisions of this section are being observed.

(B) Any zoning permit issued shall expire and be canceled unless the work authorized by it shall have begun within six months of its date of issue, or if the work authorized by it is suspended or abandoned for a period of one year. In the case of site built construction, the beginning of authorized work shall be deemed to be the pouring of footers for a foundation. In the case of manufactured housing, the beginning of work shall be deemed to be the placement and anchoring of the home and connection of necessary utilities for such manufactured home. In the event a zoning permit expires, written notice shall be given to the person affected, including notice that further work as described in the canceled permit shall not proceed unless and until another zoning permit has been obtained.

(Ord. passed 5-21-84; Am. Ord. passed 5-16-05)

## **§ 155.283 CONFLICT WITH OTHER REGULATIONS.**

Whenever the regulations contained in this chapter require a greater width or size of yards, courts, or other spaces; require a lower height of building or fewer number of stories; require a greater percentage of lot to be left unoccupied; or impose other higher standards than are required in any other statute, ordinance, or regulation, the provisions of this chapter shall govern. Whenever the provisions of a statute, this code, ordinance, or regulation require a lower height of building or a fewer number of stories; require a greater percentage of lot to be left unoccupied; or impose other higher standards than are required by this chapter, the provisions of such state code, ordinance, or regulation shall govern.

(Ord. passed 5-21-84)

## **§ 155.284 INTERPRETATION; CONFLICTS.**

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity, and general welfare. It is not intended by this chapter to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties.

(Ord. passed 5-21-84)

## **§ 155.285 REENACTMENT AND REPEAL OF EXISTING ZONING REGULATIONS.**

This chapter in part carries forward by reenactment some of the provisions of the Zoning Ordinance of the county, and it is not the intention to repeal but rather to reenact and continue in force such existing provisions so that all rights and liabilities that have accrued are preserved and may be enforced. All provisions of the Zoning Ordinance of the county enacted in 1973, as amended, which are not reenacted are repealed. All suits at law or in equity and/or all prosecutions resulting from the violation of any zoning ordinance in effect, which are now pending in any of the courts of this state or of the United States, shall not be abated or abandoned by reason of the adoption of this chapter, but shall be prosecuted to their finality the same as if this chapter had not been adopted; and any and all violations of the existing zoning ordinance, prosecutions for which have not yet been instituted, may be filed and prosecuted; and nothing in this chapter shall be so construed as to abandon, abate, or dismiss any litigation or prosecution not pending and/or which may have been instituted or prosecuted.

(Ord. passed 5-21-84)

## **§ 155.286 SCHEDULE OF FEES.**

Fees shall be paid at the time an application is presented to the Planning Director at rates established by the Board of Commissioners.

(Ord. passed 5-21-84; Am. Ord. passed 8-16-99)

## **§ 155.999 PENALTY.**

- (A) If any structure is constructed, altered, repaired, converted or maintained; or any structure or land is used in violation of this chapter; or if this chapter is otherwise in any respect violated, the Planning Director shall first send a written warning citation by registered mail, certified mail, first class mail, or personal delivery to the person responsible for such violation, indicating the nature of the violation and ordering action necessary to correct it. Following 30 days with no correction of the violation, the Planning Director shall notify the County Attorney and with the written approval of the County Attorney may institute any appropriate action or proceeding either of a civil or criminal nature to prevent or restrain such unlawful construction, alteration, repair, conversion, maintenance, use or other violation, or impose any penalty permitted by law.

The following civil penalties are established for violations under this section:

Warning citation	Correct violation within 30 days
First citation	\$50.00
Second citation for same offense	\$100.00
Third and sequential citations for same offense	\$100.00

Each day such violation continues, however, shall be a separate and distinct offense, punishable as herein before provided.

These civil penalties are in addition to any other penalties that may be imposed by a court of law from violation of the provisions of this Ordinance.

- (B) The provisions of this chapter shall be enforceable as follows:

- (1) Any violation of this chapter shall constitute a misdemeanor as provided by G.S. § 14-4 and be subject to the punishment therein provided.
- (2) This chapter may be enforced by any appropriate equitable remedy provided in G.S. § 153A-123 (d) and (e), including the entering of appropriate function relief and orders of abatement as therein provided.
- (3) In addition to the foregoing enforcement measures, this chapter may be enforced by any appropriate remedy authorized under the laws of the state.

