

ARTICLE 5 PERMITTED USES

5.1 USE INTERPRETATION

As set forth in the Permitted Use Table (Section 5.2), certain uses are grouped together using the ~~2007-2017~~ North American Industrial Classification System (NAICS) “NAICS Manual¹”. The NAICS Manual classifies businesses and industries based on common functional or product characteristics. Functions and characteristics include the type and amount of activity, the type of customers and how goods or services are sold or delivered. NAICS is a two- through six-digit hierarchical classification system, offering five levels of detail. Each digit in the code is part of a series of progressively narrower categories, and the more digits in the code signify greater classification detail. The first two digits designate the economic sector, the third digit designates the subsector, the fourth digit designates the industry group, the fifth digit designates the NAICS industry, and the sixth digit designates the national industry. The five-digit NAICS code is the level at which there is comparability in code and definitions for most of the NAICS sectors across the three countries participating in NAICS (the United States, Canada, and Mexico). The six-digit level allows for the United States, Canada, and Mexico each to have country-specific detail. A complete and valid NAICS code contains six digits. Any use not specifically set forth in this Article is expressly prohibited, unless determined otherwise as set forth in Section 5.2.1, Uses not Specifically Listed.

5.1.1 NAICS Administration

Determining whether a use should be classified under a particular category remains subject to interpretation on the part of the Administrator. However, the following information describes the administrative process in determining the permissibility of any particular use in a zoning district. If any use in the Table of Uses contains a two digit numeral, then all uses beginning with that Sector classification are permitted ~~that within~~ that particular zoning district. The same methodology is applied to classifications with more detailed classifications. In some instances, all uses in a particular category may be permitted EXCEPT certain uses. The uses excepted will be listed accordingly.

5.2 KEY TO PERMITTED USE TABLE

The following key applies to the Table of Permitted Uses (see Section 5.2.3)

Key to Permitted Use Table	
P = Permitted	A “P” in the use table indicates that a use is permitted by right in the respective district. Such uses are also subject to all other applicable requirements of this Ordinance.
S = Special Use Approval Required	An “S” indicates a use that may be permitted in the respective district only where approved by the County Board of Commissioners in accordance with Section 3.12 Special Use Permit. Uses requiring Special Use Permits are subject to all other applicable requirements of this Ordinance, except where such use standards are expressly modified by the approving authority as part of the Special Use Permit approval.
PM = Permitted in Conjunction with the MDP Process	A “PM” indicates that a use is permitted by right in the respective district with the approval of a Master Development Plan in accordance with Section 3.5.
D = Permitted with Standards	Cross-reference to any use standard listed in Section 5.3, Uses with Standards. Where no cross-reference is shown, no additional use regulations shall apply <u>the uses are still subject to all other applicable requirements of this Ordinance.</u>
Blank Cell	Not allowed.

¹~~The 2007 NAICS manual is found on the Census Bureau website at: <http://www.census.gov/eos/www/naics/>~~

5.2.1 Uses Not Specifically Listed

- A. Any use not specifically listed in this Article is expressly prohibited, unless the Administrator determines, in accordance with Section 3.17, Written Interpretation, that the use is similar to a permitted individual use or permitted group of uses as listed in this Article. Where such similar permitted individual use or permitted group of uses is subject to a limited use standard contained in this Article or special exception review, the proposed use shall also be subject to such standard or approval. The Administrator shall not amend this chapter by adding to or eliminating any use standard for the proposed use. In the event a proposed use is similar to a listed use, the Administrator shall use the following criteria to evaluate the admissibility of the use before permitting: type of use, environmental effects, traffic impacts, noise, odor or other applicable criteria as determined by the Administrator.
- B. Where a use not listed is found by the Administrator not to be similar to any other permitted individual use or permitted group of uses, the use shall be permitted only following a text amendment in accordance with Section 3.18, Ordinance Text Amendment. The decision of the Administrator may be appealed to the Board of Adjustment.
- C. When considering the appropriate districts for a use not listed in the Permitted Use Table, the district intent statements (see Article 4, Zoning Districts) shall be taken into consideration.
- D. Determination of an appropriate group of uses for a proposed use not currently listed shall be made by applying the processes of NAICS standards and code numbers similar to the use proposed.

5.2.2 Developments with Multiple Principal Uses

When all principal uses of a development fall within one use category (see Section 5.1, Use Interpretation) the entire development shall be assigned to that use category.

When the principal uses of a development fall within different groups of uses or no group of uses, each principal use shall be classified in the applicable group of uses or treated as an individual use and each use shall be subject to all applicable regulations for that group of uses or individual use.

~~Where a use requiring approval as a special use lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to review, not the entire project. However, where the separate legal parcel is an outparcel, the application shall describe the relationship of the outparcel to the remaining site.~~

5.2.3 Table of Permitted Uses

The Table of Permitted Uses shows those principal uses that are permitted by right, permitted subject to limited use standards, or permitted subject to a Special Use Permit.

See separate, revised Table of Permitted Uses,
provided separately, and proposed for
complete replacement of existing.

TABLE OF PERMITTED USES

P=Permitted Use D=Permitted w/ Use Standards S=Special Use Approval Required SD=Special Use Approval Required w/ Additional Standards PM=Permitted in conjunction w/ the MDP process											
Use Category-Specific Use-Type	-	Residential				Mixed-Use	Commercial	Industrial		Special-Purpose	
-	-	Zoning-Districts									
Use-Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
RESIDENTIAL	-	-	-	-	-	-	-	-	-	-	-
SFD: Detached-Conventional	-	P	P	P	P	P	-	-	-	-	-
SFD: Detached Zero-Lot-Line	-	-	-	P	-	P	-	-	-	-	-
SFD-Attached: Duplex	-	P	P	P	-	P	-	-	-	-	-
SFD-Attached: Multiplex	-	-	-	P	-	P	-	-	-	-	-
SFD-Townhouse (5+ attached)	-	-	-	P	-	P	-	-	-	-	-
Multifamily (condominium/apartment)	-	-	-	P	-	P	-	-	-	-	-
Upper-Story Residential	-	-	-	-	-	P	-	P	-	-	-
Accessory Dwelling	-	D	-	P	-	D	-	-	-	-	-
Accessory Dwelling on Non-Residential Principal Uses	-	D	-	-	-	D	-	-	P	P	-
Manufactured Home	-	P	D	-	P	-	-	-	-	-	-
Manufactured Home Park	-	-	-	-	PMD	-	-	-	-	-	-
ACCESSORY USES AND STRUCTURES	-	-	-	-	-	-	-	-	-	-	-
Accessory Structures	-	P	P	P	P	P	P	P	P	P	-
Cottage Occupations	-	SD	SD	SD	-	SD	SD	-	-	-	-
Home Occupation	-	D	D	D	D	D	D	-	-	-	-
Agritourism Activities on active farms	-	D	D	D	D	D	D	D	D	D	D
Sector 21: MINING, QUARRYING, OIL AND GAS EXTRACTION	-	-	-	-	-	-	-	-	-	-	-
Nonmetallic Mineral Mining & Quarrying	2123	S	-	-	-	-	-	-	-	S	-
Except: 212392 Phosphate Rock Mining	-	-	-	-	-	-	-	-	-	-	-
Except: 212321 Borrow Pit Sand Mining	-	-	PMD/S	-	-	PMD	-	-	-	-	-
Sector 22: UTILITIES	-	-	-	-	-	-	-	-	-	-	-
Fossil Fuel Electric Power Generation	221112	-	-	-	-	-	-	-	-	S	-
Other Electric Power Generation	221119	S	S	-	-	S	-	-	P	P	-
Electric Bulk Power Transmission & Control	221121	S	S	S	S	S	S	S	P	P	-
Natural Gas Distribution Except Transmission Lines	221210	-	-	-	-	-	-	-	-	P	-
Water Supply Facilities*	221310	-	S	-	-	PM	-	-	-	P	-
Sewage Treatment Facilities*	221320	-	S	PMD/S	-	PMD/S	-	-	-	P	-
Except: Sewage Lift Stations	-	SD	SD	PMD/S	PMD/S	PMS/S	D	D	D	D	-

See separate, revised Table of Permitted Uses, provided separately, and proposed for complete replacement of existing.

*County Owned or County Service District Provided Systems=P	-	-	-	-	-	-	-	-	-	-	-
-	-	Zoning Districts									
Use-Type	Ref NAICS	RA	RP	RM	MH	PD	GB	QI	IT	GI	EC
Sector 23: CONSTRUCTION	-	-	-	-	-	-	-	-	-	-	-
Construction of Buildings	236	-	-	-	-	-	D	-	P	P	-
Heavy and Civil Engineering Construction	237	-	-	-	-	-	D	-	P	P	-
Specialty Trade Contractors	238	-	-	-	-	-	D	-	P	P	-
Sectors 31-33 MANUFACTURING	-	-	-	-	-	-	-	-	-	-	-
Artisan Manufacturing		S	S			P	P		P		
Food Manufacturing	311	-	-	-	-	-	-	-	-	P	-
Beverage and Tobacco Product Manufacturing	312	-	-	-	-	-	-	-	-	P	-
Textile Mills	313	-	-	-	-	-	-	-	-	P	-
Textile Product Mills	314	-	-	-	-	-	-	-	-	P	-
Apparel Manufacturing	315	-	-	-	-	-	-	-	-	P	-
Wood Product Manufacturing	321	-	-	-	-	-	-	-	P	P	-
Truss Manufacturing	321214	-	-	-	-	-	S	-	P	P	-
Prefabricated Wood Building Manufacturing	321992	-	-	-	-	-	S	-	P	P	-
Prefabricated Metal Building and Component Manufacturing	332311	-	-	-	-	-	S	-	P	P	-
Paper Manufacturing	322	-	-	-	-	-	-	-	-	S	-
Converted Paper Product Manufacturing	3222	-	-	-	-	-	-	-	-	P	-
Printing and Related Support Activities	323	-	-	-	-	-	-	-	P	P	-
Petroleum and Coal Products Manufacturing	324	-	-	-	-	-	-	-	-	S	-
Synthetic Dye and Pigment Manufacturing	32513	-	-	-	-	-	-	-	-	P	-
Other Basic Organic Chemical Manufacturing	32519	-	-	-	-	-	-	-	-	P	-
Resin, Synthetic Rubber & Artificial Synthetic Fibers and Filaments Manufacturing	3252	-	-	-	-	-	-	-	-	P	-
Pharmaceutical Manufacturing	3254	-	-	-	-	-	-	-	P	P	-
Paint, Coating and Adhesive Manufacturing	3255	-	-	-	-	-	-	-	-	P	-
Soap, Cleaning Compound and Toilet Preparation Manufacturing	3256	-	-	-	-	-	-	-	-	P	-
Other Chemical Product and Preparation Manufacturing	-	-	-	-	-	-	-	-	-	P	-
Except: 32592 Explosive Manufacturing	-	-	-	-	-	-	-	-	-	-	-

See separate, revised Table of Permitted Uses, provided separately, and proposed for complete replacement of existing.

