

Chapter 2

Zoning Districts and Supplemental Standards

- 2.1 Establishment of Districts
- 2.2 Description of Districts
- 2.3 District Boundaries Shown on Zoning Map
- 2.4 Temporary Uses
- 2.5 Interpretation of Use Matrices
- 2.6 Table of Uses
- 2.7 Supplemental Standards by Use

2.1. ESTABLISHMENT OF DISTRICTS

For the purpose of this ordinance the Town of Elkin is divided into thirteen (13) use districts with the designations and purposes listed below:

LDR	Low Density Residential
MDR	Medium Density Residential
HDR	High Density Residential
HDMF	High Density Multi-Family
MA	Medical Arts District
DMX	Downtown Mixed-Use
RF	Riverfront
NB	Neighborhood Business
HB	Highway Business
M-1	Light Manufacturing
M-2	Heavy Manufacturing
MH	Manufactured Home
CD	Conditional District

2.2. DESCRIPTION OF DISTRICTS

A. LDR, Low Density Residential

The Low Density Residential district is established as a district in which the principal use of the land is for single-family residential, two-family dwelling units, and townhomes. It is intended to provide and protect low density residential areas for those desiring that type of environment. Residential density may not exceed two (2) units per acre; one (1) or two (2) units per lot.

B. MDR, Medium Density Residential

The Medium Density Residential district is established where the principal use of land is for single-family, townhomes, duplexes, triplexes, and other small-scale multifamily residential development along with limited home occupations and public and private community uses. The regulations are intended to prohibit any use which, because of its character, would interfere with the residential nature of this district. Residential density is up to four (4) units per acre.

C. HDR, High Density Residential

The High Density Residential district is established in areas which the principal use of land may contain single-family, two-family, townhouse, and low or medium density multi-family residences containing no more than six (6) units per acre. The regulations of this district are intended to provide areas in the community for those persons desiring smaller lot sizes and small to medium scale multi-family structures in comparatively higher density neighborhoods. The regulations are intended to prohibit any use which, because of its character, would interfere with the residential nature of this district. It is expected that municipal water and sewerage facilities will be available to each lot in such districts.

D. HDMF, High Density Multi-Family

The High Density Multi-Family District is established to provide opportunities for higher density, multi-family living. This district is intended to keep higher density uses in their own district to maintain some separation between medium and lower density residential districts. The HDMF District is generally a good buffer between business districts, medium density, and lower density residential districts. Residential density can exceed five (5) units per acre but no more than ten (10) units per acre.

E. MA, Medical Arts

The Medical Arts district is established where hospitals, clinics, professional offices for medical doctors, and other related medical facilities may be mixed to facilitate the interaction between doctor and patient while maintaining a healthy environment for neighboring residential areas. Mixed use residential development is also appropriate in this district.

F. DMX, Downtown Mixed-Use

The Downtown Mixed-Use district is established to provide for a mixture of commercial, residential, and civic/institutional uses in the Town's downtown and waterfront core. Development emphasizes walkable, pedestrian-scaled, buildings with residential uses primarily being supplied above commercial storefronts or offices while preserving the historic character. Two-family / townhouse uses are permitted up to six (6) units per acre.

G. RF, Riverfront

The Riverfront district is established to promote pedestrian-focused, recreational or arts-related, mixed-uses along the Yadkin River. Regulations of this district are designed to encourage various uses including residential above commercial, parkland and civic spaces, and office uses. Two-family / townhouse uses are permitted up to six (6) units per acre.

H. NB, Neighborhood Business

The Neighborhood Business district is established as a resident-focused trade and commercial service area of the community. Mixed use development is also appropriate in this district. The regulations are designed to encourage the use of land for community trade

and commercial service uses, blending and transitioning the development of these permitted uses with the residential areas they serve.

I. HB, Highway Business

The Highway Business district is established along major thoroughfares and collector streets. It is intended to provide for offices, personal services, and the retailing of durable and convenience goods for the community. As these commercial uses are subject to public view and are important to the economy of the area, the regulations ensure ample parking, controlled traffic movement and suitable landscaping.

J. M-1, Light Manufacturing

The Light Manufacturing district is established for those areas of the community where the principal use of land is light industrial and warehousing uses. These uses may create some nuisances but will cohesively transition to adjacent residential, commercial and/or service establishments through buffers and other land use requirements.

K. M-2, Heavy Manufacturing District

The Heavy Manufacturing district is established to provide designated areas for those industrial uses which would otherwise offend the community by excessive noise, odor, smoke, dust, airborne debris, heavy truck traffic, and other objectionable characteristics.

L. MH, Manufactured Home District

The Manufactured Home district is created to accommodate existing manufactured home lots in areas that have been previously developed and to provide appropriate standards for manufactured home parks within the Town's jurisdiction.

M. CD, Conditional District

The Conditional District is intended to allow for uses that cannot be predetermined or controlled by general district standards. Typically, these uses are consistent with the objectives of this ordinance and the Town of Elkin Comprehensive Town-Wide Master Plan but cannot be developed under a general zoning district. The Conditional District is utilized in such scenarios and employs scrutiny over the proposed development as it relates to Town plans and this Ordinance. More information about the Conditional District may be found in Section 9.8.C.

2.3. DISTRICT BOUNDARIES SHOWN ON ZONING MAP

A. Zoning Map

The boundaries of the districts are shown on the map accompanying this ordinance and made a part hereof entitled "Official Zoning Map, Elkin, North Carolina". The zoning map and all the notations, references, and amendments thereto, and other information shown thereon are hereby made a part of this ordinance the same as if such information set forth

on the map were all fully described and set out herein. The zoning map properly attested is posted at the Town Hall in Elkin and is available for inspection by the public.

B. Due Consideration Given to District Boundaries

In the creation, by this ordinance, of the respective districts, careful consideration is given to the peculiar suitability of every district for the uses and regulations applied thereto, and the necessary and proper grouping and arrangement of various uses and densities of population in accordance with a well-considered comprehensive plan for the physical development of the community.

