

ARTICLE 4. SPECIFIC USE STANDARDS

§4.1. Complexes

Nonresidential, townhouse and multi-family complexes may be established on a single unified parcel, provided that the following requirements are met.

§4.1.1. Defined

A group of two or more office, industrial, commercial, multi-family and/or other operations on an unsubdivided parcel, operating under one name or presenting other elements of a unified image of identity to the public.

§4.1.2. General

Complexes shall meet all applicable development standards as set forth in Article 2, Zoning Districts; Article 3, General Development Standards; and Article 7, Natural Resource Protection. Applicants shall comply with all other provisions in this UDO and all other applicable laws.

§4.1.3. Uses

Uses within complexes shall be limited to those permitted within the zoning district in which the development is located (see §2.2.1, Permitted Land Use Table).

§4.1.4. Intensity

The overall intensity of the land use shall be no higher, and the standard of development no lower, than that permitted in the district in which the project is located.

§4.1.5. Setbacks

The distance of every building from every property line shall meet the relative setback requirements of the district in which the development is located (the rear of a building must meet rear yard requirements, the front of the building must meet road yard requirements, and the side of the building must meet side yard requirements). In no case, however, shall any portion of a building be located closer to a public road than the required minimum road yard setback of the zoning district.

§4.1.6. Height

The building heights shall not exceed the height limits permitted in the district in which the development is located.

Building Separation

§4.1.7. Building Separation

The minimum spacing between buildings in a complex shall be 20 feet, with an additional ten feet provided between buildings for every story over two.

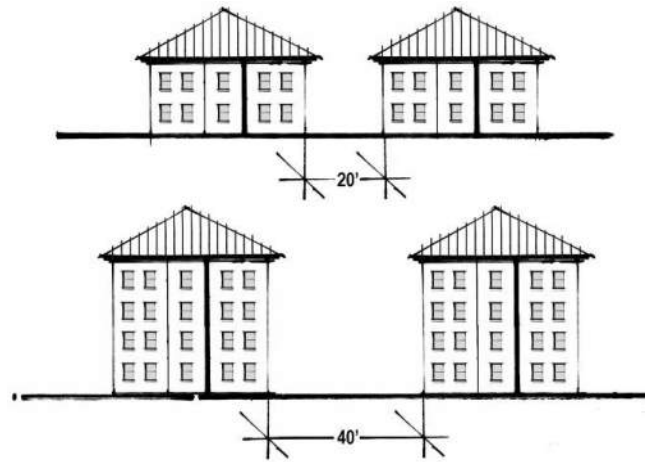


Figure 76. Building Separation

§4.2. Residential Use Standards

The following standards shall apply to all permitted uses, special uses, and conditional uses, as set forth in the Permitted Land Use Table (see §2.2.1).

§4.2.1. Alley-loaded House

An alley shall be provided to the rear of all alley-loaded houses. All vehicular access shall take place from the alley and all parking shall be in the rear yard. No parking shall be permitted in the required road yard.

§4.2.2. Zero Lot Line House

- A. A single side yard shall be provided comprising the equivalent of two side yards of a conventional detached house. This reduction shall not be allowed on the road yard or to the side yard adjacent to lots that are not part of the zero lot line project.
- B. An easement between the two property owners to allow for maintenance or repair of the house shall be required when the roof overhang or side wall of the house are within four feet of the adjacent property line (no roof overhang shall be permitted to extend across the property line). The easement on the adjacent property must provide at least five feet of unobstructed space. The easement shall be recorded on the subdivision plat.

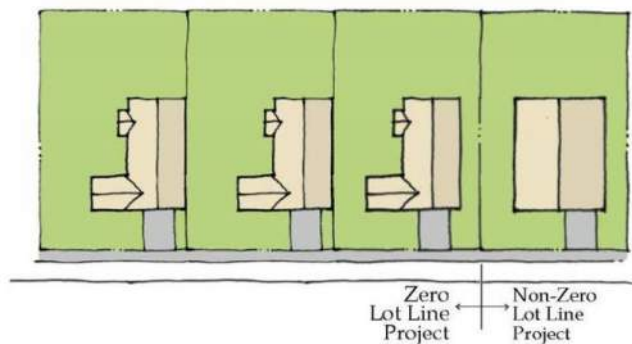


Figure 77. Zero Lot Line House

§4.2.3. Two-family House

- A. Access shall be provided from a single driveway or from an alley, where available; and no parking space shall be located in a required yard, except for the rear yard.
- B. The principal structure shall be designed and appear to be a single-family detached.
- C. No off-road parking space shall be located closer than ten feet to any residential building wall.

§4.2.4. Townhouse

- A. Side yards are not required for interior townhouses, but road and rear yards shall be provided for all townhouses, and building separation requirements shall be maintained for all townhouse structures.
- B. All townhouse garages and parking areas shall be located to the rear of the building. No parking shall be permitted in the required road yard.
- C. The maximum number of units allowed in a single building is eight.
- D. The first floor shall be located a minimum of two feet above grade.
- E. For townhouse complexes see §4.1 for additional requirements.

§4.2.5. Multi-family

- A. No parking space shall be located in a required yard, except for the rear yard.
- B. No off-road parking space shall be located closer than ten feet to any residential building wall.
- C. Sidewalks shall be constructed within the interior of the development to link residential buildings with other destinations such as, but not limited to: parking, adjoining roads, mailboxes, trash disposal, adjoining sidewalks or greenways and on-site amenities such as recreation areas.
- D. For multi-family complexes see §4.1 for additional requirements.

§4.2.6. Upper-Story Residential

An upper-story residential unit is allowed on the upper floors of a permitted nonresidential use as set forth in the Permitted Land Use Table (see §2.2.1) and shall adhere to all dimensional standards of the permitted nonresidential use.

§4.2.7. Boarding House

- A. The dwelling shall be owner-occupied;
- B. No more than four rooms are rented per dwelling unit; and
- C. None of the rented rooms shall have private kitchen facilities.

§4.2.8. Manufactured Home, Class A

A manufactured home that consists of two or more sections and complies with the following appearance criteria:

Manufactured Home, Class B

- A. Lot dimensional standards (minimum yards, lot width, height, etc.) Shall be the same as for single-family detached in the applicable district. (See §2.4)
- B. The home shall have a length not exceeding three times its width;
- C. The pitch of the home's roof has a minimum vertical rise of 4 feet for each 12 feet of horizontal run (4/12 pitch), and has a minimum overhang of 12 inches. The roof shall be finished with a type of shingle that is commonly used in standard residential construction or a type of metal roof system that is commonly used in standard residential construction.
- D. The home shall be placed on the lot in harmony with the existing structures. Where no neighboring structures are available for comparison, it shall be sited with the front running parallel to the road providing access to the site.
- E. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.
- F. The home shall be set up in compliance with the standards set by the North Carolina Department of Insurance and shall have brick or rock underpinning, unpierced except for required ventilation and access.
- G. The home shall have a deck or porch not less than 36 square feet in area on all front and rear entrances.
- H. On any lot of record approved prior to April 22, 2002, the home shall:
 - 1. Be underpinned with brick or rock;
 - 2. Have vinyl siding;
 - 3. Have a shingle roof;
 - 4. Face the road; and
 - 5. Be real property (demonstrated by title and recorded deed).

§4.2.9. Manufactured Home, Class B

A manufactured home that consists of two or more sections, and that complies with the following appearance criteria:

- A. Lot dimensional standards (minimum yards, lot width, height, etc.) Shall be the same as for single-family detached in the applicable district. (See §2.4)
- B. The home shall have a length not exceeding three times its width;
- C. The pitch of the home's roof has a minimum vertical rise of 2½ feet for each 12 feet of horizontal run. The roof shall be finished with a type of shingle that is commonly used in standard residential construction or a type of metal roof system that is commonly used in standard residential construction.
- D. The exterior siding shall consist predominately of vinyl or aluminum lap siding, wood or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.

- E. The home shall be placed on the lot in harmony with the existing structures. Where no neighboring structures are available for comparison, it shall be sited with the front running parallel to the road providing access to the site.
- F. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.
- G. The home shall be set up in compliance with the standards set by the North Carolina Department of Insurance and shall have brick, concrete block or other masonry underpinning, unpierced except for required ventilation and access. If the home is placed on a parcel with multiple spaces for manufactured homes, skirting may be used instead of underpinning.
- H. The home shall have a deck or porch not less than 36 square feet in area on all front and rear entrances. If the home is placed in an approved manufactured home park, it shall have a pad or deck at least 80 square feet in area at the front entrance (see §4.2.14.L).

§4.2.10. Manufactured Home, Class C

A manufactured home that consists of one section, and that complies with the following appearance criteria:

- A. Lot dimensional standards (minimum yards, lot width, height, etc.) Shall be the same as for single-family detached in the applicable district. (See §2.4)
- B. The roof shall be finished with a type of shingle that is commonly used in standard residential construction or a type of metal roof system that is commonly used in standard residential construction.
- C. The exterior siding shall consist predominately of vinyl or aluminum lap siding, wood or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.
- D. The home shall be placed on the lot in harmony with the existing structures. Where no neighboring structures are available for comparison, it shall be sited with the front running parallel to the road providing access to the site.
- E. The tongue, axles, transporting lights and removable towing apparatus shall be removed after placement on the lot and before occupancy. If the tongue cannot be readily removed, it shall be screened from public view.
- F. The home shall be set up in compliance with the standards set by the North Carolina Department of Insurance. Masonry underpinning or a continuous skirting of a material generally accepted in the manufactured home industry shall be installed under the perimeter, unpierced except for required ventilation and access.
- G. The home shall have a deck or porch not less than 36 square feet in area on all front and rear entrances. If the home is placed in an approved manufactured home park, it shall have a pad or deck at least 80 square feet in area at the front entrance (see §4.2.14.L).