Plastics and Rubber Products Manufacturing	326	-	-	-	-	-	-	-	-	P	-
Clay Product and Refractory Manufacturing	3271	-	-	-	-	-	-	-	-	P	-
Ready-Mix Concrete Manufacturing	32732	-	-	-	-	-	-	-	-	P	-
Concrete Pipe, Brick, & Block Manufacturing	32733	-	-	-	-	-	-	-	-	P	-

-	-	Zoning Districts									
Use-Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OT	IT	GI	EC
Sectors 31-33 MANUFACTURING	-	-	-	-	-	-	-	-	-	-	-
Other Concrete Product Manufacturing	32739	-	-	-	-	-	-	-	-	P	-
Gypsum Product Manufacturing	32742	-	-	-	-	-	-	-	-	P	-
Fabricated Product Manufacturing	332	-	-	-	-	-	-	-	-	P	-
Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing	3327	-	-	-	-	-	-	-	P	P	-
Machinery Manufacturing	333	-	-	-	-	-	-	-	-	P	-
Computer & Electronic Product Manufacturing	334	-	-	-	-	-	-	-	P	P	-
Electrical Equipment, Appliance, & Component Manufacturing	335	-	-	-	-	-	-	-	-	P	-
Transportation Equipment Manufacturing	336	-	-	-	-	-	-	-	-	P	-
Furniture and Related Product Manufacturing	337	-	-	-	-	-	-	-	P	P	-
Miscellaneous Manufacturing	339	-	-	-	-	-	-	-	P	P	-
Sector 42 WHOLESALE TRADE	-	-	-	-	-	-	-	-	-	-	-
Wholesale Trade	42	S	-	-	-	-	-	-	P	P	-
Sectors 44-45 RETAIL TRADE	-	-	-	-	-	-	-	-	-	-	-
Motor Vehicle and Parts Dealers	441	S	-	-	-	-	P	-	P	-	-
Furniture and Home Furnishings Stores	442	-	-	-	-	-	P	-	P	-	-
Electronics and Appliance Stores	443	S	-	-	-	P	P	-	P	-	-
Building Material, Garden Equipment & Supplies Dealers	444	S	-	-	-	-	P	-	P	P	-
Food and Beverage Stores	445	S	S	-	-	P	P	-	P	-	-
Health and Personal Care Stores	446	S	S	-	-	P	P	P	P	-	-
Gasoline Stations	447	S	-	-	-	P	P	-	P	-	-

See separate, revised Table of Permitted Uses, provided separately, and proposed for complete replacement of existing.

Clothing and Clothing Accessories Stores	448	S	-	-	-	P	P	-	P	-	-
Sporting Goods, Hobby, Book, and Music Stores	451	-	-	-	-	P	P	-	P	-	-
Miscellaneous Store Retailers	453	S	-	-	-	P	P	-	-	-	-
Non-store Retailers	454	S	-	-	-	P	P	-	P	-	-
Liquefied Petroleum Gas Dealers	454312	-	-	-	-	-	-	-	-	P	-
Sectors 48-49: TRANSPORTATION AND WAREHOUSING	-	-	-	-	-	-	-	-	-	-	-
Air Transportation	481	-	-	-	-	-	-	-	P	P	-
Rail Transportation	482	-	-	-	-	-	-	-	P	P	-
Truck Transportation	484	-	-	-	-	-	-	-	P	P	-
Transit and Ground Passenger Transportation	485	-	-	-	-	-	-	-	P	P	-
Interurban and Rural Bus Transportation	4852	-	-	-	-	-	-	-	P	P	-
Taxi and Limousine Service	4853	-	-	-	-	-	-	-	P	P	-
School and Employee Bus Transportation	4854	-	-	-	-	-	-	-	P	P	-
Charter Bus Industry	4855	-	-	-	-	-	-	-	P	P	-
Support Activities for Transportation	4884	-	-	-	-	-	-	-	P	P	-
Support Activities for Road Transportation	4884	S	-	-	-	-	P	-	P	P	-
Postal Services	491110	S	S	-	-	P	P	P	-	-	-
Couriers and Messengers	492	-	-	-	-	-	P	P	P	P	-
-	-	Zoning Districts									
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sectors 48-49: TRANSPORTATION AND WAREHOUSING	-	-	-	-	-	-	-	-	-	-	-
Warehousing and Storage	493	S	-	-	-	-	-	-	P	P	-
Sector 51: INFORMATION	-	-	-	-	-	-	-	-	-	-	-
Information	51	-	-	-	-	P	P	P	P	P	-
Finance and Insurance	52	S	S	-	-	P	P	P	P	P	-
Sector 53: REAL ESTATE AND RENTAL AND LEASING	-	-	-	-	-	-	-	-	-	-	-
Real Estate and Rental and Leasing	53	S	S	-	-	P	P	P	P	P	-
Commercial and Industrial Machinery and Equipment Rental and Leasing	5324	-	-	-	-	-	-	-	P	P	-
Sector 54: PROFESSIONAL, SCIENTIFIC AND TECHNICAL SERVICES	-	-	-	-	-	-	-	-	-	-	-
Professional, Scientific, & Technical Services	54	S	S	-	-	P	P	P	P	P	-

See separate, revised Table of Permitted Uses, provided separately, and proposed for complete replacement of existing.

Sector 55: MANAGEMENT OF COMPANIES AND ENTERPRISES	-	-	-	-	-	-	-	-	-	-	-
Management of Companies and Enterprises	55	S	S	-	-	P	P	P	P	P	-
Sector 56: ADMINISTRATIVE AND SUPPORT AND WASTE MANAGEMENT AND REMEDIATION SERVICES	-	-	-	-	-	-	-	-	-	-	-
Administrative and Support Services	561	S	-	-	-	P	P	P	P	P	-
Solid Waste Collection Public	562111	P	P	P	P	P	P	P	P	P	-
Solid Waste Collection Private	562111	-	-	-	-	-	-	-	-	S	-
Solid Waste Landfill	562212	-	-	-	-	-	-	-	-	S	-
Solid Waste Combustors and Incinerators	562213	-	-	-	-	-	-	-	-	S	-
Other Nonhazardous Waste Treatment and Disposal	562219	S	-	-	-	-	S	-	S	S	-
Remediation Services	562910	-	-	-	-	-	-	-	-	S	-
Materials Recovery Facilities	562920	-	-	-	-	-	-	-	-	S	-
All Other Waste Management Facilities	56299	-	-	-	-	-	-	-	-	S	-
Sector 61: EDUCATIONAL SERVICES	-	-	-	-	-	-	-	-	-	-	-
Educational Services	611	S	-	-	-	P	P	P	-	-	-
Business Schools, Computer & Management Training	6114	-	-	-	-	P	-	P	P	-	-
Technical and Trade Schools	6115	S	-	-	-	P	P	P	P	P	-
Other Schools and Instruction	6116	S	-	-	-	P	P	P	P	-	-
Sector 62: HEALTH CARE AND SOCIAL ASSISTANCE	-	-	-	-	-	-	-	-	-	-	-
Ambulatory Health Care Services	621	-	-	-	-	P	P	P	-	-	-
Except: Outpatient Mental Health and Substance Abuse Centers	62142	-	-	-	-	-	P	S	-	-	-
Hospitals	622	S	-	-	-	P	P	P	-	-	-
-	-	Zoning Districts									
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 62: HEALTH CARE AND SOCIAL ASSISTANCE	-	-	-	-	-	-	-	-	-	-	-
Except: Psychiatric and Substance Abuse Hospitals	6222	-	-	-	-	-	-	S	-	-	-
Except: Outpatient Mental Health and Substance Abuse Hospitals	62142	-	-	-	-	-	S	S	-	-	-
Nursing and Residential Care Facilities	623	S	S	-	-	P	P	P	-	-	-

See separate, revised Table of Permitted Uses, provided separately and proposed for complete replacement of existing

Except: Residential Mental Retardation, Mental Health & Substance Abuse Facilities	6232	S	-	-	-	-	-	S	-	-	-
Social Assistance	624	S	-	-	-	P	P	P	-	-	-
Vocational Rehabilitation Services	6243	-	-	-	-	-	P	P	P	P	-
Sector 71: ARTS, ENTERTAINMENT, AND RECREATION	-	-	-	-	-	-	-	-	-	-	-
Performing Arts Companies	7111	S	-	-	-	P	P	-	-	-	-
Spectator Sports	7112	S	-	-	-	-	P	-	P	-	-
Promoters of Performing Arts, Sports and Similar Events	7113	S	-	-	-	S	S	-	-	-	-
Agents and Managers for Artists, Athletes, Entertainers and Other Public Figures	7114	-	-	-	-	P	P	P	-	-	-
Museums, Historical Sites and Similar Institutions	712	S	-	-	-	P	P	P	-	-	-
Amusement and Theme Parks	713110	S	-	-	-	S	S	-	-	-	-
Amusement Arcades	713120	-	-	-	-	-	P	-	-	-	-
Golf Courses and Country Clubs	713910	S	PM	-	-	P	-	-	-	-	-
Fitness & Recreational Sports Centers	713940	S	-	-	-	P	P	P	P	-	-
Bowling Centers	71395	-	-	-	-	-	P	P	P	-	-
All Other Amusement & Recreation Industries	71399	S	-	-	-	P	P	-	P	-	-
Aviation Clubs, Recreational	713990	S	S	-	-	P	P	-	P	-	-
Canoeing, Recreational	713990	S	S	-	-	P	P	-	P	-	-
Fishing Clubs, Recreational	713990	S	S	-	-	P	P	-	P	-	-
Flying Clubs, Recreational	713990	S	S	-	-	P	P	-	P	-	-
Guide Services (i.e. Fishing, Hunting, Tourist)	713990	S	S	-	-	P	P	-	P	-	-
Horse Riding, Recreational	713990	P	S	-	-	-	-	-	-	-	-
Outdoor Shooting Ranges	713990	S	-	-	-	-	-	-	-	-	-
Zoning Districts											
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 72: ACCOMMODATIONS AND FOOD SERVICES	-	-	-	-	-	-	-	-	-	-	-
Hotels and Motels	72111	-	-	-	-	P	D	D	-	-	-
Bed and Breakfast Inns	721191	S	S	-	S	P	P	-	-	-	-
All Other Traveler Accommodation	721199	S	S	-	S	P	P	-	-	-	-
RV Parks and Recreational Camps	7212	SD	-	-	-	-	SD	-	-	-	-
Recreational and Vacation Camps	721214	S	-	-	-	-	-	-	-	-	S

See separate, revised Table of Permitted Uses, provided separately, and proposed for complete replacement of existing.