2.4. TEMPORARY USES

A. Intent

It is the intent of this section to permit the temporary uses customarily accompanying the erection of permitted structures, or the establishment of permitted uses, as necessary to such work and not substantially injurious to the public health, safety, welfare or morals. It is also the intent to permit customary uses of open land and of existing buildings and surrounding land, which are temporary in nature.

If applicable requirements of the Health Department are met, customary temporary uses shall be permitted which include but not limited to the following:

1. Temporary structures or storage areas on construction sites or grading sites.
2. Temporary structures, buildings, and events owned or operated by public agencies, in the conduct of proprietary or government operations.
3. Temporary structures, mobile homes, or storage areas.
4. The use of open land for meetings, circuses, carnivals, fairs, the sale of Christmas trees, baked goods, and the like if no structure is erected other than tents and/or portable hygiene stations.
5. The use of a trailer or camper by visitors to the residential occupant of the principal building for a period not exceeding seven (7) days without a permit.
6. The use of a residence or other building and surrounding land by any non-profit, charitable, religious, or educational organization for the purpose of exhibiting and purveying indoors and out-of-doors, art or craft products, jewelry, clothing, foods, beverages, horticultural specimens, home furnishings and decorations, presenting musical, film or theatrical programs indoors or outdoors, and similar or related items.

B. Permit

Any temporary use shall be established only after the issuance of a zoning permit by the Zoning Administrator for such use. Duration of the temporary use shall be specified on such

permit except that the use of a trailer or camper by visitors shall not be more than seven (7) days and shall not be renewed. A permit for a temporary use shall not be renewed more than two (2) times. In no case shall any single permit or single renewal be issued for a temporary use to exceed one (1) year.

2.5. INTERPRETATION OF USE MATRICES

A. Permitted Uses

Uses listed as permitted (P) are allowed by right and in the respective zoning district. Permitted uses are subject to all other applicable regulations of this ordinance.

B. Permitted with Additional Standards

Uses listed as permitted with additional standards (PS) are permitted if the Zoning Administrator determines that the plans for the use, including the supplemental standards for the particular use detailed in Section 2.7., have been met.

C. Special Uses

Uses listed as Special Uses (SUP) are permitted if reviewed and approved as a special use in accordance with the Special Use review procedures of Section 9.7.C.

D. Prohibited Uses

Uses with blank cells are presumed to be prohibited from the applicable zoning district.

E. Uses Not Listed

If a particular use is not listed in the Use Matrix, and such use is not listed as a prohibited use and is not otherwise prohibited by law, the Zoning Administrator shall determine whether a materially similar use exists in this chapter. Should the Zoning Administrator determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Administrator's decision shall be recorded in writing. Should the Zoning Administrator determine that a materially allowable use does not exist, this chapter may be amended to establish a specific listing for the use in question, in accordance with Amendments in Section 9.8.B.

F. Materially Similar Uses

1. The Zoning Administrator may determine that a use is materially similar if the use is listed as within the same Structure or Function classification as the use specifically enumerated in the Use Matrix, as determined by the Land-Based Classification Standards ("LBCS") of the American Planning Association [Reference: <http://www.planning.org/lbcs/index.html>] The use shall be considered materially similar if it falls within the same LBCS classification and meets the requirements of subsection 2 below.

2. The proposed use shall not generate average daily trips exceeding other similar use proposed in the zoning district by more than ten percent (10%), as determined by the Institute of Transportation Engineers, Trip Generation (most recent edition) (the “ITE Manual”), which document is hereby incorporated by this reference. If the trip generation is not listed in the ITE Manual, then the use shall be considered materially similar to the use that most closely approximates the proposed use. The Administrator may also refer to similar local traffic studies.

2.6. TABLE OF USES

Use Types and Zoning Districts	LDR	MDR	HDR	HDMF	MA	DMX	RF	HB	NB	M-1	M-2	MH
A. Residential												
Dwelling, Single-family detached	P	P	P			SUP			P			
Dwelling, Townhome	PS	PS	PS			SUP	SUP		SUP			
Dwelling, Two-family (Duplex)	PS	PS	PS						SUP			
Dwelling, Multifamily		PS	PS	SUP	PS	PS	PS					
Manufactured Home-Single Family												P
Mixed use, buildings erected for both dwelling and business purposes.					PS	PS	PS	PS	PS			
Mobile Home Park												PS
B. Lodging												
Short term housing		SUP	SUP	SUP	P			SUP	SUP			
Bed and Breakfast	SUP	SUP	SUP	SUP		SUP	SUP		SUP			
Campground/RV Park	SUP						SUP		SUP	SUP		
Vacation rentals	PS	PS	PS	PS		PS	PS	PS	PS			
Motels and hotels						P	SUP	P	PS			
C. Office & Service Uses												
Animal Services and Veterinarian Office					PS	PS		PS		PS		
Appliance and Home Furnishings Repair								P	P			
Apothecary, Prescription center, or drug store, with or without fountains					P	PS		P	PS			
Banks, Credit Unions, Financial Services						P		P				
Barber and beauty shops						P	P	P	P			
Bicycle sales and repair						P	P	P	P			
Business and Professional Offices open to the public <u>other than</u> medical, dental, counseling, physical therapy clinics and offices					P	P		P	P			
Business Support Services					P	P		P	P			