Manufactured Home, Class D**§4.2.11. Manufactured Home, Class D**

A manufactured home located in Lincoln County as of December 7, 1993, that complies with the following standards:

- A. Lot dimensional standards (minimum yards, lot width, height, etc.) Shall be the same as for single-family detached in the applicable district. (See §2.4)
- B. The home shall be placed on the lot in harmony with the existing structures. Where no neighboring structures are available for comparison, it shall be sited with the front running parallel to the road providing access to the site.
- C. The tongue, axles, transporting lights and removable towing apparatus shall be removed after placement on the lot and before occupancy. If the tongue cannot be readily removed, it shall be screened from public view.
- D. The home shall be set up in compliance with the standards set by the North Carolina Department of Insurance. Masonry underpinning or a continuous skirting of a material generally accepted in the manufactured home industry shall be installed under the perimeter, unpierced except for required ventilation and access.
- E. The home shall have a deck or porch not less than 36 square feet in area on all front and rear entrances. If the home is placed in an approved manufactured home park, it shall have a pad or deck at least 80 square feet in area at the front entrance (see §4.2.14.L).

§4.2.12. Manufactured Home, Class E

- A. Lot dimensional standards (minimum yards, lot width, height, etc.) Shall be the same as for single-family detached in the applicable district. (See §2.4)
- B. A Class E manufactured home located in Lincoln County as of September 23, 2002.
- C. A Class E manufactured home may be placed R-S district subject compliance with the appearance criteria for a Class B or Class C manufactured home (See §4.2.9 and §4.2.10, respectively).

§4.2.13. Manufactured Home, Class F

- A. Lot dimensional standards (minimum yards, lot width, height, etc.) Shall be the same as for single-family detached in the applicable district. (See §2.4)
- B. A Class F manufactured home may be placed only in a manufactured home park registered prior to Sept. 23, 2002.
- C. Class F manufactured homes shall be skirted or underpinned as required for multi-section manufactured homes by the North Carolina Department of Insurance.

§4.2.14. Manufactured Home Parks**A. General Requirements**

- 1. Manufactured home parks with 50 or more units may only be approved pursuant to the planned development review procedures of §9.5.

2. Manufactured homes located within manufactured home parks shall be limited to Class A, Class B, and Class C manufactured homes, in accordance with the requirements of §4.2.8, §4.2.9, or §4.2.10 above. Class D manufactured homes shall not be allowed in manufactured home parks.
3. All manufactured home parks shall be a minimum of five acres in size.
4. All manufactured homes within the park shall be located in designated manufactured home spaces.
5. Up to two manufactured home park identification signs may be utilized, but the sum of the areas of one side of these signs shall not exceed 40 square feet. Only external, non-flashing lighting shall be used for illumination. The top portion of any sign shall not exceed 12 feet in height.
6. No manufactured home may be located within the 100-year floodplain area, as shown on the latest National Flood Insurance Program map for the County. Sufficient documentation must be presented to the Director by the applicant in order to make such determination.
7. Within a manufactured home park, one manufactured home may be used as an administrative office.

B. Maximum Density

1. Maximum density (units/acre) of manufactured homes in manufactured home parks shall depend on the method of providing potable water and wastewater services, and be subject to the approval of the Board of Commissioners; provided that, in no case shall allowable density exceed the following maximums:

| | Individual Septic Tank | Package Treatment Plant | Public Sewer System |
|------------------------|-------------------------------|--------------------------------|----------------------------|
| Individual Water Well | 2 | 4 | -- |
| Community Water System | 4 | 5 | 6 |
| Public Water System | 4 | 6 | 8 |

2. Density less than the maximum density (units/acre) provided above may be approved by the Board of Commissioners based on recommendations of the Planning Board, the Health Department, the North Carolina Department of Natural Resources and/or the North Carolina Department of Health and Human Services, Division of Child Development.

C. Manufactured Home Placement

Each manufactured home shall be set up and installed on a manufactured home space within the manufactured home park in accordance with all applicable State of North Carolina regulations for the installation of manufactured homes adopted and published by the North Carolina Department of Insurance.

D. Off-Road Parking Requirements

Two off-road parking spaces with not less than four inches of stone on a well compacted sub-base shall be provided and maintained for each

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manufactured home space. Required parking spaces may be included within the minimum required lot area for each manufactured home space and may be located in the required front yard for each space. Alternatively, community off-road parking areas may be provided within the manufactured home park.

E. Roads and Road Access

1. No manufactured home space within a manufactured home park shall directly access a public road. Access to all manufactured homes and accessory structures within the manufactured home park shall be made using internal roads.
2. It will be the responsibility of the developer to have a practicing engineer licensed in the state of North Carolina to certify that these minimum road standards have been met.
3. Manufactured home parks containing 20 or more manufactured home spaces shall pave all internal roads to a minimum width of 18 feet for two-way roads. Two-way roads shall be used throughout the manufactured home park except in instances where one-way roads would serve as a better means to channel vehicular traffic in the manufactured home park. All roads within the manufactured home park shall be privately owned and maintained. Paved roads shall be constructed to the following minimum standards:
 - (a) A base course of at least 4 inches of compacted crushed stone must be applied for the entire required paved width of internal roads.
 - (b) A surface course of at least 1.5 inches of plant mixed asphalt or Class "A" bituminous surface must be applied for the entire required paved width of internal roads in conformance with NCDOT specifications.
4. Manufactured home parks containing less than 20 manufactured home spaces may not be required to have paved internal roads. Such roads may be well-maintained and contain a graveled surface to a width of at least 18 feet.
5. All parking within the manufactured home park shall take place within designated parking areas only. All internal roads within the manufactured home park shall be equipped with adequate and suitable drainage facilities.
6. Maintenance of all internal roads and drainage facilities shall be the responsibility of the owner of the manufactured home park. Such roads shall be maintained in a manner to be free from pot holes, breaks in the pavement, rough surfaces, ponding of water during rainy periods, excessive washing of drainage ditches, and other associated problems which would impede or cause hazards to motor vehicles.
7. Speed reduction bumps on paved internal roads are permissible, but they shall be painted and appropriate signs indicating the bump must be placed along the road.

F. Ingress and Egress

1. Manufactured home parks shall not be located on through lots unless the park is designed in a manner which does not encourage motorists from using the park as a means of traveling from one public road to another.
2. Manufactured home parks with 20 or more manufactured home spaces shall have at least two separately designated areas which contain both an entrance and exit to the manufactured home park. All manufactured home parks containing less than 20 manufactured home spaces shall have at least one area containing both an entrance and an exit to the manufactured home park. Manufactured home parks requiring only one entrance and exit area shall provide at least one permanent turn-around within the park.
3. In addition, all dead-end roads that provide access to five or more manufactured homes shall be provided with a permanent turn-around. All such required turn-arounds shall have a minimum diameter of 50 feet.

G. Road Names and Signs

1. Permanent road names shall be assigned to all internal roads. Such road names shall not be similar in name to any existing road name in Lincoln County. Permanent road name signs which are clearly visible shall also be installed at all road intersections within the park.
2. At least one identification sign, clearly visible both day and night shall face each public road upon which the manufactured home park fronts. Said sign shall be located off the road right-of-way and have a maximum area of 32 square feet.
3. The cost for the purchase and installation of all road name and identification signs within the manufactured home park shall be borne entirely by the developer.

H. Manufactured Home Space Numbering

Each manufactured home space shall have a site number, a minimum of three inches in height, of permanent lettering attached or painted on the electrical service, placed at the driveway entrance or affixed to the manufactured home and said site number shall be visible from the internal road serving the space.

I. Skirting and Underpinning

All manufactured homes shall have continuous brick, painted cinder block, painted concrete block, stucco, stone, pressure-treated wood, or other masonry-type underpinning or other skirting specifically manufactured for manufactured homes, unpierced except for required ventilation and an access door.

J. Project Boundary Buffer

A Class C buffer shall be provided (see §3.4, Landscaping, Screening and Buffering) along all project boundaries of a manufactured home park. No

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manufactured home shall be located within 30 feet of a project boundary or within 60 feet of the centerline of a public right-of-way, whichever is greater.

K. Yard Requirements

The following yard requirements shall pertain to every manufactured home space and manufactured home in the manufactured home park:

1. Road Yard (i.e., between the edge of the internal manufactured home road and the building line of a manufactured home): 20 feet
2. Side yard (interior) (i.e., side yard separation distance on two adjoining manufactured home spaces): 10 feet
3. Rear Yard (i.e., rear yard separation distance on two adjoining manufactured home spaces): 20 feet. Detached garages and accessory buildings may be erected on manufactured home lots as permitted in §4.6, Accessory Structure and Use Standards.

L. Steps, Pads and Decks

All manufactured homes within the park shall be equipped with two sets of steps. All manufactured home spaces shall contain a concrete manufactured home pad or deck constructed of pressure treated wood. The pad or deck shall be at least 80 square feet in area and shall be located at the front entrance or porch to each manufactured home.

M. Telephone and Power Lines

All telephone lines and power lines are to be located underground. Utility easements shall not be less than ten feet in width.

N. Mailboxes

Spaces within the manufactured home park shall be provided for cluster mailboxes. Subject to their approval by the United States Postal Service cluster mailboxes shall be used. They shall be located at convenient places within the park deemed suitable by the United States Postal Service. Individually owned and located mailboxes shall not be allowed. All cluster mailboxes shall be located within the manufactured home park and shall not front directly on any public road. At least one mailbox per manufactured home space shall be provided and the residents of the manufactured home occupying that space shall be provided with a key to open and close the corresponding mailbox.

O. Utility and Storage Lots

Utility lots designated for the storage of campers, boats, etc. May be located within the manufactured home park in designated areas. No such utility lot shall be located in any required screening or recreation areas.