Rooming and Boarding Houses	721310	S	-	-	-	P	P	-	-	-	-
Full Service Restaurants	7221	S	-	-	-	P	P	P	P	P	-
Limited Service Eating Places	7222	S	-	-	-	P	P	P	P	P	-
Special Food Services	7223	S	-	-	-	P	P	P	P	P	-
Drinking Places (Alcoholic Beverages)	7224	S				P	P				
Sector 81: OTHER SERVICES, EXCEPT PUBLIC ADMINISTRATION											
Automotive Repair and Maintenance	8111	S	-	-	-	-	P	-	P	P	-
Electronic and Precision Equipment Repair and Maintenance	8112	S	-	-	-	-	P	P	P	P	-
Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	8113	-	-	-	-	-	-	-	P	P	-
Personal and Household Goods Repair and Maintenance	8114	S	-	-	-	P	P	P	P	P	-
Personal Care Services	8121	P	S	-	-	P	P	P	P	-	-
Funeral Homes and Funeral Services	81221	S	-	-	-	-	P	P	P	P	-
Cemeteries and Crematories Except: Private Cemetery	81222	S	S	-	-	S	S	S	S	S	-
Coin-Operated Laundries and Drycleaners	812310	P	-	-	-	P	P	-	-	-	-
Dry-cleaning and Laundry Services	812320	S	-	-	-	P	P	-	P	P	-
Linen & Uniform Supply	81233	-	-	-	-	-	-	-	P	P	-
Other Personal Services	8129	S	-	-	-	P	P	P	P	-	-
Pet Care Services	812910	D	-	-	-	-	D	-	D	D	-
Religious Organizations	8131	P	S	-	-	P	P	P	P	-	-
Grant making and Giving Services	8132	-	-	-	-	P	P	P	P	-	-
Social Advocacy Organizations	8133	-	-	-	-	P	P	P	P	-	-
Civic and Social Organizations	813410	S	S			P	P	P			
Business, Professional, Labor, Political and Similar Organizations	8139	-	-	-	-	P	P	P	P	-	-
Public Administration	92	P	P	P	P	P	P	P	P	P	-
Zoning Districts											
Use-Type	Ref NAICS	RA	RP	RM	MH	PD	GB	GI	IT	GL	EC
MISCELLANEOUS USES	-	-	-	-	-	-	-	-	-	-	-
Adult and Sexually Oriented Businesses	-	-	-	-	-	-	-	-	S	S	-

See separate, revised Table of Permitted Uses, provided separately, and proposed for complete replacement of existing.

Adult Retail	-	-	-	-	-	-	-	-	S	S	-
Bona fide Farm Purposes	-	D	D	D	D	D	D	D	D	D	D
Child Care Center	-	P	S	-	-	S	P	P	-	-	-
Community Boating Facility	-	SD	SD	SD	SD	SD	-	-	-	-	-
Community Boating Facility in conjunction with a Master Development Plan	-	SD	PMD	PMD	PMD	PMD	-	-	-	-	-
Family Care Home	-	D	D	D	D	D	-	-	-	-	-
Family Child Care Home	-	P	P	-	-	P	P	P	-	-	-
Industrial Park										SD	
Marina (Commercial)	-	S	PM	-	-	PM	-	-	-	-	-
Portable Storage Containers	-	D	D	D	D	D	D	D	D	D	-
Private Cemetery less than 6,000 sq. ft.	-	D	D	-	-	-	D	D	D	-	-
Private Cemetery 6,000 sq. ft. and larger	-	S	S	-	-	-	S	S	S	-	-
Public Parks	-	P	P	P	P	P	P	P	P	P	-
Private Residential Boating Facility	-	D	D	D	D	D	-	-	-	-	-
Salvage Operations	-	S	-	-	-	-	-	-	-	D	-
Storage of Merchandise, Materials or Equipment On Site Inside or Outside An Enclosed Building, Excluding Salvage											
Storage of boats and watercraft outdoors or on dry stack structures											
Sweepstakes Center	-	-	-	-	-	-	SD	-	SD	SD	-
Telecommunication Facilities	-	SD	SD	-	-	SD	SD	SD	SD	SD	-
Telecommunication Facilities — Public Safety		SD	SD			SD	SD	SD	SD	SD	
Telecommunication Facilities — Micro cell and small cell	<u>Per Zoning Approval Permit, and in accordance with NC GS § state statutes.</u>										
Temporary Manufactured Homes	-	P	P	-	-	P	-	-	-	-	-
Temporary Modular/Manufactured Offices	-	-	-	-	-	P	P	P	P	P	-
Temporary Fruit & Vegetable Stands	-	P	P	-	-	-	-	-	-	-	-
Temporary Buildings for Construction or Development	-	D	D	D	D	D	D	D	D	D	-
Temporary Events	-	D	-	-	-	-	D	D	D	D	-

See separate, revised Table of Permitted Uses, provided separately, and proposed for complete replacement of existing.

5.3 USES WITH STANDARDS

5.3.1 General

A. These standards shall only apply to those districts and uses where the “S”, “PM” or “D” is designated on the ~~use table~~ Table of Permitted Uses in Section 5.2.3. In addition to these standards the use shall be permitted in compliance with the general development standards of the underlying zoning and other applicable requirements of this Ordinance. If a blank cell is designated, then the use is not permitted.

~~B.~~ Unless specifically exempted within this Article, all other applicable requirements of this Ordinance apply. ~~These include:~~

- ~~1) Zoning District Standards~~
- ~~2) Design and Performance Standards~~
- ~~3) Landscaping and Buffering Standards~~
- ~~4) Subdivision Standards~~
- ~~5) Flood Damage Prevention~~
- ~~6) Signs Standards~~

5.3.2 Residential Uses

A. Residential Principal Structure

- ~~1) In any residential district, up to three residential structures are permitted, on a single lot provided that each principal residential structure meets the minimum zoning district lot size requirements and that a plat drawn to scale by a licensed registered surveyor is submitted showing that all yards and other requirements of this Ordinance have been met for each structure.~~ Any manufactured home, recreational vehicle, or trailer that is occupied for more than six months within a calendar year or permanently connected to a septic or sewer system shall be considered a residential use and regulated accordingly.

B. Structures To Have Access

- 1) Notwithstanding the Zoning District Dimensional Requirements (Section 4.10), everyEvery structure hereafter erected or moved shall be on a lot adjacent to or having access to a public right-of-way, street or road not less than thirty (30') feet in width. When the lot is not adjacent to the public road and access is provided by an access easement to the public road, the easement must be a minimum of twenty (20') feet wide.

C. Upper Story Residential Dwelling

- 1) An upper story residential attached housing type shall follow the same lot sizes contained in the commercial use districts.
- 2) The minimum parking requirements shall be followed in conjunction with the approved commercial use found in Section 7.10, Off Street Parking and Loading/Parking Requirements.
- 3) Required open space shall be in conformance with the overall site development plan.
- 4) If developed as a single dwelling, open space shall not be required.

C.D. Manufactured Home

- ~~1) Manufactured Homes shall not be allowed in previously zoned R-20C zoning districts prior to the adoption of this Ordinance.~~
- ~~2)1~~ Manufactured homes constructed prior to July 1, 1976 may not be brought into or relocated in the County. Mobile or manufactured homes which, at the time of construction, were not built to the standards of the National Manufactured Housing Construction and Safety Standards Act of 1974 (effective 1976) are prohibited within the county. However, existing manufactured homes constructed prior to July 1, 1976 shall remain permitted as a nonconforming structure.
- ~~3)2~~ All manufactured homes shall be used only as a residential dwelling unit. No manufactured home shall be used as a storage building upon any lot at any time nor shall a manufactured home be used as a commercial or business structure or use.

D.E. Manufactured Home ParkCommunity

- 1) All manufactured homes located in a manufactured home community must meet the standards of Section 5.3.2.C, Manufactured Homes.
- 2) All manufactured home communities shall be at least five (5) acres in size.
- 3) All manufactured home communities must have eleven (11) lots or more.
- 4) The following lot sizes shall be permitted in a manufactured home community:
 - a) Manufactured home spaces served by public water and a public sewerage system shall have a minimum of 7,000 square feet.
 - b) Manufactured home spaces served only by either public water or a public sewerage system shall have a minimum of 12,000 square feet.
 - c) Manufactured home spaces served by neither public water nor a public sewerage system shall have a minimum of 15,000 square feet.
- 5) All manufactured home communities must adhere to the following dimensional requirements:

Minimum Lot Width	50 feet
Minimum Front Yard Setback	20 feet
Minimum Side Yard Setback	10 feet
Minimum Rear Yard Setback	20 feet
Minimum Structure Separation	20 feet
Minimum Exterior Property Boundary Setback	20 feet

- 6) All communities shall adhere to Article 8, Landscaping and Buffering.
- 7) Manufactured home communities must meet Open Space requirements per Section 7.6, Open Space.
- 8) Manufactured home community operators shall make arrangements for a private vendor or other sources to collect refuse, either from individual spaces or from centrally located dumpster sites. All dumpster locations are to be fenced and screened from view. Individual refuse receptacles shall be waterproof and rodent proof.
- 9) All communities are to be provided with a sewage collection system and/or septic tanks approved by the appropriate health agency. If a centralized sewer system is to be used,

it shall meet the requirements of the Pender County Health Department or appropriate state agency.