(Ord. passed 5-21-84; Am. Ord. passed 7/6/2009)

## **APPENDIX A: APPLICATION FOR ZONING AMENDMENT**

Section

1 Application for zoning amendment

**§ 1 APPLICATION FOR ZONING AMENDMENT.**

Date: \_\_\_\_\_

APPLICATION FOR ZONING AMENDMENT

To: The Board of County Commissioners, Davie County, North Carolina

Application is hereby made for an amendment to the Zoning (Ordinance) (Map) as follows:

Name of applicant: \_\_\_\_\_

Address of applicant: \_\_\_\_\_

Address and brief description of the property to be rezoned: \_\_\_\_\_  
\_\_\_\_\_

Applicant's interest in property: (Owned) (Leased) or Otherwise: \_\_\_\_\_  
\_\_\_\_\_

Recorded owner or owners of property: \_\_\_\_\_  
\_\_\_\_\_

Type of zoning requested: \_\_\_\_\_

Sketch attached: Yes \_\_\_ No \_\_\_(See instructions.)

Reasons for the requested rezoning: \_\_\_\_\_

Signed: \_\_\_\_\_

Action by the Planning Board: \_\_\_\_\_

Public hearing date: \_\_\_ Action: \_\_\_\_\_

Zoning map corrected: \_\_\_\_\_

(Ord. passed 5-21-84)

**APPENDIX B: CERTIFICATION FORM**

Section

1 Certification form

**§ 1 CERTIFICATION FORM.**

CERTIFICATION THAT  
A STATUTORY ZONING VESTED RIGHT IS

BEING SOUGHT PURSUANT TO  
G.S. § 153A-344.1

As applicant for a \_\_\_\_\_, I hereby certify that I am seeking to acquire a vested right pursuant to G.S. § 153A-344.1

If the county provides that the approval authority for the type of land use approval or permit for which I am applying is a board, committee, or administrative official other than the Davie County Zoning Board will be considered, and acted on, by the Davie County Zoning board of Adjustments, following notice and public hearing.

\_\_\_\_\_  
Date                      Applicant

(Ord. passed - -)

**Editor's note:**

*This appendix is retroactive to October 1, 1991.*

## **APPENDIX C: EXAMPLE DECOMMISSIONING PLAN**

This is an example decommissioning plan:

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Prepared and Submitted by Solar Developer ABC, the owner of Big Bright Solar Farm  
Decommissioning Plan for Big Bright Solar Farm, located at  
ADDRESS:

DATE:

As required by the County of Davie, Solar Developer ABC presents this decommissioning plan for Big Bright Solar Farm (the "Facility").

Decommissioning will occur as a result of any of the following conditions:

1. The land lease ends
2. The system does not produce power for 12 months
3. The system is damaged and will not be repaired or replaced

The owner of the Facility, as provided for in its lease with the landowner, will do the following as a minimum to decommission the project.

1. Remove all non-utility owned equipment, conduits, structures, fencing, and foundations to a depth of at least three feet below grade.
2. Remove all graveled areas and access roads unless the owner of the leased real estate requests in writing for it to stay in place.
3. Restore the land to a condition reasonably similar to its condition before SES development, including replacement of top soil removed or eroded.
4. Revegetate any cleared areas with warm season grasses that are native to the region unless requested in writing by the owner of the real estate to not revegetate due to plans for agricultural planting.

All said removal and decommissioning shall occur within 12 months of the facility ceasing to produce power for sale.

The owner of the Facility, currently Solar Developer ABC, is responsible for this decommissioning. Nothing in this plan relieves any obligation that the real estate property owner may have to remove the facility as outlined in the Special Use Permit in the event the operator of the farm does not fulfill this obligation.

The owner of the Facility will provide County planning department and the Register of Deeds with an updated signed decommissioning plan within 30 days of change in the Facility Owner.

This plan may be modified from time to time and a copy of any modified plans will be provided to the planning staff and filed with the Register of Deeds by the party responsible for decommissioning.

SES Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Landowner (if different from SES Owner) Signature: \_\_\_\_\_ Date: \_\_\_\_\_

(ord. passed 2-6-17)