P. Grounds Maintenance

The grounds of a manufactured home park shall be kept free of trash, litter and debris. Grounds, buildings and storage areas shall be properly maintained to prevent the infestation of rodents, vermin and insects. It shall be the responsibility of the manufactured home park owner to maintain the manufactured home park in accordance with these standards at all times.

Q. Common Recreation Areas and Facilities

1. In manufactured home parks containing a gross density equal to or greater than six manufactured homes per acre, on-premise recreation areas shall be provided. The amount of required recreation area shall equal or exceed 600 square feet per manufactured home space.
2. Unimproved wooded areas shall not be used for determining the required amount of recreational space as herein provided. All recreation areas shall be maintained in a good condition at all times by the manufactured home park owner.
3. Common accessory structures (e.g., community pools, club houses, etc.) Are permitted and shall be considered accessory to manufactured home parks. Such areas and facilities shall be located at least 20 feet from any internal road and 30 feet from any home within the park.

R. Sewage Facilities

1. Adequate and safe sewage disposal facilities shall be provided in all manufactured home parks. Collection systems and sewage treatment plants complying with the requirements of the North Carolina Department of Environment and Natural Resources (NCDENR) and the County Health Department shall be provided.
2. Individual septic tank systems are permissible in accordance with the requirement of the County Health Department's Sewage Disposal Regulations. There shall be no more than one manufactured home connected to an individual septic tank.
3. Public sewage disposal systems (i.e., package plants), as permitted by the State of North Carolina, shall be an acceptable method of disposal of residential sewage for manufactured home parks within the jurisdiction of this UDO when connection to a publicly owned and maintained sewer system is not possible. When connection to such a public sewer system is possible, at the time of development all manufactured homes within the manufactured home park shall be connected to said system. The following information must be submitted when a sewage package plant is proposed:
 - (a) The developer shall indicate on the plans that a sewage package plant is being proposed for the manufactured home park, and show on the preliminary plan the following:
 - (1) Size and location of the package treatment plant;
 - (2) All proposed sewer lines, including location and line size of gravity lines, location and line size of force main, and location and size of pump stations;
 - (3) Location of discharge point into surface water stream; and
 - (4) All associated easements and rights-of-way.
 - (b) The developer shall provide a copy of the State Permit Application to the County at the time of application.

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- (c) The developer shall submit the following information at the time of application for a permit:
 - (1) Name of owner and licensed operator of the plant and name of the licensed firm which will operate the package plant, if different from the owner.
 - (2) Amount of liability insurance required for operation of the system.
 - (3) Name of owner and responsible party for the package plant.
 - (4) Other pertinent information.
- (d) The developer shall submit the following, upon completion:
 - (1) A set of as built plans and drawings, certified by the project engineer for the package treatment plant and all sewer lines, pump stations and other devices used in the sewer system.
 - (2) Operation and maintenance agreements for package treatment plant and sewer lines and other devices which are a part of the sewer system
 - (3) Copy of the executed and notarized agreement(s) for the ownership and maintenance of the package plant and sewer lines.
 - (4) Copy of insurance liability riders, required by the State, pertaining to the operation of the package plant.
 - (5) Copy of the approved State Permit, along with any and all conditions set forth in the operating permit.
 - (6) Copies of other agreements and information for plans pertaining to the maintenance and operation of the sewer system.
- (e) The package plant shall be operated and maintained in accordance with the approved permit from the State of North Carolina. In addition to the operational requirements of the State permit, the owner or operator of the package plant shall maintain a daily inspection log of visits to the package plant and shall include the following:
 - (1) Date and time of inspection;
 - (2) Signature of operator making inspection; and
 - (3) Notation of any problem and corrective action taken.A copy of this log shall be submitted monthly to the County Health Department by the 10th day of the following month. Failure to submit the log report will be considered a violation of this subsection.
- (f) Manufactured home park sewer systems using package plants as the main treatment facility should be designed to accommodate the eventual connection to a public sewer system at the time that

main outfall lines are placed in areas serving the manufactured home park.

S. Water Facilities

An adequate and safe supply of water shall be readily available for each manufactured home park space. This requirement shall be deemed to have been met where:

1. An approved connection is made to a public water system; or
2. An independent water supply capable of furnishing 300 gallons of water per day per available manufactured home space and which has been approved by the County Health Department as a safe supply of drinking water is available at the manufactured home park. Wells must be constructed according to North Carolina Department of Environment Health water-well standards.

T. Electricity

Each manufactured home located in a designated manufactured home space must have an individual metered connection to an electric supply and must have an approved fused service disconnect at the metered location. All wire connections from the meter to the manufactured home must comply with all applicable national, State and local codes.

U. Lighting

Manufactured home parks which contain 20 or more manufactured homes spaces or contain more than one internal road shall contain lights throughout the manufactured home park at:

1. Intervals of no greater than 500 feet;
2. All intersections of internal roads within the park; and
3. Intersection of an internal road with a public road.

V. Dumpsters and Trash Removal

1. Any garbage dumpster available for use by two or more dwelling units within the park shall comply with the requirements of 0.
2. Trash removal shall be accommodated by one of the following methods in manufactured home parks which contain 20 or more manufactured home spaces:
 - (a) The owner of the manufactured home park shall contract with a private trash hauler for removal of trash from within the park.
 - (b) The owner of the manufactured home park shall provide centralized trash dumpsters at convenient locations within the manufactured home park.
 - (c) The owner of the manufactured home park shall provide each manufactured home space with one or more covered trash containers having a minimum capacity of twenty-four gallons either individually or in combination.
3. If alternatives 2(a) or 2(b), above, are chosen, it shall be the responsibility of the manufactured home park owner to insure that

 Cemetery

trash from said containers or dumpsters is picked-up at least once per week. Similarly, if trash removal is contracted with a private firm, such trash shall also be picked up at least once per week. All trash picked up from the manufactured home park shall be disposed of in accordance with all County and State regulations.

§4.3. Civic Use Standards

The following standards shall apply to all permitted uses, special uses and conditional uses, as set forth in the Permitted Land Use Table (see §2.2.1).

§4.3.1. Cemetery

- A. Minimum Lot Area: 1 acre
- B. Minimum Road Yard: 25 feet
- C. Minimum Side (Road) Yard: 40 feet
- D. Minimum Side (Interior) Yard: 40 feet
- E. Minimum Rear Yard: 40 feet

§4.3.2. Day Care Center

- A. Minimum Lot Area: 1 acre.
- B. A day care center shall have a maximum certification capacity as determined by the North Carolina Department of Health and Human Services, Division of Child Development.
- C. The principal structure housing the day care center shall be at least 100 feet from any pre-existing principal residential structure.
- D. Outdoor play areas shall be located at least 50 feet from any side or rear lot line.
- E. A maximum of one wall identification or free-standing sign shall be allowed. If a wall sign, it shall not be allowed to extend above the parapet of the building. If a free-standing sign, it shall be located behind the road right-of-way line. The maximum height of a free-standing sign shall be three feet. The maximum area of any identification sign shall be 15 square feet.
- F. Day care centers shall not be allowed to operate between the hours of 10PM and 6AM.
- G. Day care centers located within a church are permitted by right and are not subject to the performance criteria listed in §4.3.2.A through F, above.

§4.3.3. Family Care Home

- A. A maximum of six handicapped persons, as defined by NCGS 168-21(2), may occupy a family care home.
- B. No family care home may be located within one-half mile radius of another family care home.

§4.3.4. Place of Worship

- A. Minimum Lot Area: 32,500 square feet

- B. Minimum Road Yard: 50 feet
- C. Minimum Side Yard (road): 30 feet
- D. Minimum Rear Yard: 30 feet
- E. Minimum Side Yard: 25 feet
- F. Places of worship shall be limited to sanctuaries, parish houses, Sunday school buildings and similar buildings.
- G. Signs shall be limited to one identification sign and one bulletin board. The identification sign shall have a maximum area of 32 square feet. The bulletin board shall have a maximum area of 15 square feet. Both signs may be lighted but not luminous.
- H. Standards for a school, cemetery and other accessory uses for a place of worship are set forth in §4.6.5.J.

§4.3.5. Public Facility

- A. Minimum Lot Area: 32,500 square feet
- B. Minimum Road Yard: 30 feet
- C. Minimum Side (Road) Yard: 30 feet
- D. Minimum Side (Interior) Yard: 25 feet
- E. Minimum Rear Yard: 25 feet

§4.3.6. School (Elementary or Secondary)

- A. Minimum Lot Area: 1 acre
- B. Minimum Road Yard: 50 feet
- C. Minimum Side (Road) Yard: 50 feet
- D. Minimum Side (Interior) Yard: 50 feet
- E. Minimum Rear Yard: 50 feet

§4.3.7. Solar Farm

- A. All structures and security fencing shall be set back a minimum of 50 feet from property lines and road right-of-ways.
- B. Where a site abuts a public road or property with a residential use, the following screening shall be provided unless a modification is approved by the Board of Commissioners: two parallel rows of evergreen trees or shrubs, a minimum of five feet in height at planting, arranged in a staggered manner a maximum of 10 feet apart in each row, with the rows a maximum of 10 feet apart.
- C. No panel structures shall be greater than 20 feet in height.
- D. The electrical collection system shall be placed underground except near points of interconnection with the electric grid.