- 10) All communities shall obtain water from a public source or a source as approved by the Pender County Health Department.

~~11) Each manufactured home shall be set up and anchored in accordance with the North Carolina Uniform Standards Code for Mobile Homes (Chapter 143, Article 9A of the North Carolina General Statutes).~~

~~12)~~11) All accessory structures in a manufactured home community shall not be greater than 600 square feet and meet the standards prescribed in Section 5.3.3.A.1, Accessory Uses and Structures.

~~13)~~12) Accessory structures shall be located only on the site space containing that manufactured home and may not be located in any required manufactured home community yard.

~~14)~~13) Each space shall be equipped with water, sewer, and electrical connections.

~~15)~~14) All streets must adhere to Section 7.5, Street Design and have direct access to a publicly maintained road.

~~16)~~15) No individual manufactured home shall have direct access to a publicly maintained road.

~~17)~~16) All streets will be appropriately identified with street name signs as applicable.

~~18)~~17) Two automobile parking spaces shall be provided for each manufactured home lot and shown on the Master Development Plan and Preliminary Plat. No portion of the required spaces shall be within any street right of way.

~~19)~~18) Common areas shall be dedicated to and maintained by the community owner and meet all the requirements of Section 7.6.1.E.10.

~~20)~~19) All manufactured home spaces shall be permanently identified by permanent markers or monuments.

~~21)~~20) No recreational vehicles shall be permitted within a manufactured home community.

~~22)~~21) Any land within the jurisdiction of a Special Flood Hazard Area shall be prohibited for residential development, but may be set aside for passive open space.

~~23)~~22) Within a manufactured home community, one structure may be used as an administrative office.

~~24)~~23) The operator of a manufactured home community shall keep an accurate register containing a list and description of all homes located in the community and owner thereof.

~~E.F.~~ Accessory Dwelling Unit, ~~Detached~~ - A dwelling may be an accessory use in the residential districts in the following circumstances:

- 1) ~~Detached~~ Accessory dwelling units shall be clearly subordinate to the principal structure
- 2) Shall not exceed 33% ~~or 800 square feet (whichever is lesser)~~ of the heated floor area of the principal dwelling
- 3) No more than one accessory unit shall be located on ~~the each~~ lot.
- 4) Must be located in the rear or side yard and meet rear and side yard setback requirements of a principal structure per applicable zoning district requirements
- ~~4)5) Recreational Vehicles or trailers shall not be permitted as accessory dwelling units.~~

F.G. Emergency/disaster relief housing - In case of fire, flood, hurricane, tornado and the like, and/or where the Chairman of the County Commissioners has declared an emergency or disaster, the following provisions of this Article may be temporarily relieved for the duration of the emergency:

- 1) Manufactured homes or recreational vehicles may be placed on ~~residential lots~~lots used for residential purposes for temporary residential occupancy when a residence has been damaged by fire, flood, hurricane, tornado or the like. This provision ~~is not to~~shall not be used for occupancy when a home is in disrepair.
- 2) In the case of a non-residential use damaged by fire, flood, hurricane, tornado or the like, a commercial modular with approved occupancy as per North Carolina State Building Code, ~~Volume I, General Construction~~, may be used.
- 3) ~~Any temporary structure must meet setbacks for that zoning district and all other applicable regulations (CAMA, FEMA, Environmental Health, et cetera). In the event the temporary structure cannot meet the required setbacks, a variance must be granted by the Zoning Board of Adjustment prior to the temporary structure being located on the property. Temporary structures may be allowed to encroach into the district minimum setbacks provided there is a minimum setback of 6 feet from lot line or existing structures.~~
- 4) The temporary provision by zoning approval permit shall be allowed for a maximum of one hundred eighty (180) days after the damage occurs. The owner may submit a written request to the Administrator prior to the expiration of one hundred eighty (180) days for an extension to the time limit for circumstances when one hundred eighty (180) days is not sufficient. The director is authorized to grant an extension not to exceed three hundred sixty-five (365) days from the initial date of the damage.
- 5) Temporary provisions shall also be allowed in the event repair or replacement is being made pursuant to a governmental grant or program. However, any temporary structure shall be removed within 180 days or 30 days after the issuance of an occupancy permit for the dwelling or the installation of the manufactured home, whichever comes first.
- 6) This provision ~~is not intended to~~shall not allow extension of a nonconforming use.
- ~~7) Migrant Housing Facility - Migrant Housing Facilities shall be subject to all criteria set forth in G.S. 95-222, Migrant Housing Act.~~
- 7) Temporary Manufactured Homes - Temporary use of a manufactured home as a residence shall be permitted in any district in cases where the permanent home has been destroyed through no fault of the owner or tenant or when completing the construction of a new home.

5.3.3 Accessory Uses and Structures

A. Accessory uses and structures must be associated with a primary use or structure on the same parcel.

A.B. Accessory Building Setbacks and Separation Requirements

- 1) Accessory Buildings ~~50-599~~ Square Feet In Area:
 - a) Setback of ten (10) feet from all property lines, access easements, and any other structures located on the property.
- 2) Accessory Buildings 600-1,199 Square Feet In Area:
 - a) Setbacks shall adhere to zoning district requirements and separation must be ten (10) feet from any other structure and access easements located on the property.

3) Accessory Buildings 1,200 Square Feet in Area or Greater:

- a) Same setback and separation requirements as principal buildings per zoning district regulations

B.C. Cottage Occupation – Cottage Occupations shall be permitted with an approved Special Use Permit in zoning districts indicated in Section 5.2.3, Table of Permitted Uses, with the following limitations:

- 1) The use must be clearly incidental and secondary to the use of the property for residential purposes.
- 2) The use shall not change the character or area of the structure or have any exterior evidence of the occupation.

3) All structures used in conjunction with a cottage occupation shall be consistent with the materials and design of the primary structure.

3)4) The floor area of the cottage occupation cannot exceed the total floor area of the primary residence.

4)5) No cottage occupation shall be permitted which creates objectionable noise, dust, smoke, odor, glare, or traffic attraction greater than that of other residential properties in the vicinity.

5)6) Workers not living on the property shall be limited to three (3) persons per day.

6)7) Proposed Cottage Occupation permits in the GB, General Business district, shall not expand or increase the existing non-conforming use or structure.

C.D. Home Occupation - Home occupations are permitted only as an accessory use and require zoning approval. Home occupations shall be permitted subject to the following limitations:

- 1) Any activity related to the proposed business is carried on wholly within the principal building or structure.
- 2) At least one (1) member of the household, residing on the premise, must be included in the operation of the proposed business.
- 3) The business is clearly incidental and secondary to the use of the dwelling unit for residential purposes with no exterior display, no exterior storage of materials, and no exterior indication of the home occupation or variation from the residential character of the principal building and neighborhood.
- 4) Not over twenty-five percent (25%) of the total actual floor area or five hundred (500) square feet, whichever is less, shall be used for a home occupation.
- 5) No home occupation shall produce any offensive noise, vibrations, smoke, dust, heat, odor, glare, traffic hazard or congestion, or have a adversely effect on the surrounding properties.
- 6) Requires no ~~internal or~~ external alterations, construction features, equipment, or external storage of machinery that is not otherwise customary in residential areas.
- 7) Traffic generation shall not exceed the traffic volumes generated by nearby residents.
- 8) Only two (2) persons outside of the dwelling may be engaged in the home occupation; and
- 9) No mechanical equipment shall be installed or used except such that is normally used for domestic, professional, or hobby purposes and which does not cause noise or other interference in radio and television reception.

- 10) Proposed Home Occupation permits in ~~the GB, General Business district~~nonresidential districts, shall not expand or increase the existing non-conforming use or structure.

~~D. Agritourism Activities on Active Farms~~

- ~~1) All uses shall be in accordance with N.C.G.S. 153A-340(b).~~

E. Vehicle Storage

1) Residential Districts

- a) Only operable vehicles intended for personal use shall be parked or stored on any property used for residential purposes in any Zoning District.
- b) No storage of commercial inventory or materials shall be permitted in a parking area or on any site used for residential purposes.
- c) No inoperative vehicle shall be permitted to be parked or stored out of doors unless it is effectively screened from view from the roadway and adjoining property owners.
- d) Commercial vehicles may be stored or parked overnight, only on a site permitted for a business use or when driven home by employees as noted below.
- e) Commercial trucks or vans driven home by owners or employees must be parked off the street or access right-of-way, in a garage, carport, driveway, or other designated areas.

2) Non-Residential Districts

- a) Commercial storage and/or parking of licensed operable motor vehicles will be permitted as indicated in the Table of Permitted Uses.
- b) Inoperative vehicles shall only be permitted to be parked or stored while undergoing repairs at a commercial garage or automobile service station or if stored in an approved salvage yard.

3) Manufactured (Mobile) Home, ~~Recreational Vehicle & Trailer~~ Parking and Storage

- a) It shall be unlawful to park or otherwise store for any purpose whatsoever any manufactured mobile home ~~or trailer~~ within any zoning district except as follows:
 - i) At a safe and lawful location on a street, alley, highway, or other public place, provided that the ~~trailer or~~ manufactured mobile home shall not be parked overnight.
 - ii) Within an approved location in a mobile home park.
 - iii) On any other lot or plot provided that:
 - a. A storing zoning approval permit for any mobile home to be parked or stored for longer than seven (7) days shall be obtained from the Administrator.
 - b. A ~~mobile-manufactured~~ home shall not be parked and used other than in an approved mobile-manufactured home park, or unless obtaining a temporary occupancy permit.
 - ~~c. Trailers and recreational vehicles shall be parked in a driveway, garage, or carport, or in the rear or side yard of an established primary or principal lot or parcel for the purpose of storage only.~~
 - iv) No mobile home or camper shall be used for the purpose of storing materials.
 - ~~v) Only operable recreational vehicles intended for personal use shall be parked or stored on any property used for residential purposes in any Zoning District.~~
 - v) A zoning approval permit to store a manufactured mobile home may be issued by the Administrator for a term not to exceed six (6) months. Such permit may be renewed for one six (6) month term, at the discretion of the Administrator.