Use Types and Zoning Districts	LDR	MDR	HDR	HDMF	MA	DMX	RF	HB	NB	M-1	M-2	MH
Car wash and auto detail shops						PS		PS	PS			
Contractors Offices (Building, Plumbing, Electric, etc.)								P		P		
Dry Cleaning and Laundry Services Retail					SUP			P				
Electronic Repairs and Service								P				
Funeral Home	SUP		SUP		SUP			P				
Home and Garden Equipment Repair								P	P	P		
Locksmith and gunsmith						P		P	P			
Kennels	SUP				PS			PS		PS		
Medical and Dental clinics					P							
Mixed uses, without residential dwellings						PS		PS	PS			
Motor Vehicle Services								P				
Newspaper offices, engraving, and printing shops incidental to such offices						P		P	P	P		
Radio and Television Broadcast Studios						P	P	P	P			
Rest and Convalescent Homes		SUP	SUP	SUP	P			SUP	SUP			
Tattoo Establishment					PS	PS	PS	PS	PS			
D. Recreational/Entertainment	LDR	MDR	HDR	HDMF	MA	DMX	RF	HB	NB	M-1	M-2	MH
Adult establishment								SUP		SUP		
Brewery or Distillery						P	P	P		P	P	
Commercial recreation facilities such as bowling alleys, skating rinks, and similar uses	SUP					P	P	P				
Event Centers						P	P	P		SUP		
Gyms and Fitness Centers					P	P	P	P	P			
Indoor Recreation Billiard, Pool Halls, Game rooms, or Amusement Centers.						P	P	P				
Outdoor recreation uses, such as miniature and par-3 golf courses, Go-cart tracks and riding stables	SUP					P	P	P		P		

Use Types and Zoning Districts	LDR	MDR	HDR	HDMF	MA	DMX	RF	HB	NB	M-1	M-2	MH
Private parks, clubs and lodges, golf courses, swimming pools, fishing lakes, and similar recreational uses.	SUP	SUP	SUP		SUP		SUP		SUP	SUP		
Theaters, drive-in								SUP		SUP		
Theaters, indoor						P		P				
Winery	SUP					P	P	P	PS	P		
Wine Tasting Room and Bar	SUP					P	P	P	PS	PS	PS	
E. Retail & Wholesale Uses	LDR	MDR	HDR	HDMF	MA	DMX	RF	HB	NB	M-1	M-2	MH
Alcoholic Beverage Sales Store						P	P	P				
Auction Gallery/ House						P		P	PS			
Automobile, motorcycle, recreational vehicle and all-terrain vehicles sales, new and used								P		P		
Bakeries, Retail						P	P	P	P			
Big box retailers								PS				
Bus Station						SUP	SUP	SUP				
Electrical supplies and equipment, sales and repairs								P				
Florist, Flower or Gift Shop					P	P	P	P	P			
Heavy Equipment Sales and Rentals								P		PS	PS	
Mobile home display lots												SUP
Motorcycles, lawnmower, and power saw sales and service								P		P		
Outdoor Outfitters						P	P	P	PS	P		
Photographic studios						P	P	P	P			
Restaurants						P	P	PS	PS	PS		
Drive-Thru restaurants								P				
Retail Goods and Stores						P	P	P	P			
Secondhand stores and swap shops						P	P	P	PS			
Services Goods and Gas Stations								P				
Shopping centers								SUP				
Taxicab stands and limo services						P	P	P				
F. Civic, Government, & Institutional	LDR	MDR	HDR	HDMF	MA	DMX	RF	HB	NB	M-1	M-2	MH

Use Types and Zoning Districts	LDR	MDR	HDR	HDMF	MA	DMX	RF	HB	NB	M-1	M-2	MH
Art Gallery/ Museums			SUP			P	P	P	P	P		
Art Schools, music and dance studios, and similar uses			SUP			P	P	P	PS	SUP		
Auditorium, community center, or similar facility			PS		P	P	PS	P				
Business / Medical colleges, barber and beauty colleges, but excluding industrial trade schools					P			P		SUP		
Cemeteries	PS	PS	PS									
Churches	PS	PS	PS			PS			PS			
Government Office					P	P	P	P	SUP	P		
Hospitals					P							
Industrial trade schools and research laboratories					SUP					P	P	
Kindergartens and Day Nurseries	PS	PS	PS		PS	PS		P	PS			
Laboratory					P			P		P	P	
Public and private elementary and secondary schools	P	P	P		SUP				P			
Public recreational parks	P	P	P		P	P	P	P	P	P	P	P
Public safety facilities such as fire and police stations and rescue squad headquarters	P	P	P		P	P		P	P	P	P	
Urgent Care Facility					P			P				
G. Industrial/Wholesale/Storage	LDR	MDR	HDR	HDMF	MA	DMX	RF	HB	NB	M-1	M-2	MH
Storage Tanks								PS		PS	PS	
Hazardous materials manufacturing, storage, or distribution (e.g., Acid, petroleum, gas, oil, highly flammable or corrosive materials, oxygen, etc.)											SUP	
Heavy Manufacturing (e.g., Textiles, pharmaceuticals, automobile parts, concrete, cosmetics, electronics, paper, plastics, rubber, glass, etc.)										PS	P	

Use Types and Zoning Districts	LDR	MDR	HDR	HDMF	MA	DMX	RF	HB	NB	M-1	M-2	MH
Food and drink production, processing, wholesale, and distribution						SUP	SUP	PS		P	P	
Outdoor Sales and Storage (Boats, trailers, RV, building supplies, trucks, industrial supplies, equipment, tractors, farm equipment, monuments, outdoor furniture, etc.)								SUP		PS	PS	
Woodworking and Crafts (Woodworking, jewelry, leather, upholstery, cabinetry, welding, pottery, etc.)								PS	PS	P	P	
Flour and feed mills										P	P	
Freezer lockers and ice plants								P		P	P	
Laundry plant										P	P	
Planing and sawmill											P	
Quarrying and mining											SUP	
Railroad and freight classification yards										SUP	SUP	
Recycling collection centers											SUP	
Service and Repair (e.g. Plumbing, heating, roofing, refrigeration, etc. including wholesale and retail)								PS	PS	PS	PS	
Slaughterhouses or stockyards											SUP	
Stone and gravel works										SUP	SUP	
Distribution Facility										PS	PS	
Truck terminals, transfer companies										PS	PS	
Wholesale, warehousing establishments								P		P	P	
H. Agriculture	LDR	MDR	HDR	HDMF	MA	DMX	RF	HB	NB	M-1	M-2	MH
Animal Husbandry Production										SUP	SUP	
Agriculture and Horticulture	PS	PS	PS							PS		
Agriculture Support Services								P		P	P	
Equestrian Housing	SUP									SUP		
Feed Stores, fruit stands and produce markets	PS	PS	PS			P	P		P			PS