- E. A map analysis showing a radius of five nautical miles from the center of the project with any airport operations in the area highlighted shall be submitted with the conditional use permit application. If a Federal Aviation Administration (FAA) regulated airport is located within the radius, all required information shall be submitted to the FAA for review. Proof of delivery of notification and date of delivery shall be submitted with the permit application.
- F. A decommissioning plan signed by the party responsible for decommissioning and the landowner shall be submitted with the permit application and shall be recorded with the Register of Deeds prior to final electrical inspection. The plan shall include the following information: defined conditions upon which decommissioning will be initiated, the anticipated manner in which the solar farm project will be decommissioned and the site restored, a timetable for completion of decommissioning, description of any agreement with the landowner regarding decommissioning, the party responsible for decommissioning, and plans for updating the decommissioning plan.
- G. A solar farm that ceases to produce energy on a continuous basis for 12 months shall be considered abandoned and the property owner and other responsible party shall be required to decommission the facility and restore the site to its prior condition within 12 months from the time that the facility is deemed to be abandoned, unless substantial evidence is presented to the Director of the intent to maintain and reinstate the operation of the facility.
- H. In the event the property owner and/or responsible party fail to timely decommission the solar farm facility as required above, Lincoln County and the Director shall be entitled to take all measures allowed by this UDO and the North Carolina General Statutes, including, but not limited to, the right to levy penalties as provided in §11.2.1, the right to obtain a permanent injunction ordering the removal of such solar farm facility, and the right to obtain a court order permitting Lincoln County to remove such solar farm facility

§4.3.8 Wireless Telecommunication Facility

- A. The proposed tower, antenna or accessory structure and equipment will be placed in a location and in a manner which will minimize the visual impact on the surrounding area. Accessory structures and equipment must meet all applicable standards of this UDO.
- B. Approval for a proposed tower within a radius of 10,500 feet from an existing tower or other suitable structure shall not be issued unless the applicant certifies that the existing tower or structure does not meet applicant's structural specifications or technical design requirements, or that a co-location agreement could not be obtained at a reasonable market rate and in a timely manner.
- C. Minimum tower setbacks shall be as follows:

Wireless Telecommunication Facility

1. From all lot lines and public right-of-ways, a distance equal to the tower's fall zone, as certified by a licensed professional engineer in the State of North Carolina, plus 20 feet; and
 2. From any residential use, a distance of its height plus 50 feet, unless the owner of the use waives this requirement by a notarized affidavit.
- D. The proposed tower must be designed to accommodate additional antennae equal in number to applicant's present and future requirements.
- E. Unless otherwise restricted, the height of a tower is limited per §2.2.1, Use Table. Antennae or equipment mounted on a building must meet the height requirements of §2.4.
- F. A tower must not be illuminated or contain any lighting unless otherwise required by State or Federal regulations.
- G. The color of a tower and its antennae shall be one that will blend to the greatest extent possible with the natural surroundings.
- H. No commercial signs or advertising shall be allowed on any tower, antennae, accessory structure or equipment.
- I. Existing towers may be replaced or modified providing that the existing height is not exceeded by more than 20 feet and the new or modified tower meets all of the above requirements except for the setback provisions.
- J. Any tower, antennae, accessory structure or equipment that is not used for communication purposes for more than 120 days shall be considered as abandoned and shall be removed by the owner within 60 days. The County shall require financial guarantees in accordance with §5.10 to guarantee removal of abandoned equipment in compliance with the requirements of this subsection.
- K. Telecommunication/transmission towers shall not be constructed unless the tower owner has general liability coverage of at least \$1,000,000. The owner of the tower shall provide the County with a certificate of insurance showing evidence of its coverage and the certificate shall contain a requirement that the insurance company notify the County 30 days prior to the cancellation, modification or failure to renew the insurance coverage required. Lapse of this insurance shall be deemed by the County to be sufficient grounds to revoke the applicable County permits.
- L. A combination of landscaped vegetative buffers, landscaped earthen berms or preservation of existing vegetation shall be provided around the perimeter of the site of any wireless telecommunications facility to effectively screen the view of the equipment compound from surrounding perspectives. The standard buffer shall consist of a mix of native trees and shrubs planted in a landscaped area at least ten (10) feet outside of the perimeter.
- M. All antenna support structures shall be enclosed by security fencing not less than eight (8) feet in height.

Adult Establishments**§4.4. Commercial Use Standards**

The following standards shall apply to all permitted uses, special uses and conditional uses, as set forth in the Permitted Land Use Table (see §2.2.1).

§4.4.1. Adult Establishments

- A. No adult establishment shall be located within 500 feet of residentially zoned property or within 1,000 feet of a church, elementary or secondary school, day care center, public park or public library, as measured from the nearest point of each property line.
- B. No adult establishment shall locate within 1,000 feet of any other adult establishment as measured from the nearest point of each property line.
- C. No more than one adult establishment shall be located within the same structure, or portion thereof.
- D. No other principal or accessory use may occupy the same structure, property, or portion thereof with any adult establishment.
- E. No printed material, slide, video, photograph, written text, live show, or other visual presentation shall be visible, nor shall any live or recorded voices, music or sounds be heard from outside the walls of the establishment.
- F. Irrespective of the sign regulations §3.9, no ground-mounted or free-standing signs for adult establishments shall be permitted. Wall signs shall not exceed 100 square feet in aggregate area. In no case, shall signage cover more than ten percent of the area of any wall.
- G. The Board of Adjustment shall have no authority to modify or grant variances from the separation requirements herein listed.

§4.4.2. Bar or Nightclub

- A. No such establishment shall be located within 200 feet of residentially zoned property or within 500 feet of a church, elementary or secondary school, day care center, public park or public library, as measured from the nearest point of each property line.
- B. No such establishment shall be located within 150 feet of any other such establishment as measured from the nearest point of each property line.

§4.4.3. Bed & Breakfast

Single-family detached dwellings may be used as bed and breakfasts in accordance with the following requirements:

- A. One or more bedrooms may be rented on a daily basis to tourists, vacationers and similar transients;
- B. Where the provision of meals is provided, such provision is limited to the breakfast meal, available only to guests and employees;
- C. Individual rooms shall not be equipped with cooking facilities;

- D. There shall be no substantial modifications to the exterior appearance of the structure; however, fire escapes, handicapped entrances and other features may be added to protect public safety;
- E. Such operations shall be conducted primarily by persons who reside in the dwelling unit, with the assistance of not more than the equivalent of two full-time employees; and
- F. An owner of the use shall reside on site.

§4.4.4. Club, Private

- A. Minimum Lot Area: 1.5 acres; provided that there shall be no minimum lot area in nonresidential districts.
- B. Minimum Yards (All Sides): 50 feet
- C. There shall be a maximum of two identification signs. Each sign may have a maximum area of 30 square feet per face. Both signs may be lighted but not luminous.

§4.4.5. Contractor's Office

- A. Except in the I-L and I-G districts, all activity shall be conducted entirely within a fully-enclosed building; provided that temporary loading and off-loading of vehicles shall be permitted outside.
- B. Outdoor storage and display may be allowed subject to the requirements of §3.10, Outdoor Storage and Display.
- C. Combustible materials and chemicals shall be stored in compliance with all local, State and Federal regulations.

§4.4.6. Electronic Gaming Operation

- A. No electronic gaming operation shall be located within 200 feet of residentially zoned property or within 500 feet of a place of worship, elementary or secondary school, day care center, public park or public library, as measured by a straight line.
- B. No electronic gaming operation shall be located within 400 feet of another electronic gaming operation.
- C. Hours of operation shall be limited to 8 a.m. to 11 p.m. Sunday through Thursday, and 8 a.m. to midnight Friday and Saturday.
- D. The minimum parking requirement is one space per 1.5 electronic gaming machines/computers/terminals, plus one space per two employees.
- E. During hours of operation, electronic gaming operations shall be open for direct, unobstructed access by safety and law enforcement personnel. All entrance doors shall remain unlocked while patrons are on the premises. All electronic gaming machines/computers/terminals shall be open and visible from the entrance to the establishment.

§4.4.7. Farm Stand

Farm stands shall primarily sell products grown on-site and in season.

Flea Market**§4.4.8. Flea Market**

- A. Such sellers may set up temporary stalls or tables for the sale of their products.
- B. Such sales may involve new and/or used items and may include the sale of fruits, vegetables and other eatable items.
- C. The individual sellers at the flea market need not be the same each time the market is in operation.

§4.4.9. Gas Station with Convenience Retail**A. General Standards**

1. Vehicle repair or service shall not be permitted.
2. All structures, including any attached canopy, shall conform to all setback requirements and be setback at least 200 feet from any residential district or use located on another lot.
3. Gasoline pumps, tanks and pump islands shall be located no closer than 20 feet to any side or rear property line or right-of-way.
4. No sign of any type or any gasoline pump or tank shall be located within 20 feet of a residential use.
5. A Class C buffer (see §3.4) shall be established along any side of the property where the gas station abuts a residential use, provided such buffer shall not restrict clear sight at any intersection or driveway.
6. Freestanding vents shall not be permitted.
7. Outdoor storage and display may be allowed subject to Board of Commissioners approval (see §3.10, Outdoor Storage and Display).

B. Fuel Canopies

1. The canopy shall be located no closer than 15 feet to any side or rear property line or right-of-way.
2. The canopy shall not exceed the height of the principal building, but in no case shall the canopy height exceed 20 feet.

C. Single-Bay Automatic Car Wash

An accessory single-bay automatic (not self-service) car wash completely enclosed except for openings necessary to allow entry and exit of vehicles shall be permitted subject to the following:

1. The car wash structure shall be located no closer than 20 feet to any side or rear property line or right-of-way.
2. The car wash structure shall not exceed a height of 20 feet or exceed an overall building dimension of 25 feet in width and 50 feet in length.
3. The car wash structure shall be located behind the rear building line of the principal building.
4. All car wash structures shall meet all applicable yard requirements.