4) Recreational Vehicle & Trailer Parking and Storage

- a) It shall be unlawful to park or otherwise store for any purpose whatsoever any recreational vehicle or trailer within any zoning district except as follows:
 - i) At a safe and lawful location on a street, alley, highway, or other public place, provided that the recreational vehicle or trailer shall not be parked overnight.
 - ii) Within an approved location in a mobile home park.
 - iii) On any other lot or plot provided that:
 - a. A recreational vehicle or trailer shall not be parked and used other than in an approved mobile home park, or unless obtaining a temporary occupancy permit.
 - b. Trailers and recreational vehicles shall be parked in a driveway, garage, or carport, or in the rear or side yard of an established primary or principal lot or parcel for the purpose of storage only.
 - iv) No recreational vehicle or trailer shall be used for the purpose of storing materials.
 - v) Only operable recreational vehicles intended for personal use shall be parked or stored on any property used for residential purposes in any Zoning District.
 - vi)

F. Swimming Pools - All public, commercial, or private outdoor swimming, either above ground or below ground, and of either permanent or temporary construction shall meet the following requirements specified below:

- 1) That the setback for an above and below ground swimming pool and related mechanical equipment from any lot line shall equal the required setback for accessory structures in the district in which it is located.
- 2) In any case in which a pool is directly attached to a principal structure, all district requirements shall be met for principal structures, including but not limited to dimensional standards.
- 3) Must meet all minimum requirements outlined in the North Carolina Building Code.

~~G. Retail Sales and Services - Retail sales and services are permitted as accessory uses when clearly incidental to the principal use.~~

- ~~1) With the exception of restaurants in conjunction with a motel such uses shall be conducted wholly within the principal building without access thereto other than from within the building and without exterior advertising or display. These activities shall be conducted solely for the convenience of the employees, patients, patrons, students, or visitors and not for the general retail public.~~

5.3.4 Mining, Quarrying, Oil and Gas Extraction (Sector 21)

A. Non-metallic Mineral Mining and Quarrying shall be subject to all criteria set forth in G.S. §74, North Carolina Mining Act.

B. On-site Borrow Pit Sand Mining (NAICS 212321) ~~approved~~ shall be permitted in conjunction with ~~a-an approved~~ Master Development Plan ~~approved Preliminary Plat~~ if:

- 1) The mining operations shall be completed within 2 years of the ~~Master Development Plan~~ approval. The administrator may grant an extension of six (6) months with a written request provided by the applicant and/or property owner that justifies the need for the extension. This extension is contingent upon the continued preparation of the site for residential development.
- 2) Borrow Pit Sand Mining in ~~the RP, Residential Performance~~ residential zoning district will require a Special Use Permit (SUP) prior to the approval of a Master Development Plan.

- 3) Borrow Pit Sand Mining in the ~~RP and PD zoning districts~~ is limited to 12.5% of the total tract acreage.

5.3.5 ~~Sewage Treatment Facilities (Sector 22 Utilities)~~ Utilities (Sector 22)

A. ~~Landscaping~~

- 1) ~~All utilities (except transmission lines) featuring above ground components shall require Class C buffer around project site or property perimeter except where visibility is required by other federal, state, or local regulations.~~

B. ~~Structure separation standards shall be measured from project boundary line and shall not apply internally within the project site.~~

A.C. ~~Sewage Treatment Facilities approved in conjunction with a Master Development Plan (MDP).~~

- 1) Sewage Treatment Facilities may be approved in conjunction with a ~~Master Development Plan MDP~~ if:
 - a) The sewage treatment facility will only provide service within the boundary of the approved (MDP).
 - i) The sewage treatment facility must be completed within phase one (1) of the development. Any changes to a Sewage Treatment Facility approved in conjunction with a MDP will require Administrator evaluation; changes to the facility include but are not limited to; enlarging footprint or building size, increase in capacity, or increase in area to be serviced.

~~b) If the Sewage Treatment Facility services are expanded to areas outside of the MDP boundary, the facility shall be required to obtain a Special Use Permit (SUP) for modifications to the facility.~~

B. ~~Sewage Treatment Facilities not associated with an approved MDP: Sewage Treatment Facilities not associated with a MDP shall be required to obtain a Special Use Permit (SUP) for the facility.~~

C. ~~Sewage Lift Stations~~

- 1) Legal access to the project site shall be demonstrated on all submitted site plans.

~~2) Landscaping and Buffers:~~

- ~~a) All buffers shall adhere to standards included in Article 8 Landscaping and Buffers. A type "C" buffer shall be provided along all project area boundary lines except where visibility of the lift station is required by other federal, state, or local regulations.~~

~~b)a) Sewage Lift Stations shall be subject to the primary structure setback requirements of the specific zoning district. Setbacks shall be measured from the property line to the project area boundary.~~

~~e) Structure separation standards shall be measured from project boundary line and shall not apply internally within the lift station project site.~~

5.3.6 Construction (Sector 23)

A. Construction of Buildings; Heavy and Civil Engineering Construction; Specialty Trade Contractors

- 1) A maximum building floor area of ten thousand (10,000) square feet.
- 2) Outdoor storage areas shall be screened with solid opaque fence or masonry wall with a minimum height of six (6') feet or with a solid evergreen hedge with a minimum maturity height of six (6') feet at planting.

- 3) Manufacturing, assembly, or prefabrication of materials or equipment shall take place within a fully enclosed structure.
- 4) Outdoor storage areas shall not produce offensive noise, vibrations, smoke, dust, heat, odor, glare, traffic hazards or congestion and shall not adversely affect the surrounding properties.
- 5) All outdoor storage areas shall meet the zoning district dimensional requirements and setbacks found in Section 4.144.10 for all primary structures.

5.3.7 Manufacturing (Sectors 31-33)

A. Brewery, Distillery, Microbrewery, and Microdistillery shall be in accordance with the following standards:

- 1) Accessory use. Accessory uses are permitted and may include the retail sale of their products and merchandise, tasting room, tavern, restaurant (subject to ABC regulations and permitting) or other related accessory uses, in accordance with the following standards:
 - a) Location. These ancillary uses shall be permitted only if they are located on the premises of the facility and where no amplified music or sound is permitted outside of the primary structure.
 - b) Hours of operation. The accessory use hours of operation shall be limited to 7:00 a.m. through 12:00 a.m. (midnight).
 - c) Maximum floor area. The maximum floor area utilized for an accessory use shall not exceed 30 percent or 20,000 square feet (whichever is lesser) of the gross floor area of the facility. This amount may be increased by up to 10% via Variance.

5.3.8 Retail Trade (Sectors 44-45)

A. Automobile Service Station

- 1) Fuel pumps and other related accessory structures shall be located a minimum of 15 feet from any property line.
- 2) When an automobile service station adjoins a residential district, the underground storage tanks shall be located a minimum of 30 feet from the property line.
- 3) All underground storage tank facilities shall comply with the North Carolina Building Code and NFPA 30A.

5.3.9 Finance and Insurance (Sector 52)

A. Freestanding Automatic Teller Machines

- 1) Shall be considered as an accessory structure.
- 2) Shall allow for proper ingress and egress and proper traffic flow.
- 3) Shall not be located in any minimum required parking spaces or buffer areas.

5.3.10 Arts, Entertainment and Recreation (Sector 71)

A. Amusement or Water Parks, including; Batting Cages; Go-Cart Tracks; Golf Driving Ranges; Miniature Golf Facilities

- 1) Minimum lot size for all development except miniature golf facilities shall be five (5) acres.

- 2) No principal buildings or structures shall be located within fifty (50) feet of any property line.
- 3) Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of park activities.
- 4) No amusement equipment, machinery, or mechanical device of any kind may be operated within two hundred (200) feet of any residentially zoned property
- 4)5) Golf course areas are intended as open space and shall be maintained as such, if part of a residential neighborhood.

5.3.105.3.11 Accommodation and Food Services (Sector 72)

A. Drive thru pickup windows shall be located to the side or rear of the structure (i.e. – not in the front yard).

A.B. Hotels and Motels shall be allowed one (1') foot of additional height for every two (2') feet of additional setbacks to the front and sides property lines, not to exceed seventy five (75) feet in height.

B.C. Recreational Vehicle Park

- 1) All recreational vehicle parks shall be at least three (3) acres in size.
- 2) Every space shall consist of a minimum of 2,000 square feet.
- 3) All recreational vehicle parks must adhere to the following dimensional requirements:

Minimum Structure Separation for Recreational Vehicles	10 feet
Minimum Separation from Other Structures	20 feet
Minimum Exterior Property Boundary Setback	20 feet

- 4) Within a recreational vehicle park, one commercial grade trailer may be used as an administrative office.
- 5) Each park shall provide a central structure or structures that will supply separate toilet facilities and showers for both sexes, to be maintained and kept in good repair at all times.
- 6) Establishments of a commercial nature including food stores and coin operated laundry may be permitted in recreational vehicle parks subject to the following conditions:
 - a) Such establishments shall be located, intended, and designed to serve only the trade or service needs of persons residing in the park.
 - b) Establishments shall be subordinate to the use and character of the park.
 - c) Access to the commercial establishment must be from interior streets.
 - d) Signs serving the commercial use inside the park shall be limited to twenty (20) square feet in area, non-illuminated, and shall be attached to the establishment.
 - e) Off street parking for commercial establishments shall be provided at a ratio of one (1) space for every 400 square feet of gross floor area.
- 7) No individual sites may be permitted within the jurisdiction of a Special Flood Hazard Area, but may be set aside for passive open space.
- 8) Recreational vehicle parks may allow for designated tent only camping sites.
- 9) Permanent parking and storing of a recreational vehicle shall not be permitted in the park.
- 10) No manufactured home used for residential purposes shall be permitted in a recreational vehicle park.