Use Types and Zoning Districts	LDR	MDR	HDR	HDMF	MA	DMX	RF	HB	NB	M-1	M-2	MH
I. Infrastructure	LDR	MDR	HDR	HDMF	MA	DMX	RF	HB	NB	M-1	M-2	MH
Air Strip/Airport/ Helicopter Pad					SUP					SUP	SUP	
Public works and public utilities including electrical transmission, distribution and substation equipment, pumping stations, water towers, and telephone exchange provided	PS	PS	PS		PS	PS	PS		PS	P	P	
Solar Farm										PS	PS	PS
Wireless Communications Towers								SUP		SUP	SUP	SUP
J. Accessory Uses & Structures	LDR	MDR	HDR	HDMF	MA	DMX	RF	HB	NB	M-1	M-2	MH
ATM					P	P	P	P	P	P	P	
Backyard Hens / Coops / Beekeeping	PS	PS	PS		PS				PS			
Clothing Drop off Receptacle					PS							
Dwelling, Accessory	P	P	P									
Home Occupation	PS	PS	PS	PS	PS	PS						PS
Roof-Mounted and Integrated Solar Energy Production	PS	PS	PS	PS	PS	PS		PS		P	P	PS

2.7. SUPPLEMENTAL STANDARDS BY USE

Residential Uses

A. Dwelling, Townhome (LDR, MDR, HDR, DMX, RF, NB)

1. The minimum lot width for a townhouse development shall be fifty (50) feet.
2. Each individual townhouse shall be a minimum of eighteen (18) feet wide.

B. Dwelling, Two-family (duplex) (LDR, MDR, HDR, NB)

1. No duplex shall have more than a total of four (4) accessory structures, two (2) per unit, which shall be located in the side or rear yard of the unit.
2. When the unit abuts two (2) different streets, the minimum front setback requirement must be applied to each of the two (2) different streets.

C. Dwelling, Multifamily (MDR, HDR, HDMF, MA, DMX, RF)

1. MDR only: Density shall not exceed (4) units per acre.
2. A minimum of fifteen percent (15%) of the gross acreage shall be reserved as open space.
3. Multi-family projects, where more than 50% of the units contain two (2) or more bedrooms, shall include one (1) playground consisting of a minimum, fifty feet by fifty feet (50' x 50') defined area for pre-school aged children for each fifty (50) units.
4. Automobile parking spaces and drives shall not be located closer than twenty (20) feet to the front or ten (10) feet to the side or rear of any building. Parking in the DMX and RF shall be exempt for this provision.
5. Building walls that have both window and door openings shall be located no closer than fifty (50) feet to another building. Building walls that have only window opening or only door openings shall be located no closer than twenty-five (25) feet to another building.
6. Any group of buildings forming a courtyard shall have at least twenty-five percent (25%) of the perimeter of such a courtyard open for access by emergency vehicles.
7. Adequate landscaping (as determined by the Planning Board) may be included to buffer the development from its neighbors.
8. No building shall be erected, reconstructed, altered or moved nearer the exterior project property lines twenty-five (25) feet or the applicable district yard requirements whichever is greater.
9. A plan for solid waste storage collection, disposal, and screening shall be approved by the Zoning Administrator.

D. Mixed Uses (residential above) (MA, DMX, RF, HB, NB)

1. At least thirty percent (30%) of the total floor area must be a nonresidential use.
2. Street level shall be commercial, office, and/or retail uses. No residential units shall be located on the first floor.

E. Mobile Home Parks (MH)

1. The lot area for a mobile home park shall be at least five (5) acres. All areas to be included in a mobile home park shall be clearly shown on the plans required by Chapter 9.

2. Each mobile home in a mobile home park shall occupy a designated space having at least five thousand (5,000) square feet with a width of at least fifty (50) feet, exclusive of the common, interior, private roads.
3. Each mobile home space shall abut an interior, private road within the park. Said private roadways shall be graded and surfaced with not less than four (4) inches of crushed stone or other suitable material on a well compacted sub-base to a continuous width of twenty-six (26) feet, exclusive of required parking spaces.
4. Two (2) off-roadway parking spaces with not less than four (4) inches of crushed stone or other suitable material on a well compacted sub-base shall be provided for each mobile home space. Required parking spaces may be included with the five thousand (5,000) square feet required for each mobile home space.
5. At least two hundred (200) square feet of recreation space for each mobile home space shall be reserved within each mobile home park as common recreation space for the residents of the park. Such areas shall, along with private roadways and walkways, be adequately lighted for safety.
6. No mobile homes or other structures within a mobile home park shall be closer to each other than twenty (20) feet, except that storage or other auxiliary structures for the exclusive use of the mobile home may be closer to that mobile home than twenty (20) feet.
7. No mobile home shall be located closer than thirty (30) 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 forty (40) feet to the exterior boundary or the right-of-way of a bounding street.
8. Proposed water supply and waste disposal facilities for the mobile home park shall be approved in writing by the County Health Officer or his representative.
9. Landscaping. The following shall be provided with any new mobile home park use and any expansion of an existing mobile home park:
 - a. Internal, private roadways: Internal private roadways shall be provided with canopy or understory trees at a rate of one (1) canopy tree per forty (40) linear feet of roadway or one (1) understory tree per thirty (30) linear feet of roadway and should be spaced as such.
 - b. A minimum, fifteen (15) foot, front yard planting area shall be provided along the right-of-way frontage to provide a buffer from the roadway and adjacent uses. This area shall be provided with one (1) canopy or evergreen tree and three (3) shrubs per forty (40) linear feet of frontage.
10. Perimeter buffers from adjacent uses shall be provided as outlined in Chapter 6.