§4.4.10. Hotel, Motel

- A. Minimum Lot Area: 1 acre; provided that there shall be no minimum lot area in nonresidential districts.
- B. All structures shall conform to all setback requirements and be setback at least 200 feet from any residential dwelling located on another lot.
- C. No accessory commercial activities, such as restaurants, shall be located along the side of the property adjacent to a residential district or use.
- D. No outdoor recreation facilities, such as swimming pools, shall be located along the side of the property adjacent to a residential district or use.

§4.4.11. Kennel

In residential districts, the following standards shall apply:

- A. For any animal kennel designed to accommodate 15 or fewer animals, the minimum lot area shall be 3 acres; and no structure housing the animals, nor any outdoor animal runs or pens may be located closer than 100 feet from any lot line.
- B. For any animal kennel designed to accommodate greater than 15 animals, the minimum lot area shall be ten acres; and no structure housing the animals, nor any outdoor animal runs or pens may be located closer than 200 feet from any lot line.
- C. Manure piles in association with the animal kennel may be located no closer than 200 feet from any lot line and shall be disposed of on a daily basis.
- D. The minimum area for any lot containing an animal kennel shall be three acres.
- E. Notwithstanding any other provision of this UDO, an animal kennel may be located on a lot which also contains a principal detached single-family use.
- F. A Class C buffer (see §3.4) shall be established along any side of the property where the kennel abuts a residential use, provided such buffer shall not restrict clear sight at any intersection or driveway.

§4.4.12. Microbrewery

- A. The maximum size of the microbrewery and all associated uses shall be 15,000 square feet.

§4.4.13. Microbrewery Combined With Restaurant

- A. The maximum size of the microbrewery and all associated uses shall be 25,000 square feet.
- B. The associated restaurant shall be located in the same building as the microbrewery and shall meet the definition and requirements of N.C. General Statutes 18B-1000(6).

§4.4.14 Racetrack

- A. The maximum sound level at the property boundary shall remain at or below the limits set herein for the following receiving land use districts when measured at the boundary or at any point within the property affected by the noise. dB(A) shall remain at or below the maximum sound level maximum. dB(A) shall be calculated on a 10-minute average.

| Table of Maximum Permitted Sound Level [dB(A)] | | |
|---|-----------------------------|-------------------------------|
| Receiving Use District | Day (7 a.m.-10 p.m.) | Night (10 p.m.-7 a.m.) |
| Residential | 60 | 55 |
| Commercial | 65 | 60 |
| Industrial | 75 | 75 |

§4.4.15 Recreational Club, Private

A recreational club shall be located on a parcel of land not less than three acres in size.

§4.4.16 Restaurants

In the R-CR district, a restaurant shall be at least 200 feet from any residential dwelling located on another lot.

§4.4.17 Retail, Neighborhood or General

All activity shall be conducted entirely within a fully-enclosed building, except for the following:

- A. Outdoor storage and display may be allowed subject to §3.10, Outdoor Storage and Display).
- B. For shopping centers see §4.1 for additional requirements.

§4.4.18 Riding Stable

- A. Minimum Lot Area: 5 acres
- B. All stalls or designated riding areas must be located at least 200 feet from any lot line.
- C. All manure piles shall be located at least 200 feet from any lot line and shall be disposed of on a daily basis.
- D. Adequate fencing must be placed on the lot to ensure that horses are prevented from roaming onto adjacent roads or lots.
- E. Notwithstanding any other provision of this UDO, a riding stable may be located on a lot which also contains a principal single-family residential use.

F. A Class C buffer (see §3.4) shall be established along any side of the property where the riding stable abuts a residential use, provided such buffer shall not restrict clear sight at any intersection or driveway.

§4.4.19 Self-Storage Facility

A. All storage shall be contained within a fully-enclosed building.

Commentary: *Outdoor storage of boats, travel trailers, recreational vehicles, and other noncommercial occasional use vehicles may be allowed subject to Board of Commissioners approval (see §3.10, Outdoor Storage and Display).*

B. A Class C buffer (see §3.4) shall be established along any side of the property where the self-storage facility abuts or is across the road from a residential use or a residential district.

C. End walls shall have a brick or masonry façade.

D. Where the end wall of the self-storage facility is visible from a public road, the wall shall be buffered by a hedge that has a mature height of at least four feet.

E. The following activities shall be prohibited on the premises:

1. Commercial, wholesale or retail sales, flea markets or peddling, or miscellaneous or garage sales. However, once a month, the management of the self-storage facility may conduct a one-day auction or sale of abandoned or stored materials to settle unpaid storage bills in accordance with State of North Carolina regulations.
2. Servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances or other similar equipment.
3. Operation of a transfer-and-storage business.
4. Operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns or other similar equipment except when needed for maintenance of the use.
5. Any activity that is noxious or offensive because of odors, dust, noise, fumes or vibrations.
6. Storage of hazardous chemicals, flammable liquids or combustible and explosive materials.
7. Habitation of storage units by humans or animals.

§4.4.20 Service, Neighborhood or General

A. Maximum floor area:

1. Individual principal structure: 25,000 square feet.
2. Multi-tenant structure: 50,000 square feet.

B. All activity shall be conducted entirely within a fully-enclosed building, however outdoor storage and display may be allowed subject to Board of Commissioners approval (see §3.10, Outdoor Storage and Display).

C. For shopping centers see §4.1 for additional requirements.

§4.4.21 Shooting Range, Indoor

Indoor shooting ranges shall be located within a sound-proof building. (See also §3.12.4.A)

§4.4.22 Vehicle Repair

- A. A Class C buffer (see §3.4) shall be established along any side of the property adjacent to a residential use.
- B. All repair or service operations, excluding washing, shall be conducted entirely within a fully-enclosed building. The term fully-enclosed building shall not be construed to limit open bay doors during hours of operation.
- C. Operable vehicles may be parked on-site during business hours. All vehicle parking shall be accomplished on the site and in no case shall a parked vehicle encroach within 10 feet of the right-of-way.
- D. The outdoor overnight storage of vehicles may be allowed subject to Board of Commissioners approval (see §3.10, Outdoor Storage and Display).
- E. There shall be no dismantling of vehicles for salvage.
- F. The storage of impounded vehicles shall not be permitted.

§4.4.23 Vehicle Sales

- A. A Class C buffer (see §3.4) shall be established along any side of the property adjacent to a residential use.
- B. Operable vehicles may be parked on-site during business hours. All vehicle parking shall be accomplished on the site, and in no case shall a parked vehicle encroach within ten feet of the right-of-way.
- C. The outdoor overnight storage of vehicles under repair may be allowed subject to Board of Commissioners approval (see §3.10, Outdoor Storage and Display).
- D. Vehicle sales displayed for rental or sale visible from the public road shall provide a parking buffer as set forth in §3.4.6.B.2.

§4.4.24 Vehicle Service

- A. A Class C buffer (see §3.4) shall be established along any side of the property adjacent to a residential use.
- B. All pair or service operations, excluding washing, shall be conducted entirely within a fully-enclosed building. The term fully-enclosed building shall not be construed to limit open bay doors during hours of operation.
- C. Operable vehicles may be parked on-site during business hours. All vehicle parking shall be accomplished on the site, and in no case shall a parked vehicle encroach within ten feet of the right-of-way.
- D. The outdoor overnight storage of vehicles may be allowed subject to Board of Commissioners approval (see §3.10, Outdoor Storage and Display).
- E. There shall be no dismantling of vehicles for salvage.

- F. The storage of impounded vehicles shall not be permitted.

§4.4.25 Veterinarian, Animal Hospital

- A. All animal boarding shall occur indoors. All pens, kennels and runs shall be located within an enclosed structure.
- B. Outdoor runs may be permitted subject to Board of Commissioners approval (see §9.11, Conditional Use Review).

§4.4.26 Winery

- A. Minimum Lot Area: ten acres
- B. The facility must be operated in association with a vineyard located on the same property or on adjoining properties under the same ownership. Permitted accessory uses may include but shall not be limited to a tasting/sampling room, gift shop, dining and catering facilities and meeting rooms.
- C. All structures and storage areas associated with the winery must be located a minimum of 100 feet from all property lines or road right-of-ways.

§4.5. Industrial Use Standards

The following standards shall apply to all permitted uses, special uses and conditional uses, as set forth in the Use Table (see §2.2.1).

§4.5.1. Waste Service, Mining and Extractive Uses

Waste service, mining and extractive uses shall be subject to the following standards:

A. Minimum Site Area

The uses shall require a minimum site area of 20 acres.

B. Entrances

There shall be no more than one entranceway from a public road for each 660 feet of road frontage.

C. Hours of Operation

Uses shall not operate before sunrise or after sunset, or as determined by Director if located within 1,000 feet of a residential use or residential district.

D. Separation from Residential

No digging or excavating shall occur within 100 feet of any lot line or within 300 feet of the lot line of a residential use or residential district.

E. Paving

All roads, driveways, parking lots and loading and unloading areas within 500 feet of any lot line shall be graded and paved with an approved concrete or asphalt/concrete surface as to limit adjoining lots and public roads the nuisance caused by wind-borne dust.

F. Slopes

The slope of material in any excavation shall not exceed the normal angle of repose or 55 degrees, whichever is less.

Waste Service, Mining and Extractive Uses**G. Buffers and Fences**

1. When any open excavation will have a depth of ten feet or more and create a slope of more than 30 degrees, there shall be erected a fence of not less than six feet in height with suitable gates where necessary, effectively blocking access to the area in which such excavation is located. Such fences shall be located 50 feet or more from the edge of the excavation. Fences shall be adequate to prevent trespass and shall contain warning signs spaced no more than 100 feet apart to be visible along the entire length of said fences.
2. Class C buffer shall be provided along the lot line of a residential use or residential district in accordance with the requirements of §3.4.

H. Storm Water Management

A storm water management plan shall be required.