- 11) The operator of a recreational vehicle park shall keep an accurate register containing a list and description of all homes located in the park and owner thereof.
- 12) All parks shall adhere to Article 8, Landscaping and Buffering.
- 13) Recreational vehicle parks must meet open space requirements per Section 7.6, Open Space.
- 14) A safe, adequate, and convenient water supply and connection must be provided for each park space.
- 15) At least one (1) sewage dumping station must be provided along with connections to each individual space. Sewage dumping stations shall be approved by the Pender County Health Department.
- 16) Park owners shall make arrangements for a private vendor or other sources to collect refuse, either from individual spaces or from centrally located dumpster sites. All dumpster locations are to be fenced and screened from view. Individual refuse receptacles shall be waterproof and rodent proof.
- 17) The location and dimensions of all proposed and existing rights-of-way, utility or other easements, riding trails, pedestrian or bicycle paths, natural buffers, and areas if any to be dedicated to public use with the purpose of each stated shall be referenced on the site plan.
- 18) No individual recreational vehicle space shall have direct access to a public maintained road.
- 19) All streets must be constructed of all-weather material and shall be sixteen (16) feet wide and within a designated twenty four (24) feet wide right of way. Recreational vehicle parks shall have direct access to a public maintained road.
- 20) All parks shall have a certificate of approval by the Pender County Addressing Coordinator for all proposed road names.
- 21) Soil suitability analysis indicating the suitability of the property for individual septic tanks or an Improvement Authorization Permit for each lot unless community sewer is available and a conditioned approval for connection is submitted. The soil suitability analysis of the property shall also indicate the suitability of the soil for the type structures proposed.
- 22) All parks proposing to utilize a community water or community waste water system must provide approval from DENR, a Stormwater Management Plan, and approval from the Division of Coastal Management if the park is located in an area of environmental concern. Additionally, the applicant shall provide a certification that the community water system and/or community waste water system will be owned, operated, and maintained by a community system as defined in this Ordinance.

5.3.115.3.12 Other Services except Public Administration (Sector 81)

A. Cemeteries

- 1) All burial or monuments must be located at least 25 feet from any side or rear lot line and must be at least 40 feet from any street right-of-way.
- 2) Buildings for the maintenance and/or management of cemetery lots must be located at least 100 feet from any lot lines which adjoin lots in any residential district. Otherwise any such buildings must conform to the requirements for principal uses in the district where they are located.

B. Pet Care Services

- 1) All structures and outdoor runs must be located a minimum of ~~500~~200 feet from any residentially zoned property.
- 2) Sewage disposal system and sanitation control methods as approved by the Pender County Board of Health shall be required. (This provision shall include, but shall not be limited to, the sanitary removal or disposal of solid waste, carcasses, or any other items deemed necessary for removal or disposal because of unsafe or unsanitary conditions by the Health Department.)
- 3) Minimum lot sizes shall be a minimum of one (1) acre per 10 animals. The minimum lot size requirements may be waived if a kennel is constructed to entirely enclose all kennel facilities so as to adequately protect all animals from weather extremes and to protect adjacent residences from noise, odors, and other objectionable characteristics.

C. Pet Grooming Services, as defined

- 1) No breeding, selling, storage of animals for sale or adoption, training or boarding for overnight or day play.
- 2) No outdoor facilities permitted on-site including but not limited to; outdoor pens, kennels, runs or walking areas.
- 3) No outdoor storage or housing of animals.
- 4) Pets being groomed will be contained within the appropriately sized enclosures within the confines of the structure housing the business.

~~5.3.125~~5.3.13 **Miscellaneous Uses**

A. Adult and Sexually Oriented Businesses

- 1) No such business shall locate within one thousand (1,000) feet of any other Adult Oriented Business, as measured in a straight line from property line to property line.
- 2) No Adult Oriented Business shall be located within two thousand (2,000) feet of a church, public or private elementary or secondary school, child day care or nursery school, Public Park, residentially zoned or residentially used property, or any establishment with an on-premise ABC license, as measured in a straight line from property line to property line.
- 3) The gross floor area of any Adult Oriented Business shall not exceed three thousand (3,000) square feet and all business related activity shall be conducted ~~in~~inside a building.
- 4) There shall not be more than one (1) Adult Oriented Business in the same building, structure, or portion thereof. No other principal or accessory use may occupy the same building, structure, property, or portion thereof with any Adult Oriented Business.
- 5) Except for signs as may be permitted by Article 9 of this Ordinance, 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.

B. Bona fide Farm Purposes

- 1) Bona fide farm purposes must comply with § 153A-340(b)(2) of the North Carolina General Statutes.

C. Community Boating Facility

- 1) Must serve five (5) or more residential units and may include a dock, pier, ramp, or launching pad.

- 2) No commercial activities of any kind shall be allowed within the confines of the facility.
- 3) Approved Special Use Permits are required in all zoning districts unless the proposed facility is illustrated in conjunction with a development which requires a master development plan. Sufficient detail must be provided on the master plan to allow the Planning Board to make an informed decision on the facility's impacts to the surrounding properties throughout the public hearing process.

D. Family Care Home

- 1) A family care home means a home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment as defined by NCGS § 168-21.

E. Industrial Park

- 1) Applicability: In order to qualify as an Industrial Park, the subject property must:
 - a) Be entirely located in an ~~General~~ Industrial Heavy zone, according to the official zoning map of Pender County;
 - b) Contain at least 200 acres under unified control;
 - c) Have direct access to a road designated by the NCDOT as a US, or NC Highway; or at least a portion of the property shall be within 5000' of such a road and have direct access to a state maintained road;
 - d) Be served, or have written confirmation from the Utility Authority that the area will be served, by a public water and sewer system; and
 - e) Obtain a Special Use Permit from the Board of County Commissioners.
- 2) Subdivision Procedure: ~~Industrial Parks shall be exempt from the procedures established in Section 3.8, Subdivisions, Section 3.9, Minor Subdivision, and 3.10, Major Subdivision, of the Pender County UDO. The following regulations apply:~~The following provisions may supersede the requirements of Section 3.9, Subdivisions, although the remainder of those provisions still apply:
 - ~~a) Major and minor subdivisions of an Industrial Park are subject to review by the Technical Review Committee, and are reviewed and approved by the UDO Administrator.~~
 - ~~b) Plans must meet all the requirements prescribed in Section 6.4, Preliminary Plat Contents, and Section 6.5, Final Plat Contents in the Pender County UDO~~the UDO Administrative Manual for Preliminary and Final Plats, except that subdivision plans for an Industrial Park shall be exempt from:
 - ~~i) The timing and phasing requirements of Sections 6.5.A.1, 6.5.A.4, and 6.5.A.8;~~
 - ~~ii) The homeowner's association requirements of Sections 6.5.B.3 and 6.5.B.6; and~~
 - ~~iii) The preliminary plat requirements of Sections 6.4.A.9 through 6.4.A.13.~~
 - ~~a. Industrial Parks shall follow the subdivision standards listed in Section 5.3.12.E.3, Subdivision Standards, below.~~
 - ~~b. These standards must be met and shown on the Preliminary Plat.~~
 - c) A copy of the draft protective covenants to be recorded on the Park shall be submitted with the final plat application.
 - i) The covenants shall address: property owner's association, organization, responsibilities & membership, use and other restrictions on the property, term, revisions & renewal of the covenants, nuisances on the property and maintenance of facilities in the park.

- ii) The covenants as approved under the Special Use Permit shall be recorded prior to division or sale of any parcels and prior to issuance of any zoning permit for or within the Park.
- ~~d) The final plat shall be reviewed and approved or disapproved and notice of action taken provided to the applicant within 30 working days of completed submission. When the final plat is approved the signed original will be provided to the applicant and a signed copy placed in the Record File for the subdivision.~~
- ~~e) A final plat shall be approved on a finding that the applicant demonstrates that the proposed division meets all of the requirements of the Pender County UDO and will:
 - i) Be in harmony with the Special Use Permit;
 - ii) Be in accordance with the Preliminary Plat;
 - iii) Not endanger the public health or safety;
 - iv) Be in conformity with the County's Land Use Plan.~~
- 3) Design, Open Space, Landscaping, and Buffering Standards: The following provisions may supersede the requirements of Articles 7 and 8, although the remainder of those provisions still apply:~~Subdivision Standards: Industrial Parks shall be exempt from the regulations of Article 7.6, Open Space, and Article 8, Landscaping and Buffers. As an alternative, Industrial Parks are governed by the following open space and landscaping standards:~~
 - a) Open Space:
 - i) Approved Industrial Parks shall provide dedicated area(s) as open space, equating to 5% of the overall Industrial Park.
 - ii) The open space must be dedicated at the time in which at least 25% of the Industrial Park is developed or occupied.
 - b) Landscaping and Buffers:
 - i) A visually opaque landscaped buffer of native vegetation at least 20 feet in width and at least 8 feet in height, and/ or combination of berms and opaque fencing is required along the external perimeter of the Industrial Park.
 - ii) Existing trees and shrubs shall count towards meeting the buffer yard and screening requirements.
 - iii) The buffer areas may be in common area and counted towards meeting open space requirements.
 - iv) For every 1,000 sf. of buffer area, the buffer areas shall include:
 - a. Ten evergreen shrubs; and
 - b. ~~Three~~Four trees, which shall consist of the following:
 - i. 50% large maturing (i.e. – canopy);
 - ii. 25% small maturing (i.e. – understory), and
 - iii. 25% evergreen - canopy or understory are permitted; if pines are used, must plant triple the quantity.
 - v) Buffers will not be required for internal property boundaries of Industrial Parks with the exception of road frontage.
 - vi) The Administrator may allow modification to the buffer width and planting types when special site conditions exist, which includes natural topography that functions as a visual buffer.