11. Plans clearly indicating the developer's intention to comply with the provisions of this section shall be approved before any construction activities begin. Such plans must show the area to be used for the proposed mobile home park; the ownership and use of neighboring properties; all proposed entrances, exits, interior, private roadways, walkways, and off-street parking spaces; the location of mobile home spaces, recreation areas and service buildings; the location of sanitary conveniences including toilets, laundries, and refuse receptacles; the proposed plan of water supply, sewage disposal and electric lighting.
12. Any expansion of mobile home parks in existence on the effective date of this ordinance shall comply with the provisions of this section plus current landscaping requirements.
13. Exterior features of manufactured homes must be maintained in good condition.
14. Community dumpsters, community recycling facilities, and mail services must be provided for the manufactured home park in common areas easily accessible by all lots.
15. Community dumpsters and community recycling bins must be screened from public view with evergreen plant material.

Lodging Uses

F. Campground/RV Park (LDR, RF, NB, M-1)

Sections I, III, V, & VI of the Town's Campground and Recreational Vehicle Park Ordinance shall apply.

G. Vacation Rentals (LDR, MDR, HDR, HDMF, DMX, HB, NB)

1. Parking must be provided on site.
2. A traffic flow diagram must be included with the approved development plan.
3. Town of Elkin trash and recycling hours of roll in and roll out must be adhered to by guests. Receptacles shall not be visible from the street frontage.
4. Outdoor signage, located near the main entrance door, must be provided with the property manager name and 24-hour access phone number.
5. If more than two (2) formal citations are issued by the police department within one (1) year, the property will be placed on six (6) months' probation. During that time, if no additional complaints are placed, the property will be removed from probation. If additional complaints are lodged, the property may no longer be a vacation rental.

H. Motels and Hotels (NB)

1. Intended to be “boutique” hotels, where buildings are existing and renovated to accommodate small-scale lodging. The facility shall match the architecture, size, and scale of surrounding neighborhood uses.
2. Buildings shall be limited to three (3) stories.
3. Parking shall be provided to the side or rear of the principal structure. A turn-around or drop-off area may be provided in the front yard.

Office & Service Uses

I. Animal Services and Veterinarian Offices (MA, DMX, HB, M-1)

1. DMX: No outdoor runs for the animals are allowed.
2. MA, HB, M-1: Outdoor runs are permitted. Must be landscaped and screened to not be visible from any adjacent roadway.

J. Apothecary or Drug Store (DMX, NB)

No permanent outdoor displays, sales, or storage are allowed.

K. Car Wash and Auto Detail Shops (DMX, HB, NB)

1. All outside trash containers must have covers. Trash must be emptied on a regular basis.
2. All trash areas are contained and screened from public view.

L. Kennels (LDR, MA, HB, M-1)

1. All kennel buildings shall be sufficiently insulated so that no unreasonable noise or odor shall be detected off-premises.
2. Animals shall not be kept or exercised outside between the hours of 11:00PM and 6:00 AM.
3. Outdoor runs must be landscaped and screened so they are not visible from adjacent roadways.
4. Outdoors runs shall not be located closer than one thousand feet (1,000') to any property within a residential zoning district.
5. Where kennel uses are adjacent to properties in residential zoning districts, a minimum ten foot (10') buffer shall be provided along the abutting property line.

M. Mixed Uses (without residential dwellings) (DMX, HB, NB)

1. At least twenty percent (20%) of the total floor area must be occupied by a different use category than the remainder of the floor area.
2. Street level must have at least sixty percent (60%) of floor area used for restaurants, retail, or commercial uses.

N. Tattoo Establishment (MA, DMX, RF, HB, NB)

1. Hours of operation shall be permitted only from 8:00 a.m. until 11:00 p.m.
2. A tattoo shop's exterior customer entrance(s) shall not be situated within one half (0.5) of a mile radius of another tattoo shop's exterior customer entrance(s).

Recreational/Entertainment Uses

O. Adult Establishment (HB, M-1)

1. Building sizes may not exceed three thousand (3,000) square feet.
2. Adult establishments may not be located within one thousand (1,000) feet of residential zoning districts, churches, or schools.
3. Adult establishments may not be located within a two (2) mile radius of an existing adult establishment.
4. Adult establishments within the HB district shall not include electronic gaming, sweepstakes, internet cafes with gaming operations, or similar uses.
5. Adult establishments within the M-1 shall only include electronic gaming, sweepstakes, internet cafes with gaming operations, or similar uses.

P. Theaters, Drive-in (HB, M-1)

1. Outdoor theaters shall be buffered from adjoining residential uses with a thirty foot (30') Type "A" buffer as set forth in Chapter 6.
2. Lights shall be shielded and positioned so as not to shine onto adjacent properties.

Q. Winery (LDR, NB)

1. Hours of operation shall be permitted only 10:00 a.m. to 11:00 p.m., or as required by the North Carolina Alcoholic Beverages Commission, whichever results in longer available hours of operation.
2. No outdoor entertainment including but not limited to music, is permitted after 10:00 p.m.

3. Associated small-scale processing or catering facilities (i.e. cheese making, restaurant) that are incidental to the winery, but may enhance the overall property in relation to tourism, may be permitted on a case-by-case basis.
4. Outdoor seating areas shall a minimum of ten (10) feet in distance from the lot line of any residential use or district and contain an opaque vegetative buffer.
5. Lighting associated with the use shall only be used for outdoor seating areas, shall be directed and/or shielded to prevent glare onto adjacent properties, and shall be turned off after 11:00 p.m.

R. Wine Tasting Room and Bar (LDR, NB, M-1, M-2)

1. Hours of operation shall be permitted only 10:00 a.m. to 11:00 p.m., or as required by the North Carolina Alcoholic Beverages Commission, whichever results in longer available hours of operation.
2. No outdoor entertainment including but not limited to music, is permitted after 10:00 p.m.
3. Tasting rooms are permitted in the M-1 and M-2 Districts as a component of production of wine.
4. Outdoor seating areas shall a minimum of ten (10) feet in distance from the lot line of any residential use or district and contain an opaque vegetative buffer.
5. Lighting associated with outdoor seating areas, shall be directed and/or shielded to prevent glare onto adjacent properties, and shall be turned off after 11:00 p.m.

Retail & Wholesale Uses

S. Auction Gallery/House (NB)

No permanent outdoor displays, sales, or storage are allowed.