I. Site Restoration

The following restoration requirements shall apply to all excavation uses, provided that landfills shall, instead, be subject to State and Federal requirements:

1. Restoration Plan

- (a) Before approval of a conditional use permit for an excavation use, the operator shall submit to the Director a detailed plan for restoration of the site, including information on the anticipated future use of the restored land, existing and proposed final contours with an interval of no more than five feet. The plan shall include type and number per acre of trees or shrubs to be planted, and the location of future roads, drives, drainage courses or other improvements contemplated.
- (b) The restoration plans shall be filed with and approved by the Board of Commissioners before quarrying or removal operations begin. The plans shall be prepared by a soil or geological engineer.

2. Bonds

Before the issuance of any conditional use permit, the owner shall execute a bond sufficient to ensure restoration of the site in accordance with the approved restoration plan. Such bonds shall also be approved by the Board of Commissioners as to form, sufficiency and manner of execution, and shall run for the same term as the term of the conditional use permit and any renewals.

(a) Water Quality

In restoration, no filling operations shall be permitted which will likely result in contamination of ground or surface water or soils, through seepage of liquid or solid waste or which will likely result in the seepage of gases into surface or sub-surface water or into the atmosphere.

(b) Appearance

The restoration plan shall provide that all areas within any single development be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural or they shall be restored pursuant to an approved restoration plan.

(c) Topsoil and Fills

Where topsoil is removed, the final surface grade shall be suitable for the proposed subsequent use of the land after reclamation is completed. Reclamation activities, in accordance with the approved reclamation plan, shall be completed within two years after completion or termination of mining on each segment of the area unless a longer period is specifically permitted by the Director. The final slopes in all excavations in soil, sand, gravel and other unconsolidated materials shall be no steeper than a 2:1 slope as to minimize the possibility of slides and be consistent with the future use of the land.

(d) State and Federal Standards

All operations shall be licensed, if required, and have proper permits from the applicable State and Federal requirements pertaining to facilities, equipment and other features.

§4.6. Accessory Structures and Uses**§4.6.1. Zoning Permit Required**

It shall be unlawful to begin moving, constructing, altering or repairing, except ordinary repairs, of an accessory structure, until the Director has issued a zoning permit for such work (see §9.9).

§4.6.2. General**A. Minimum Requirements**

Accessory structures and uses shall be consistent with all standards in the district for the principal use, except as expressly set forth below.

1. Accessory structures and uses shall be accessory and clearly incidental and subordinate to a permitted principal use. An accessory use shall only be allowed when a principal use exists.
2. Accessory structures and uses shall be located within the same district, on the same lot, and in the same ownership as the principal use or structure unless otherwise specified.
3. Accessory structures and uses shall not involve operations or structures not in keeping with the character of the primary use or principal structure served.
4. Accessory structures and uses shall not be of a nature likely to attract visitors in larger numbers than would normally be expected, where applicable.

General

5. An accessory use shall contribute to the comfort, convenience or necessity of occupants of the primary use served.
6. In no event shall "accessory use or structure" be construed to authorize a use or structure not otherwise permitted in the district in which the principal use is located.
7. "Accessory use" or "accessory structure" shall include all distribution lines located on the property which deliver electric, telephone, CATV, and other utility service to the end user from a transmission line providing service to an area larger than the project area or individual parcel.
8. A pier which is located on a lot which does not contain any other structures shall not be deemed to be an accessory structure.
9. Tractor trailers and storage pods are prohibited for storage buildings or structures except as permitted on an active construction site.

B. Fencing and Walls in Residential Districts

1. The maximum height of fencing and walls shall be eight feet.
2. Barbed wire and electrical fences are prohibited, except for livestock protection fences.
3. Concertina wire is prohibited.
4. No zoning permit is required for fencing or walls complying with these regulations.

C. Setbacks

The following setback requirements apply to all accessory structures not specifically excepted by §2.6.10.D, Yard Encroachments:

1. General

No accessory structure shall be located closer than ten feet to any other structure.

2. Residential Districts

- (a) No accessory structure shall extend in front of the front line of the principal structure, unless it is set back a minimum of 100 feet from the edge of the road right-of-way. On lots adjacent to Lake Norman, the Board of Commissioners may approve a conditional use permit (See §9.11) to allow an accessory structure to be located in the road yard less than 100 feet but no closer than 30 feet from the edge of the road right-of-way.
- (b) Accessory structures are allowed in side (interior) and rear yards no closer than ten feet to the property line; provided that, as the size of the accessory structure increases the required setback shall increase as follows:

| Size of Accessory Structure (sq. ft.) | Required Setback (ft.) |
|---------------------------------------|------------------------|
| 1,000 or Less | 10 |
| 1,001 to 2,000 | 20 |
| 2,001 to 3,000 | 30 |
| 3,001 to 4,000 | 40 |
| 4,001 or more | 50 |

3. Nonresidential Districts

- (a) No accessory structure shall be located in any front or side setback.
- (b) Accessory structures are allowed in a rear setback provided that no accessory structure shall be allowed within five feet of any rear yard line, except 20 feet of any rear yard line which abuts a residential district.

D. Height

The height of an accessory structure shall not exceed the height of the principal structure.

E. Area or Size

The area or size of an accessory structure shall be limited as follows:

- 1. On lots of 1/2 acre or less (21,780 square feet or less) in area, containing a principle residential use, the cumulative maximum area of accessory structure(s) shall be 1/2 the heated ground floor area of the principal structure or 750 square feet, whichever is greater. The area of the accessory structure(s) shall be based on the total floor area of the structure(s).
- 2. On lots larger than 1/2 acre in size, containing a principle residential use, the total maximum size of the accessory structure(s) shall be computed by taking 3 percent of the area over 1/2 acre (over 21,780 square feet) and adding either 750 square feet or 1/2 the heated ground floor area, whichever is greater. The accessory structure(s) shall be based on the total floor area of the structure(s).

§4.6.3. Residential Accessory Uses

Residential accessory uses shall include but not be limited to the following accessory uses, activities and structures:

- A. Agricultural labor housing facilities, shall be subject to the standards of §4.6.5.A.
- B. Amateur radio and receive-only antennas, shall be subject to the standards of §4.6.5.B.
- C. Day care centers, shall be subject to the standards of §4.6.5.C.
- D. Home occupations, customary, shall be subject to the standards of §4.6.5.E.
- E. Home occupations, rural, shall be subject to the standards of §4.6.5.F.
- F. Home offices of convenience, shall be subject to the standards of §4.6.5.G.
- G. Lake Norman accessory uses, shall be subject to the standards of §4.8.

Nonresidential Accessory Use Standards

- H. Maintenance and repair of vehicles, shall be subject to the standards of §4.6.5.H.
- I. Parking of commercial and recreational vehicles, shall be subject to the standards of §4.6.5.I.
- J. Private residential quarters, shall be subject to the standards of §4.6.5.K.
- K. Private residential storage buildings, shall be subject to the standards of §4.6.5.L.
- L. Place of worship accessory uses, shall be subject to the standards of §4.6.5.J.
- M. Other necessary and customary uses determined by the Director to be appropriate, incidental and subordinate to the principal use on the lot.

§4.6.4. Nonresidential Accessory Use Standards

Nonresidential accessory uses shall include but not be limited to the following accessory uses, activities and structures:

- A. Day care centers, shall be subject to the standards of §4.6.5.C.
- B. Drive-thru facilities, shall be subject to the standards of §4.6.5.D.
- C. Other necessary and customary uses determined by the Director to be appropriate, incidental and subordinate to the principal use on the lot.

§4.6.5. Residential Accessory Use Standards**A. Agricultural Labor Housing Facilities**

Agricultural labor housing facilities may be approved by conditional use permit pursuant to §9.11 as an accessory use to a bona fide agricultural operation, subject to the following conditions:

1. Such uses shall be subject to bi-annual review for continued compliance in accordance with the requirements of §9.11.
2. Minimum floor area per dwelling unit shall be 700 square feet.
3. Occupancy of such housing shall be exclusively limited to persons employed on-site in the agricultural operation. No other occupancy shall be allowed.
4. Such housing facilities shall not be sold separately.
5. No dwelling used as a farm worker living facility shall be closer than 100 feet to any property line of the premises on which it is placed.
6. A Class B buffer meeting the requirements of §3.4.6 shall be provided between the dwellings and all adjoining property lines.
7. Manufactured homes may only be in the form of a Class A, B or C.
8. The dwellings shall be arranged in a cluster fashion on premises.
9. No subsequent expansion of a farm worker living facility as shown on the approved site plan for the conditional use shall be allowed unless another conditional use permit for that expansion is approved.

However, subsequent decrease of the approved uses is permitted without such approval.