- 4) ~~Major Site Plan Procedure: Individual Sites locating within an Industrial Park shall be exempt from Section 3.7, Major Site Development Plan, of the Pender County UDO. The following procedure applies:~~
- ~~a) Major Development Plans are subject to review by the Technical Review Committee, and are reviewed and approved by the UDO Administrator.~~
 - ~~b) Master Development Plans shall meet all of the requirements of Section 6.1.3 Major Development Plans Contents — Commercial and Industrial Districts, with the exception of Section 6.1.3.A.10.~~
 - ~~i) The Major Development Plan shall meet the Landscaping and Buffer requirements set forth below in Section 5.3.12.E.6.e, Landscaping and Buffers.~~
 - ~~ii) The Major Development Plan shall be complete at the time of submittal and must be made by a licensed professional and illustrated at sufficient scale and with detailed design for the all uses located within the industrial park.~~
 - ~~c) Major Development Plans shall be reviewed and approved or disapproved and notice of action taken provided to the applicant within 30 working days of completed submission.~~
- 5) Site Dimensional Standards: The following provisions may supersede the requirements of Section 4.10 Zoning District Dimensional Requirements, although the remainder of those provisions still apply.~~Individual Sites shall be exempt from the regulations of Section 4.14, Zoning District Dimensional Requirements of the Pender County UDO. The following site dimensional standards apply:~~

Dimensional Standards for Individual Sites in Industrial Parks	
Maximum Height	50 feet
Minimum Setbacks ^[1]	
Front ^[2]	50 feet
Rear ^[32]	25 feet
Side ^[32]	25 feet
Corner ^[43]	50 feet
Minimum Building Separation	North Carolina Building Code Regulations Apply
Minimum Lot Width	100 feet
NOTES:	
[1] There must be an owner-owner -maintained strip with a minimum of 20 feet in width of landscaped ground along the street property lines, except that drives and walks may be located within the landscaped strip.	
[2] In the event more than one parcel of land shall be owned by one person or entity, and in the improvement of each parcel of land, a building shall be erected on more than one parcel of land <u>across two or more parcels of land</u> , then the interior rear or side setbacks may be waived <u>where the building crosses the parcel line. This facilitates the construction or expansion of large industrial buildings across multiple parcels of land.</u>	
[3] In the case of corner lots, both 50-50 -foot front setbacks will <u>shall</u> apply.	

- 6) Site Design Standards: The following provisions may supersede the requirements of Article 7, although the remainder of those provisions still apply.~~Individual Sites shall be exempt from the regulations of Article 7, Design Standards, and Article 8, Landscaping and Buffers, of the Pender County UDO. Individual Sites shall meet the following site design standards:~~

- a) Parking:
 - i) Each Individual Site located within the approved Industrial Park shall provide a minimum of ~~three~~ two-and-a-half parking spaces for each four employees on the largest shift, plus additional spaces for each vehicles permanently used in the operation of the business, plus a small number of visitor parking spaces (amount at the discretion of the property owner), and the appropriate number of handicap parking spaces.
 - a. At the discretion of the Administrator, a reduction to the parking requirements may be approved if the applicant demonstrates the peak level of need is lower than these standards require.
 - b. To justify the reduction, a statement shall be provided by a licensed professional addressing facility usage, employment figures, shift changes, and any other applicable standards.
- b) Loading:
 - i) Off-street loading and unloading facilities shall be provided by each owner or lessee of any parcel of land within the Park when that parcel is developed;
 - ii) Such loading and unloading shall be to the rear or side of any buildings on said parcels of land.
 - iii) All loading and unloading facilities shall be screened by effective landscaping or otherwise from view of any public street or access road within or leading to or from the Industrial Park.
- c) Outdoor Lighting:
 - i) Outdoor lighting shall be shielded and directed and downward and utilize illumination so as to not cast direct light beyond any property line.
- d) Outdoor Storage and Screening:
 - i) Outdoor storage yards and storage areas, incinerators, storage tanks, and trucks based on the premises, shall either be housed in closed buildings or be screened for sound and sight from public view as is deemed necessary by the Administrator and shall be placed so as to conform with the setback requirements of Section 5.3.12.E.5, Site Dimensional Standards, standards of this subsection (above).~~above.~~
 - ii) Such screening shall include landscaping or permanent, opaque fences (excluding chain link), or approved solid materials and shall be located so as to most effectively screen the view of the offending items from the street.
 - iii) The Administrator may allow modification to the screening requirements when special site conditions exist.
- e) Landscaping Standards:
 - ~~i) If applicable, Individual Sites must ensure that the 20 foot, visually opaque landscaped buffer required along the external perimeter of the Industrial Park is maintained, according to the requirements of Section 5.3.12.E.3.b, Landscaping and Buffers above.~~
 - ii) Landscaping Buffers are not required for internal property boundaries of Industrial Parks, with the exception of road frontage.

F.G. Marinas (Commercial): Activities and possible uses on the marina or club property shall be limited to wet boat storage, dry stack boat storage, boat service and repairs, boat accessory sales, ship's store, coffee shop, boat trailer parking areas, automobile parking areas, launching ramp, piers and boat petroleum service areas. Additional uses permitted shall follow the Table of Permitted Uses for the specific zoning district.

- 1) Setbacks
 - a) Up to 35' in height: 100' front and 50' sides and rear.
 - b) Between 36' to 50' in height: Add two (2) additional feet of setback for every one foot in height above 35'.
- 2) Approved Special Use Permits are required in all zoning districts ~~unless the proposed facility is illustrated in conjunction with a development which requires a master development plan. Sufficient detail must be provided on the master plan to allow the Planning Board to make an informed decision on the facility's impacts to the surrounding properties throughout the public hearing process~~

G.H. Portable Storage Containers

- 1) All portable storage containers located on private property must apply for and obtain a ~~permit. Each individual shall submit a complete application, site plan, and fee for review and approval by the Administrator or their agent. site development plan and subsequent zoning approval permit prior to installation or operation. Applicants shall submit a site plan showing any permanent container and the relationship of this structure to the overall site.~~ The site plan shall indicate how the container meets all permanent requirements including but not limited to; stormwater considerations, traffic circulation, screening requirements, other development codes and inspection requirements including engineered design plans to demonstrate the permanent storage container meets NC Building Code.
- 2) Permanent portable storage container use shall be restricted to non-residential, ~~industrial~~ districts ~~only. :- GB, General Business Zoning District, O&I, Office and Institutional Zoning District, GI, General Industrial Zoning District and IT, Industrial Transition Zoning District.~~
- 3) Portable storage containers may be permitted as an accessory structure, for storage purposes only.
- 4) A maximum of one (1) portable storage container per site shall be permitted on lots of one (1) acre or less. One (1) additional portable storage container may be permitted for lots greater than one (1) acre. No more than two (2) portable storage containers may be permitted on one (1) single property.
- 5) A portable storage container may be placed for thirty or less consecutive days in any twelve month period without issuance of a permit in all zoning districts, except Environmental Conservation.
- 6) Portable storage containers shall be allowed no more than two (2) times on a lot for a period no longer than 60 days within a twelve (12) month period when the following items are met:
 - a) The principal structure is damaged and dilapidated and is undergoing repairs, reconstruction, or renovation.
 - b) A building permit has been issued for the repairs, constructions, reconstruction, or renovation, if required, and is valid throughout the extension.
 - c) An extension may be granted for portable storage containers located in all districts, excluding Environmental Conservation, up to sixty (60) additional days within a twelve (12) month period as approved by the Administrator.
- 7) Portable storage containers shall not be permitted in any parking areas, required buffers or setbacks.
- 8) Portable storage containers must meet minimum accessory use and structure setback and separation requirements.
- 9) Portable storage containers shall meet all yard setback requirements and be located on the rear of the lot.

- 10) Portable storage containers shall not exceed the dimensions of forty (40) feet in length, eight (8) feet in width and ten (10) feet in height.
- 11) Stacking of portable storage containers shall not be permitted.
- 12) No sign shall be attached to a portable storage container other than the provider's contact information.
- 13) All portable storage containers shall be screened from view from any public right-of-way, private street or access easements and any residential use or residential zoning district. Screening shall be accomplished by a combination of fencing or landscaping which is contiguous and at least six (6) feet in height.
- 14) Portable storage containers must be off-chassis.
- 15) No permanent off-chassis portable storage containers shall be permitted in loading areas.
- 16) Portable storage containers shall not be permitted to be rented or leased to a use not located on the same lot.
- 17) The structure shall be maintained in good condition free from structural damage, rust and deterioration.

H.I. Private Residential Boating Facility

- 1) May provide single access in approved zoning districts for residential use only.
- 2) Commercial activities of any kind ~~shall be~~ prohibited.

H.J. Salvage Operations

- 1) Must be enclosed by a screened fence a minimum eight feet in height.
- 2) The fence must be located a minimum of 20 feet from any public street right-of-way and vegetative planting along the fence to provide a continuous evergreen screen in front of the fence.
- 3) The combined screening shall be adequate to conceal all storage from public view.
- 4) Must be located entirely outside any FEMA designated Special Flood Hazard Area (SFHA) and the 0.2% annual chance floodplain (aka the 500-year floodplain).

H.K. Sweepstakes Center

- 1) Sweepstakes centers shall be permitted in accordance with Section 5.2.3, Table of Permitted Uses.
- 2) All new sweepstakes centers and additions or alterations to existing sweepstakes centers must be in accordance with this Ordinance.
- 3) Sweepstakes Centers shall be located a minimum distance of 500 feet, measured in a straight line in any direction from the closest point of the building or unit of the proposed business to the property line of any of the following:
 - a) Religious Organizations as defined by NAICS code 813110
 - b) A public or private school and family child care home or child care center with an active license with the State of North Carolina
 - c) A public park, playground, public library, or private cemetery
 - d) Drinking Places (Alcoholic Beverages) as defined by NAICS code 722410
 - e) Adult and Sexually Oriented Businesses
 - f) Any other approved sweepstakes center
- 4) Hours of operation shall be limited Monday to Saturday from 9:00 a.m. to 12:00 midnight and on Sunday from 12:00 noon to 10:00 p.m.
- 5) All food or beverage to be served or distributed by the establishment must meet the requirements of the Pender County Environmental Health Department.

- 6) Sweepstakes centers shall receive approval from the Pender County Fire Marshal prior to occupancy and must comply with annual review standards.
- 7) Sweepstakes centers must meet indoor recreation parking requirements as outlined in ~~Section 7.10, Off Street Parking and Loading/Parking Requirements~~ Article 7.
- 8) All zoning and building permits issued after June 18, 2012 for all sweepstakes centers shall be subject to an annual review and inspection (from the date of approval) to ensure compliance with this Ordinance.

~~K.L.~~ L. Temporary Events - The Administrator or their agent may issue a temporary permit for carnivals, religious revivals, sport events, circuses, festivals and similar activities that will last for a period of up to ~~sixty (60)~~ 30 days per calendar year in the districts in which they are indicated as a permitted use. All temporary events shall submit an application and site dimensioned sketch plan, at least 14 calendar days prior to the event, with a description of activities so that it can be determined if adequate parking, sanitation & other necessary facilities will be available. The Administrator shall submit each temporary event proposal to the Building Inspector, Health Director, and Fire Marshal for review and approval.