T. Big Box Retailers (HB)

1. Big Box Retailers are permitted in the HB District with an approved exit strategy and ongoing facility upkeep plan incorporated into the approved development plan for use if/when tenants vacate.
2. All stormwater infrastructure shall be maintained in operable condition.

U. Heavy Equipment Sales and Rentals (M-1, M-2)

1. Outdoor displays, sales, or storage must be screened from public view with decorative fencing and landscaping.

2. Lighting associated with outdoor displays, sales, and storage shall be directed and/or shielded to prevent glare onto adjacent properties, and shall be dimmed after 11:00 p.m.

V. Mobile Home Display Lots (MH)

1. All travel lanes and parking spaces shall be paved or graveled. Display areas for homes may be a natural grass area and shall be regularly maintained.
2. The display area shall be set back a minimum of twenty-five (25) feet from the street right-of-way and ten (10) feet from all other property lines and shall be defined on the site plan.
3. Storage and repair of damaged homes or vehicles on site is prohibited.
4. Signs are prohibited on the homes or vehicles on the site, except for one (1) sign per home or vehicle, not to exceed three (3) square feet in size, stating the price of that home or vehicle.

W. Outdoor Outfitters (NB)

1. Outdoor displays, sales, or storage must be screened from public view with decorative fencing and landscaping.
2. Permanent outdoor storage shall be provided in rear lot and screened from public view with decorative fencing.
3. Opaque screening shall be provided for permanent storage when abutting residential uses or districts.

X. Restaurants (HB, NB, M-1)

1. In the HB and NB districts, restaurants, including drive-in restaurants, shall be fenced on all sides which abut residential districts. Such fences shall be solid from the ground to a height of six (6) feet. A minimum five (5) foot buffer shall be provided on the exterior of the fence.
2. In the HB and NB districts, buildings should be oriented to connect with high activity areas, such as restaurant dining areas or major pedestrian areas to create connections and linkages. Sidewalk connections shall be provided in multi-tenant layouts.
3. Within the M-1 district, the restaurant use must be located within, and related to the structure and use in which it is serving.

Y. Secondhand Stores and Swap Shops (NB)

1. No permanent or overnight outdoor displays, sales, or storage are allowed.

2. No donation or merchandise drop off receptacles are allowed. Further, no donations drop-offs shall occur outside of business hours.

Civic, Governmental, & Institutional Uses

Z. Art Schools, Music and Dance Studios, and Similar Uses (HDR, NB, M-1)

1. Hours of operation of may not exceed 7 a.m. to 11 p.m.
2. Parking must be provided on site.

AA. Auditorium, Community Center, or Similar Facility (HDR, RF)

1. Outdoor events may not extend past 11 p.m. Outdoor lighting shall be turned off after 11:00 p.m.
2. No permanent outdoor displays, sales, or storage are allowed with exception of elements used in conjunction with events or performances.

BB. Cemeteries (LDR, MDR, HDR)

1. All buildings and graves shall be set back at least twenty (20) feet from any property line.

CC. Churches (LDR, MDR, HDR, DMX, NB)

1. Churches and their customary related buildings including cemeteries, shall be set back at least twenty (20) feet from any property line.
2. A traffic circulation plan must be provided with the development plan package.
3. No projection of outdoor audio/visual is permitted.

DD. Kindergartens and Day Nurseries (LDR, MDR, HDR, MA, DMX, NB)

1. Parking must be provided on site.
2. A traffic flow diagram must be included with the approved development plan.
3. Outdoor play areas must be fenced in.

Industrial/Wholesale/Storage

EE. Storage Tanks (HB, M-1, M-2)

1. Above ground storage tanks must be constructed in conformance with National Fire Protection Association Standards.

2. Storage tanks shall only be used in conjunction with industrial uses.
3. Storage tanks shall be fully screened by an opaque buffer.

FF. Hazardous Materials Manufacturing, Storage, or Distribution (M-2)

1. All facilities and accessory uses shall be located a minimum 100 feet from any property used or zoned for residential purposes and any street right-of-way.
2. Type “A” screening shall be provided along any boundary with another property not zoned M-2.
3. Proposed mitigation and hazard management plans shall be provided with the submittal of the preliminary site plan.
4. The applicant shall provide a hazard management plan approved by local emergency service agencies addressing hazards associated with movement of materials to or finished products from the site and shall provide for public safety and for mitigation of negative impacts that may include but are not limited to noise, odor, dust, chemicals, excessive vibration, and plans for public notifications and evacuations as may be necessary in the surrounding area.

GG. Heavy Manufacturing (M-1)

1. Outdoor production and storage areas shall be screened from view of adjacent streets, and from all other zoning districts by fencing and a double row of evergreen shrubs or trees planted to form a continuous hedge of at least six (6) feet in height within two (2) years of installation.
2. The maximum noise level may not exceed 100 d(B)A.

HH. Food and Drink Production, Processing, Wholesale, and Distribution (DMX, RF, HB)

Outdoor storage areas shall be screened from view of adjacent streets, and from all other zoning districts by fencing and a double row of evergreen shrubs or trees planted to form a continuous hedge of at least six (6) feet in height within two (2) years of installation.

II. Outdoor Sales and Storage (HB)

1. Outdoor storage areas shall be screened from view of adjacent streets, and from all residentially zoned land by fencing and a double row of evergreen shrubs or trees planted to form a continuous hedge of at least six (6) feet in height within two (2) years of installation.
2. No outdoor storage of dangerous or offensive items, such as uncured hides and explosives, is permitted.

JJ. Woodworking and Crafts (HB, NB)

1. No permanent outdoor displays, sales, or storage are allowed.
2. Noise, dust, and other similar nuisances must be contained within the subject property.
3. Working hours may be within 6:00 a.m. to 10 p.m.
4. Construction and/or assembly must be conducted within an interior workshop.