- 10. The applicant shall provide information as to the need for agricultural labor housing and the kind of agricultural operation existing on the premises at the time of application for the farm worker living facility.
- 11. Time limits for such use may be established as conditions of approval.
- 12. If the agricultural operation ceases or subsides, the structure must be removed or come into compliance within 180 days.
- 13. Maximum density of such dwellings shall be as follows:

| Lot Area (ACRES) | Maximum Dwellings |
|-------------------------------------|-------------------|
| 10 or more acres but less than 20 | 1 |
| 20 or more acres but less than 100 | 2 |
| 100 or more acres but less than 150 | 3 |
| 150 or more acres but less than 200 | 4 |
| 200 or more acres but less than 250 | 5 |
| 250 or more acres but less than 300 | 6 |
| 300 or more acres but less than 350 | 7 |
| 350 or more | 8 |

B. Amateur Radio and Receive-only Antennas

Amateur radio and receive-only antennas may be installed and operated as permitted accessory uses, subject to the following conditions:

- 1. A single ground or building mounted receive-only radio or television antenna including any mast, for the sole use of the principal use occupying the residential parcel on which the radio or television antenna is located; with an antenna height not exceeding 25 feet or the building height otherwise allowed (see §2.4), whichever is higher (this height is measured as the combined height of the antenna and building);
- 2. A ground or building mounted citizens band radio antenna including any mast, if the height (post and antenna) does not exceed 35 feet or the building height otherwise allowed (see §2.4), whichever is higher (this height is measured as the combined height of the antenna and building);
- 3. A ground, building or tower mounted antenna operated by a Federally licensed amateur radio operator as part of the amateur radio service, if the height (post and antenna) does not exceed 35 feet (this height is measured as the combined height of the antenna and building);
- 4. A ground, building or tower-mounted receive-only, citizens band or amateur radio service antenna up to 70 feet tall as a conditional use pursuant to §9.11, subject to the following additional standards:
 - (a) The applicant shall provide certification from a civil engineer licensed in North Carolina that the tower design is such that it will not fall on adjacent property or on any building on the property on which it is located;

Residential Accessory Use Standards

- (b) The tower installation shall include a Class B Buffer (see §3.4) to screen it from any adjoining property in a residential district that is located within 20 feet of the proposed tower site; and
 - 5. The tower may be limited to a height of less than 70 feet if the Board of Commissioners finds that it will otherwise protrude above the tree canopy or otherwise create an unnecessary and unacceptable visual impact.
- C. Day Care Center**
- Day care centers may be allowed as an accessory use to nonresidential uses provided that at least 66 percent of the clients enrolled are dependents of employees of the establishment or group development sponsoring such facility.
- D. Drive-through Facilities**
- Drive-through facilities shall be subject to the following requirements:
- 1. A drive-thru shall only be permitted in conjunction with a permitted nonresidential use.
 - 2. Drive-thru windows and lanes shall be screened in accordance with §3.4.8.
- E. Home Occupation, Customary**
- A customary home occupation shall be permitted in the R-R, R-T, R-S, R-SF and R-CR districts only and as an accessory use to a principal dwelling subject to the following conditions:
- 1. The customary home occupation shall clearly be incidental and subordinate to the residential use of the dwelling and shall not change the residential character of the dwelling.
 - 2. No accessory buildings or outside storage shall be used in connection with the customary home occupation.
 - 3. Use of the dwelling for customary home occupations shall be limited to a maximum of 25 percent of the gross floor area of the principal building.
 - 4. A maximum of one sign, a nonilluminated wall sign or a free-standing sign, up to four square feet per face shall be allowed per home occupation.
 - 5. A maximum of two non-residents only may be engaged in the home occupation.
 - 6. No display of products shall be visible from any adjoining lot or road and only articles made on the premises may be sold; except that non-durable articles incidental to a service conducted as the customary home occupation may be sold on the premises.
 - 7. No external alterations inconsistent with the residential use of the building shall be permitted.
 - 8. No machinery that causes noises or other interferences in radio and television reception shall be permitted.

9. Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of the customary home occupation.
10. Chemical, mechanical or electrical equipment that creates odors, light emission, noises or interference in radio or television reception detectable outside the dwelling shall be prohibited.
11. Customary home occupations may operate between the hours of 6AM and 10PM only.

F. Home Occupation, Rural

A rural home occupation may be conducted in the R-R, R-T, R-S and R-CR districts only and as an accessory use to a principal dwelling; provided that such uses in the R-CR district shall be approved by conditional use permit pursuant to §9.11. A rural home occupation may take place in one accessory structure on the lot and must meet the following specifications:

1. Said accessory structure shall be located in the rear yard only and shall also be located at least 100 feet from any existing residence on adjacent parcels of land and at least 50 feet from any adjoining lot line.
2. Said accessory structure shall have a maximum gross floor area equal to 1/2 the gross floor area of the principal structure or 750 square feet, whichever is less.
3. No outside storage of materials or goods shall be permitted.
4. A maximum of one sign, a nonilluminated wall sign or a free-standing sign, up to four square feet per face shall be allowed per home occupation.
5. The operator of the rural home occupation must reside on the same lot as the occupation.
6. No more than two full-time employees at any one time who do not reside on the premises may be employed at the home occupation.
7. Machinery or equipment that creates odors, light emission, noises or interference in radio or television reception detectable outside the dwelling shall be prohibited.
8. No display of products shall be visible from a public road and only articles made or reconditioned on the premises may be sold; except that non-durable articles incidental to a service conducted as the home occupation, may be sold on the premises. An example of this is beauty products which are sold at hair salons conducted as rural home occupations.
9. Rural home occupations may operate between the hours of 6AM and 10PM only.
10. No auto repair business shall be allowed under these provisions.
11. If a customary home occupation or a home office takes place on the lot, a rural home occupation may not be in operation.

Residential Accessory Use Standards**G. Home Office of Convenience**

A home office of convenience may be conducted in all districts as an accessory use to a dwelling. It is the intent of this section to regulate the operation of a home office of convenience so that the average neighbor will be unaware of its existence. All home offices of convenience shall meet the following requirements:

1. The home office of convenience must be clearly incidental to the use of the dwelling as a residence.
2. No outdoor display or storage of materials, goods, supplies or equipment shall be allowed.
3. There shall be no changes in the exterior of neither the building nor any visible evidence that the residence contains an office of convenience.
4. A home office of convenience shall not generate nuisances such as on-road parking, noise, electrical interference or vibrations.
5. There shall be no more than one outside employee.
6. There shall be no signs displayed advertising the home office of convenience.

H. Maintenance and Repair of Vehicles

1. Only minor maintenance may be performed which, for purposes of this subsection, are defined as the changing and replenishment of fluid levels, such as hydraulic fluid, windshield washer fluid, and lubricating oil, the replacement of sparkplugs, ignition points, the rotation of tires and the checking of adequate pressure; and the replacement of drive belts and hydraulic lines. Such maintenance may take place in a partially enclosed, fully enclosed or unenclosed area on the lot.
2. All other repairs not listed in subsection 1, above, must be conducted in a structure which is enclosed on at least three of its four sides [unless conducted in association with an auto repair or auto body shop (located in the R-R District) which has received a conditional use permit]. All automobiles so repaired must be owned by the residents of the lot on which such repair is conducted.
3. Auto repair cannot be conducted in association with a customary or rural home occupation.
4. The following shall be prohibited on any residential lot: the storage of any junked motor vehicle unless it is screened from view from a public road by means of an enclosed building, suitable fencing, trees, and shrubbery or otherwise. Fencing consisting of tarps, pallets and particle board, tin or similar materials shall not be considered suitable.

I. Parking of Commercial and Recreational Vehicles**1. Recreational Vehicles**

Except as provided in §4.7.3.1, a recreational vehicle shall not be deemed a dwelling unit and the usage of a recreational vehicle for living, sleeping or housekeeping purposes and the connection of such

vehicle to utility services (other than for periodic maintenance and/or repair purposes) shall be limited to a maximum duration on any lot to 14 days unless the vehicle is located in a campground so designed to accommodate recreational vehicles.

2. Commercial Vehicles

On any lot of less than one acre in size that is located in a subdivision recorded in the Lincoln County Register of Deeds Office, commercial vehicles that may be parked on an overnight basis shall be limited to school buses, vans and pick-up trucks. This requirement shall not be interpreted to prohibit vehicles from loading and unloading household goods in any residential district for a period of up to 24 hours nor shall this restrict the overnight parking of freight truck tractors without trailers on any such lot.

J. Place of Worship Accessory Uses

1. General

- (a) The seating capacity of the sanctuary or other principal worship or assembly space shall not exceed a number equal to the lot area (expressed in square feet) divided by 100.
- (b) Buffering in excess of that required by §3.4.6 may be required through the review and approval of a major or minor site plan to address the intensity of the proposed place of worship and the proposed accessory uses.
- (c) Accessory uses shall require additional lot area to meet the dimensional standards applicable to the use and the general use district. (See §2.4)

Commentary: For example, on one acre (43,560 sq. ft.) A sanctuary could be built with a seating capacity of 435 persons (43560÷100).

2. Accessory Uses Permitted by Right

The following accessory uses are permitted by right:

- (a) Offices for the place of worship;
- (b) Meeting rooms for intermittent community meetings or instruction;
- (c) Fellowship hall;
- (d) Kitchen facilities, including “Meals on Wheels” or other similar programs using the kitchen in the place of worship but delivering food elsewhere;
- (e) Senior center, neighborhood arts center or other community center;
- (f) Temporary child care during religious services or events;
- (g) Outdoor play area;
- (h) School with enrollment of less than 180 students;
- (i) Unlighted athletic field or similar facility;
- (j) Gymnasium or similar indoor recreational facility;

Residential Accessory Use Standards

- (k) Cemetery and/or Columbarium;
- (l) Residence for clergy employed by the place of worship; and
- (m) Day care center.

3. Accessory Uses Permitted by Major Site Plan Review

The following accessory uses may be approved by the Board of Commissioners pursuant to §9.7:

- (a) School with enrollment of more than 180 students; and
- (b) Lighted athletic field or similar facility.

K. Private Residential Quarters

Private residential quarters may be permitted by conditional use permit (See §9.11) as an accessory use to a detached single-family dwelling, subject to the following requirements:

1. Private residential quarters approved as a conditional use shall be subject to annual review for continued compliance in accordance with the requirements of §9.11.
2. Private residential quarters may be attached to or detached from the principal dwelling in the form of a guest house or garage apartment.
3. Private residential quarters shall not be rented or occupied for gain.
4. The area of private residential quarters shall not exceed 1000 square feet or half the size of the principal dwelling, whichever is less.
5. Private residential quarters shall not have a separate electrical meter.
6. The owner of the property shall occupy either the primary structure or the private residential quarters.
7. One additional parking space on the same premises shall be required for the private residential quarters.
8. Private residential quarters shall be architecturally consistent with the principal structure.
9. Manufactured homes may not be used as private residential quarters.