~~L.M.~~ L.M. Temporary Modular/Manufactured Offices

- 1) Modular or Manufactured offices may be used on a temporary basis for office or business purposes in cases where a new building for the use is under construction or where the permanent structure has been destroyed through no fault of the owner or tenant. A temporary permit must be obtained before the use of the mobile office is initiated. This permit shall be valid for a specified period of time while reconstruction takes place not to exceed six (6) months and may be renewed no more than once.
- 2) Manufactured homes rated for residential use may only be used for residential uses and not for other temporary or permanent uses.
- 3) Licensed motor vehicles used as an accessory use by a public or nonprofit entity for such purposes as book mobiles, blood mobiles, medical services or educational purposes will not require a permit unless set up for use on a site for more than 7 days.

~~M.~~ M. ~~Temporary Manufactured Homes - Temporary use of a manufactured home as a residence shall be permitted in any district in cases where the permanent home has been destroyed through no fault of the owner or tenant or when completing the construction of a new home. A temporary occupancy permit must be obtained from the Administrator before the use of the mobile home is initiated. This occupancy permit shall be valid for a specified period of time not to exceed six (6) months while reconstruction takes place and may be renewed no more than twice, unless specifically approved by the Board of Adjustment for additional time.~~

N. Temporary Fruit & Vegetable Stands - Temporary fruit & vegetable stands that are located on the property where the fruits or vegetables are produced will be permitted in the districts in which they are indicated as a permitted use and will not require zoning approval. All activities associated with such stands shall be set back a minimum of 10' from any street right-of-way, and any structures associated with such stands will comply with requirements for building permits and the building code. Temporary fruit & vegetable stands that are not located on the property where they are produced are subject to all provisions of this Ordinance.

- O. Temporary Buildings for Construction or Development - In any zoning district, temporary structures, as set forth below, which are to be used in connection with the development and sale of a tract of land, may be erected or located on said tract, prior to, and may remain thereof, during the construction or development period
- 1) Temporary buildings, mobile offices or trailers, not exceeding 400 sq. ft. per contractor or developer on the site, may be used as construction offices, field offices, or for storage of materials to be used in connection with the development of said tract, provided that they meet North Carolina State Building Code standards and provided that said temporary structures are removed from said tract within thirty (30) days after completion of the project or development, after voluntary suspension of work on the project or development, after revocation or expiration of building permit or an order by the Building Inspector upon a finding that said temporary structure is deemed hazardous to the public health and welfare. No such building may however remain on the site for more than one year without renewal of the permit. Such permits may be renewed by the Administrator one time for a period not to exceed one year.
 - 2) Temporary real estate offices or sales offices may be established in a display dwelling unit or temporary building ~~provided that said offices are closed and the operation discontinued and all temporary structures and facilities are removed from the tract upon the completion of the sale, rent, or lease of ninety-five percent (95%) of the dwelling units or lot of said tract unless prior approval is given by the Administrator.~~
 - 3) No temporary buildings or trailers shall at any time be located closer than twenty-five (25) feet to a property line of any adjacent property, notwithstanding the required setbacks of the zoning district in which such temporary building or trailer is located.
 - 4) Manufactured Homes rated for residential use may only be used for residential purposes and not any other temporary or permanent use.
- P. Telecommunication Facilities
- 1) Co-located - Telecommunication antenna units that are attached to structures constructed for purposes other than supporting telecommunication equipment may be no taller than 30 feet or 30% of the structure's height. Co-located towers must comply with all relevant standards of this Article.
 - 2) Freestanding - Freestanding telecommunication towers must comply with the following standards:
 - a) The minimum distance between the tower and an adjoining parcel of land that is residentially developed or is vacant and in a Residential, Mixed Use or Commercial zoning district~~zoned Rural Agricultural, Residential Performance, Manufactured Home, General Business or Office & Institutional~~, or from an adjoining local road separating the tower site from such a parcel, must be equal to the tower's height, but not less than 50 feet, nor less than the minimum setback depth applicable in the zoning district. This provision does not apply in relationship to any nonconforming residential use or the residence of a caretaker or watchman accessory to a permitted non-residential use.
 - b) The Board of Commissioners, through the Special Use Permit public hearing, may reduce the minimum distance required above on finding that a lesser distance will not be injurious to properties or improvements in the affected area, but in no case may the minimum distance be reduced to less than that equal to 50% of the tower's height,

or 50 feet, nor less than the minimum required setback depth applicable in the zoning district in which the tower is located.

- c) The minimum distance between the tower and any other adjoining parcel of land or road must be equal to the minimum setback depth applicable in the zoning district, plus any additional distance necessary to ensure that the tower, as designed, will fall within the tower site.
- d) The distances referred to above must be measured from the outside dimensions of the tower, not from the guy anchors.

e) A minimum of two parking spaces (side-by-side or in-line) must be provided on-site to ensure accommodation for maintenance workers. Paving of the spaces may not necessarily be required.

e)f) If the tower is more than 100 feet high, but less than 180 feet high, it must be engineered and constructed to accommodate at least one additional telecommunication user or four antenna arrays, whichever is greater. If the tower is ~~at least~~ 180 feet high or more, it must be engineered and constructed to accommodate at least 2 additional telecommunication users or 5 antenna arrays, whichever is greater. Provision of co-location sites on other towers is encouraged wherever feasible.

f)g) The base of the tower and each guy anchor must be surrounded by an opaque fence or wall at least 8 feet high, unless the tower and all guy anchors are mounted entirely on a structure over 8 feet high. Except for its entrances, the fence or wall must be screened with plant material (at least one half of which must be evergreen) so that no more than two-thirds of its surface is visible, within 3 years after its installation, from a public street or from any adjoining parcel of land that is residentially developed or is vacant and zoned ~~Rural Agricultural, Residential Performance, Manufactured Home, General Business or Office & Institutional~~ as anything other than Industrial (Light or Heavy) or Environmental Conservation.

g)h) A buffer yard must be provided around the perimeter of the lease lot as in accordance with the requirements of Article 8, Landscaping & Buffering. A ~~40-foot~~-type C buffer yard is required along the inside perimeter of a leased lot or parcel for the utilization of telecommunication towers.

h)i) Radio, television, or other electromagnetic transmission or reception on other properties may not be disturbed or diminished.

i)j) The tower must meet the standards of the Federal Aviation Administration (FAA) for avoiding obstruction of navigable airspace and approaches to public airports (see Federal Aviation Regulations Part 77, as amended), and for marking and lighting structures to promote aviation safety (see FAA Advisory Circular 70/7460, as amended). Specifically, tower lighting must meet applicable FAA standards for either red obstruction lighting systems or dual lighting systems (red lighting for nighttime and medium-intensity flashing white lighting for daytime). If a tower is proposed to be located within 1,000 feet of a private use airport, the application must so indicate.

j)k) Output from the tower's antennas must meet the minimum standards of the Federal Communications Commission (FCC) relating to the environmental effects of radio frequency emissions.

3) Standards for Specific Zoning Districts

- a) Residential Districts - Telecommunication towers in residential districts must comply with the following standards:
 - i) If the tower is more than 75 feet high, it must be located at least 1,500 feet from any other telecommunications tower greater than 75 feet high; provided, however, that this separation requirement does not apply from a tower if the applicant submits sufficient evidence to demonstrate that a reasonable effort to co-locate on that tower has been made, or that co-location on the tower will not technically satisfy the applicant's specific needs.
 - ii) Buildings associated with the tower may not be used as an employment center for any worker (This provision does not prohibit the periodic maintenance or monitoring of equipment and instruments).
- b) Non-residential Districts - If the tower is more than 100 feet high, it must be located at least 1,000 feet from any other telecommunications tower greater than 100 feet high; provided, however, that this separation requirement does not apply from a tower if the applicant submits sufficient evidence to demonstrate that a reasonable effort to co-locate on that tower was made, or that co-location on the tower will not technically satisfy the applicant's specific needs.

Q. Telecommunication Facilities – Public Safety

- 1) Public Safety Telecommunication Facilities must meet the development standards for Telecommunication Facilities as outlined in Section 5.3-12.P. Through the Special Use Permit process, the Board of Commissioners shall have the authority to waive setback requirements provided that a survey prepared by a licensed professional showing that the designated fall zone associated with the tower is sufficient to accommodate the designed fall radius of the proposed tower.

R. Temporary Food Services (aka Food Trucks)

1) Permits required:

- a) Shall have valid Zoning Approval Permit to operate.
- b) Shall be able to provide documentation of approval from the Health Department of the appropriate County where the food truck's associated restaurant or commissary is located.

2) Public safety:

- d) Temporary connections to potable water are prohibited. All plumbing and electrical connections shall be in accordance with the State Building Code.
- e) Grease and wastewater must be contained and disposed of in an approved grease receptacle located at the associated restaurant or commissary.
- f) If the food truck is operating after dark, the food truck vendor shall provide appropriate lighting.
- g) A food truck shall not be operated as a drive-thru window.
- h) The ~~Planning Director~~Administrator may engage in zoning enforcement or prohibit/suspend a food truck vendor's operations if they are causing parking, traffic congestion, or litter problems either on or off the property where the use is located, or

the food truck operations are otherwise creating a danger to the public health or safety.

3) General Locational and Operational Requirements.

- a) Food trucks may be located on private property and must have written permission from the property owner.
- b) Food trucks shall be positioned at least 400 feet from the customer entrance of an existing restaurant during hours of operation, unless the vendor provides documentation that the restaurant owner supports a closer proximity.
- c) Food trucks shall not block more than four parking spaces or any lane of travel, drive aisles, access to loading/service areas, or emergency access and fire lanes. Food truck vending must also be positioned at least 15 feet away from fire hydrants, any fire department connection, and driveway entrances.
- d) No more than two food trucks are permitted as an accessory use, unless at an approved special event, market, festival, or an active construction site.
- e) Hours of Operation. Food trucks must cease operations between the hours of 12:00 a.m. and 7:00 a.m., and shall not remain on site overnight.
- f) Signage.
 - i) An easel sign no more than 12 square feet per sign face in display area may be placed within the customer waiting area.
 - ii) No other signage shall be allowed other than signs permanently attached to the motor vehicle.

1) —