KK. Quarrying and Mining (M-2)

1. No accessory or principal structure shall be located within two hundred (200) feet from any adjacent property that is within a residentially zoned district.
2. The following requirements apply to mining uses only:
 - a. The quarry and all its buildings, pits, and processing equipment shall not be located within one hundred (100) feet from any lot line, and three hundred (300) feet from any adjacent lot line that is located in a residentially zoned district.
 - b. A non-climbable fence, at least six (6) feet high, shall be installed around the quarry and all of its operations as a safety device. These fences must be constructed of wire mesh with openings not to exceed two (2) inches by four inches or equivalent and must be placed on the interior side of screening and/or buffering devices.
 - c. Access to the quarry shall not make use of any non-arterial as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan.
 - d. Any crushing of rock or processing of material shall be done in such a way as to minimize the amount of air-borne dust created.
 - e. All unpaved storage areas shall be maintained in a manner so as to limit dust from leaving the storage area.
 - f. A truck route plan shall be submitted showing routes to the site from all four-lane highways. Such routes shall be designed to minimize impacts on residential areas, schools or other uses that may be negatively affected by truck traffic.
 - g. One copy of a completed mining application form and an approved mining permit from the State Department of Environment, Health and Natural Resources, Land Quality section, shall be required prior to issuance of a zoning permit by the administrator.

- h.** An operation plan shall be submitted to the administrator prior to issuance of a zoning permit. Such plan shall include the following:
 - (1) The date proposed to commence operations and their expected duration.
 - (2) Proposed hours and days of operations.
 - (3) Estimated type and volume of extraction.
 - (4) Description of method of operation, including the disposition of topsoil, overburden, and byproducts.
 - (5) Description of equipment to be used in the extraction process.
 - (6) Any phasing of the operation and the relationship among the various phases.
 - (7) Operating practices to comply with the performance standards applicable to the operation.

- i.** Rehabilitation:
 - (1) Within one (1) year after the cessation of production, all equipment and stockpiles that are incidental to such operation shall be dismantled and removed by and at the expense of the owner.
 - (2) The site shall be drained to prevent the accumulation of standing water, and channelization of the drainage shall be designed and controlled so as not to cause erosion or silting of neighboring properties or public drainage ways, nor to appreciably increase the turbidity of any natural water course, or to occlude any existing drainage course.

LL. Recycling Collection Centers (M-2)

- 1. No storage areas shall be visible from rights-of-way, residential uses or residential districts. All collection areas shall be set back a minimum of two hundred (200) feet from the right-of-way.
- 2. Recyclable materials shall be contained within a leak-proof bin or trailer. There shall be no storage of materials on the ground.
- 3. Only limited sorting, separation or other processing of deposited materials shall be allowed on the site.

4. There shall be no collection or storage of hazardous or biodegradable wastes on the site. There shall be no chipping, mulching or receiving of construction debris.

MM. Service and Repair (HB, NB, M-1, M-2)

1. Noise levels shall not be permitted to exceed 60 dB after 10 PM.
2. No permanent outdoor displays, sales, or storage are allowed.
3. All items, upon completion of service, must be stored overnight in an enclosed workshop.
4. Temporary storage shall be in the rear yard of an enclosed workshop within a fenced area.

NN. Slaughterhouses or Stockyards (M-2)

1. No portion of the operation activities shall be located closer than one hundred (100) feet from any exterior lot line, and one hundred and fifty (150) feet to any residential structure (not located on subject parcel). Totally enclosed indoor facilities shall adhere to the underlying zoning district setback requirements.
2. The use shall not be permitted to locate adjacent or contiguous to any existing place of worship, day care or school.

OO. Stone and Gravel Works (M-1, M-2)

1. Any crushing of rock or processing of material shall be done in such a way as to minimize the amount of air-borne dust created.
2. All unpaved storage areas shall be maintained in a manner so as to limit dust from leaving the storage area.
3. A truck route plan shall be submitted showing routes to the site from all four-lane highways. Such routes shall be designed to minimize impacts on residential areas, schools or other uses that may be negatively affected by truck traffic.

PP. Distribution Facility (M-1, M-2)

1. Permanent outdoor storage must be screened from public view with fencing and landscaping.
2. No idling trucks are permitted. Should compressors on trucks be required, they shall be within a parking or storage area surrounded by buildings.
3. Lighting shall be dimmed when facility is not in operation.

4. Staged or empty tractor trailers shall not be stored in the front yard. All parking and storage shall be behind the building line in the side or rear yards.

QQ. Truck Terminals and Transfer Companies (M-1, M-2)

1. The perimeter of such facilities shall be enclosed in security fencing. Landscaping, berms, and other screening methods shall be used on the exterior side of the security to obscure the view and reduce the nuisance to adjacent properties.
2. No idling trucks are permitted.
3. Such facilities must be at least one thousand (1,000) feet way from a residential zoning district.
4. Lighting shall be dimmed when facility is not in operation.

Agricultural Uses

RR. Agriculture and Horticulture (LDR, MDR, HDR, M-1)

1. Permanent outdoor displays or storage must be screened from public view with fencing and landscaping.
2. Temporary signage and sales of seasonally produced products shall be permitted for a period of not more than one (1) month. Temporary signs shall be registered in accordance with Chapter 7.

SS. Feed Stores, Fruit Stands, and Produce Markets (LDR, MDR, HDR, MH)

1. Permanent outdoor displays or storage must be screened from public view with fencing and landscaping.
2. Within the LDR, MDR, and HDR districts, a minimum ten (10) foot buffer or an opaque fence shall be provided on the side yard.

Infrastructure

TT. Air Strip/Airport/Helicopter Pad (MA, M-1, M-2)

1. Heliports shall have a setback of minimum 100 feet from the property line and/or buildings.
2. No outdoor public address system shall be permitted which can be heard beyond the boundaries of the property.
3. Hours of operation shall be determined based on discussions with potential airport operators.

4. Hangers or open storage shall be screened with a Type “A” buffer from all property lines, except those properties with M-1 or M-2 zoning.

UU. Public Works and Public Utilities (LDR, MDR, HDR, MA, DMX, RF, NB)

1. Public works and public utilities facilities must be essential to service of the immediate area and no vehicles or materials shall be stored on the premises.
2. All buildings and apparatus (except utility lines) shall be set back at least twenty (20) feet from any property lines and shall be designed and landscaped in such a way as to blend in the with the surrounding area.
3. Facilities as water towers, pumping stations, etc., shall be surrounded by a chain link fence six (6) feet in height.

VV. Solar Farm (M-1, M-2, MH)

1. Facilities shall be subject to the following development standards:
 - a. The minimum lot size of the host parcel or parcels shall be twelve (12) acres at the time of application and the maximum lot usage shall be seventy-five percent (75%) of the total acreage of the proposed site.
 - b. The minimum size of the Solar Energy System facility, as measured by the acreage within the boundary fence, shall be eight (8) acres.
 - c. All solar energy systems shall have a boundary fence that is no less than six (6) feet in height, encloses the solar arrays and inverters, and is set back fifty (50) feet from abutting property lines and public rights-of-way. If the facility sits on more than one side of adjoining parcels, then setbacks shall not be required within the facility but measured only from the perimeter boundary fence.
 - d. Solar arrays shall not exceed eighteen (18) feet in height.
 - e. All electric components must have a UL listing.
 - f. All solar collection systems shall meet N.C. State Building Code and National Electric Code requirements and shall be inspected by a county.
 - g. If the proposed solar energy system is to be located within five (5) miles of an existing public airport, the FAA shall be properly notified at the time of permit application using FAA Form 7460-1.
2. All facilities shall be screened by a solid row of evergreen shrubs no less than 6 feet in height at time of planting to shield solar arrays from adjoining properties and public rights-of-way. Evergreens shall be selected from the planting list in Appendix B. Planted vegetative screening shall be required

only if there is not sufficient natural vegetation to provide a reasonable buffer between the Solar Energy System and adjoining uses.

3. Night-time security lights or other mounted lighting shall be prohibited.

WW. Wireless Communications Towers (HB, M-1, M-2, MH)

1. Wireless Communications Towers must comply with the regulations and requirements of Appendix C Wireless Communications Towers Ordinance.
2. Towers shall be setback two and a half (2.5) times the height of the tower from any residential or non-residential structure on the same parcel or on parcels in the vicinity of the tower site.
3. Towers shall be setback the height of the tower from all property lines.
4. Towers may be constructed to a height of 199 feet. If the Board of Adjustment grants a variance, it shall not permit a tower to exceed a height of 300 feet.
5. To prevent a clear view of the base of the tower, the setback area shall contain an established-forested area with a depth of at least one-hundred feet (100').

Accessory Uses & Structures

XX. Backyard Hens, Coops, and Beekeeping (LDR, MDR, HDR, MA, NB)

1. Where the minimum lot size meets or exceeds eight thousand (8,000) square feet, up to five (5) hens are allowed with an approved Accessory Use Permit, subject to meeting certain standards. Roosters are not permitted.
 - a. Chickens are permitted in single-family detached dwelling units only.
 - b. Chickens must be kept in a coop and pen; or portable chicken tractors, and such coops and enclosures may not include residential structures or garages. All chickens must be secured in the chicken coop during non-daylight hours.
 - c. Chicken coops, pens, and tractors (whether stationary or moveable) must be located in rear yards (behind the line formed by the back wall of the residence.)
 - d. A minimum setback of fifteen (15) feet is required from side and rear property lines.
 - e. The coop and pen must be closer to the chicken owner's primary living structure than neighboring living structures.
2. Domestic beekeeping shall be permitted as an accessory use in conjunction with detached, single-family residential uses in residential zoning districts. Such use shall only occur in accordance with the following requirements:

- a. The minimum lot size required for beekeeping shall be six thousand (6,000) square feet.
- b. The maximum number of hives allowed shall be determined based on lot size as follows:

Lot Area (square feet)	Maximum Number of Hives Allowed
8,000 - 20,000	2
20,001 - 30,000	3
30,001 - 40,000	4
40,001 - 50,000	5
50,001 - 60,000	6
60,001 - 70,000	7
70,001 or Larger	8

- c. No hive shall be established or kept within fifteen (15) feet of a property line.
- d. A constant and adequate on-site source of fresh water shall be provided and shall be located closer to the hive than any water source on adjacent property.
- e. An accessory use permit must be secured in accordance with Section 9.6.B.2. The permit application must include a plot plan that indicates the number of beehives, shows the location of each beehive and water source(s), and their respective distances from property lines.
- f. In the event that a nuisance is not abated in accordance with Chapter 10 and no final appeal is made, then the Planning Director may revoke the owner's Accessory Use Permit, and the owner shall be unable to reapply for another Accessory Use Permit for Domestic Beekeeping for a period of twelve (12) months. The owner may appeal revocation of the Accessory Use Permit to the Zoning Board of Adjustment pursuant to Section 9.7 of the Unified Development Ordinance.

YY. Clothing Drop Off Receptacle (MA)

- 1. The location of the receptacle shall be approved in writing by the Zoning Administrator.
- 2. Unattended donation boxes shall be maintained in good condition and appearance with no structural damage, holes, or visible rust, and shall be free of graffiti.
- 3. Unattended donation boxes shall be locked or otherwise secured.

4. Unattended donation boxes shall contain the following contact information in two-inch type visible from the front of each unattended donation box: the name, address, email, and phone number of both the permittee and operator.
5. Unattended donation boxes shall be serviced and emptied as needed, but at least once per month, or within five (5) business days of a request by the Administrator.
6. Unattended donation boxes must be screened on at least two sides with evergreen landscaping.

ZZ. Home Occupation (LDR, MDR, HDR, HDMF, MA, DMX, MH)

1. No mechanical equipment shall be installed or used except such as is normally used for domestic or professional purposes.
2. No more than twenty-five percent (25%) of the total floor space of any structure shall be used for home occupations.
3. No more than one (1) employee on site is allowed.
4. Employee parking must be provided on site.
5. Workshops, or similar, must be enclosed.

AAA. Roof-Mounted and Integrated Solar Energy Production (LDR, MDR, HDR, HDMF, MA, DMX, HB, MH)

Roof-mounted solar energy systems may exceed the height limits applicable to each district by five (5) feet.