L. Private Residential Storage Building

A structure to be used for storage, consistent with the type of storage allowed in a residential accessory structure, may be permitted provided the structure is residential in character, owned and used solely by the owner of the property on which it is to be located. Such buildings cannot be rented and shall not be used in any manner that would not be allowed in the zoning district in which it is located. Such buildings may be built prior to the completion of the principal residential structure and the building shall become an accessory structure immediately following the placement of a principle residential structure on the property. Pods and similar detached shipping containers are prohibited for use as private residential storage buildings.

§4.7. Temporary Uses

§4.7.1. General Requirements

Certain uses are temporary in character. They vary in type and degree, as well as length of time involved. Such uses may have little impact on surrounding and nearby properties or they may present questions involving potential incompatibility of the temporary use with existing uses. Unless otherwise specified in this UDO, the following regulations shall govern temporary uses.

§4.7.2. Temporary Uses Exempt from Permit

The following permitted temporary uses are exempt from these requirements.

- A. Garage or yard sales are permitted only by the property owner on their property and are allowed once every four months at any given location. The sale may not exceed three consecutive days in length. Advertising signs may not be placed on any rights-of-way, utility poles or off-site locations without the owners' permission.
- B. Storage pods for off-site storage of household or other goods located in any road yard are permitted for a maximum of seven consecutive days, and any side or rear yard for a maximum of 30 consecutive days, which can be extended with the Director's approval.

§4.7.3. Temporary Use Permit Required

The following temporary uses are allowed in the frequency stated below except that no property shall have more than four of the events listed below in one calendar year.

Commentary: *For example, a temporary use permit for a carnival would be counted in considering whether to issue a temporary use permit for a non-profit special event.*

A. Care Provider Housing Units, Temporary

A care provider housing unit may be permitted as a temporary use on lot development on a lot with a single-family detached subject to the following conditions:

1. Occupancy of care provider housing units shall be limited to care providers or to aged, infirmed or disabled persons requiring a substantial amount of personal care or attention based on a certified medical need.
2. The accessory unit shall be located at least twenty feet from the principal structure.
3. No more than one accessory care provider housing unit per lot shall be allowed. No more than one principal structure may be located on the lot unless the lot contains an area for each principal structure that is at least equal to the minimum lot size for the zoning district in which it is located.
4. Class A, B, C, E or F manufactured homes may be used as care provider housing units.
5. Prior to approving the temporary permit for such housing unit, the Director must make the following findings:

 Temporary Use Permit Required

- (a) The care provider housing unit is needed to take care of a sick, elderly or disabled person who lives on the same lot or adjacent lot and who is in need of personal or medical attention.
 - (b) The location, placement, and type of accessory dwelling unit are so located so as to minimize any negative effects on adjacent properties.
- 6. The temporary use permit may be issued for a period of up to one year. Within three months prior to the temporary use permits expiration date, the applicant can submit an application to have the permit extended. The permit may be extended one or more consecutive times, each for a period of up to one year upon determining that there has not been a substantive change in pertinent conditions or facts. The applicant can continue to apply for extensions so long as the conditions warrant the need for the accessory unit.
- 7. Upon termination of the permit or the elimination of the conditions giving rise to the permit, the accessory unit shall be immediately removed within sixty days from the property.
- B. Commercial Circuses, Carnivals or Fairs, Temporary**
Commercial circuses, carnivals or fairs, for not more than two consecutive weeks in any calendar year.
- C. Religious or Revival Activities, Temporary**
Temporary religious or revival activities in tents in association with a place of worship, for not more than two consecutive weeks in any calendar year.
- D. Non-Profit Special Events, Temporary**
Special events run by non-profit organizations occurring no longer than seven consecutive days once every three months.
- E. Tent Sales, Temporary**
Tent sales by merchants occupying the premises on which the sale is conducted and having a valid certificate of occupancy, and occurring no longer than seven consecutive days once every six months.
- F. Grand Opening Sales, Temporary**
Grand opening sales, including outside food and beverage vending, for three consecutive days, once per certificate of occupancy.
- G. Model Home/Residential Sales Centers, Temporary**
 - 1. Temporary model homes/residential sales centers may be located within a residential district as part of an on-going residential development.
 - 2. Employees shall be limited to the minimum number needed to show and sell the dwelling units within the same development.
 - 3. The hours of operation shall be limited to between the hours of 8:00 A.M. And 9:00 P.M.

Temporary Use Permit Required

4. Model homes shall only be occupied for residential habitation after all business activities have ceased and upon sale of the home and shall comply with the applicable residential parking standards at that time.
5. The temporary use of a dwelling unit as a model home/real estate sales center shall expire when the number of dwelling units remaining to be sold is less than ten percent of the total number of dwelling units approved for the development or 5, whichever is less.
6. Comply with all other applicable standards for single-family detached uses.

H. Outdoor Vehicle Show or Sale, Temporary

Outdoor motor vehicle or recreational vehicle show or sale, for three consecutive days, twice per calendar year.

I. Recreational Vehicle Use, Temporary

In all residential districts, the Director shall have the authority to issue a temporary use permit for use of a recreational vehicle on a lot under the following conditions:

1. The principal residential structure was destroyed by a fire, tornado or other disaster, and a temporary permit for a recreational vehicle is necessary to allow the owner to live at the property during the reconstruction of the principal structure.
2. A visual inspection shall be conducted by the County to determine that the home is rendered uninhabitable prior to the issuance of a temporary use permit.
3. The fee for a temporary use permit and electrical permit shall be waived. The temporary use permit shall be valid for a period of nine months. However, the permit may be extended on a one-time basis for a period of three months if the County determines that significant progress is being made in completing the reconstruction of the principal structure.
4. The recreational vehicle may only be placed in the side or rear yard (in relation to the principal residential structure) or in the front yard a minimum of 100 feet from the edge of the road right-of-way line, and no closer than ten feet to any side or rear lot line. The Director shall have the authority to reduce the 100-foot front setback requirement by up to 50 percent if he determines that special circumstances make it impracticable to place the recreational vehicle in the side or rear yard.
5. Electrical connections shall be inspected and approved by the county. The property owner shall properly dispose of sewage and obtain any required permit and approval.

J. Outdoor Display of Merchandise, Temporary

Outdoor display of merchandise in nonresidential districts by merchants occupying the premises and having a valid certificate of occupancy, occurring no longer than nine consecutive days up to four times per year, is allowed subject to issuance of a temporary use permit and all of the following conditions. The temporary outdoor display of merchandise should

Temporary Use Permit Required

not be confused with the permanent outdoor display of merchandise approved as part of major site plan (see §3.10).

1. Merchandise shall only be displayed in front of the premises occupied by the merchant.
2. Merchandise shall not be displayed closer than five feet to any entrance to the premises.
3. Merchandise shall only be displayed in a manner that does not obstruct pedestrian or vehicular circulation or traffic.
4. The display of merchandise shall not exceed eight feet in height.
5. Merchandise shall only be displayed during the merchant's hours of operation, and must be taken inside the premises at closing.
6. Merchandise shall only be displayed in an area not wider than 50 percent of the total linear foot frontage of the building occupied by the merchant.
7. The required temporary use permit must be visibly displayed at the main entrance of the associated merchant.
8. A violation of any conditions set out in this section shall constitute a violation of the temporary use permit and cause said temporary use permit to be revoked. Once revoked, a temporary use permit shall not be issued for the same temporary use for a period of one year.
9. Any temporary use permit issued under 1 through 8, above, shall be counted in the maximum number of temporary use permits allowed for the temporary outdoor display of merchandise.
10. The requirements of this section do not supersede the permanent outdoor storage or display requirements of §3.10, Outdoor Storage and Display.

K. Seasonal Sales of Merchandise, Independent

Outdoor sales of merchandise are permitted on certain vacant lots and on premises on which the vendor does not have a permanent retail operation are allowed in accordance with the following conditions:

1. Such sales require a temporary use permit;
2. The application must include the signature of the owner of the property or the owner's agent or must have attached to it a copy of a lease or letter of agreement authorizing the proposed temporary use;
3. The application must include a sketch showing what portion of the premises will be used for the temporary sale. Such area shall not impede driveways or other routes of ingress or egress. If the temporary use includes a tent or other temporary shelter, it shall be located so that it does not encroach on required setbacks applicable to the zoning district and does not impair the sight triangle required by §3.5.12;

Temporary Use Permit Required

4. Temporary use permits for seasonal sales shall not be issued to the same applicant for any period longer than four weeks or for a total of more than six weeks in a calendar year;
5. Temporary use permits for seasonal sales shall not be issued for the same premises for any period longer than four weeks or for a total of more than six weeks in a calendar year;
6. The combination of tent sales (§4.7.3.E), temporary outdoor display of merchandise (§4.7.3.J) and sales under this section shall not occur on the same premises for a total of more than six weeks in a calendar year.

L. Construction Office Trailer, Temporary

After approval by the Director, a construction office trailer may be used as a temporary office, security shelter or shelter for materials or tools (but not for residential purposes or sales offices) incident to construction on or development of the premises upon which the construction office trailer is located subject to the following conditions:

1. Such construction office shall be located at a building site upon receipt of a valid building permit for the construction project.
2. Such offices may remain upon a construction site for a maximum of 30 days after the issuance of the certificate of occupancy or two years from the date of issuance of the temporary use permit; provided, however, if the project is multi-family or nonresidential in nature, the temporary use permit may be extended beyond two years if the approved project is not yet completed and the applicant requests an extension within three months prior to the expiration of the permit period. Such extensions may be for one year.
3. Such use shall be located at least ten feet off all road rights-of-way and property lines in a residential district. In all other districts the office may be placed in any required yard setback but should not be placed over gas, electrical, water or sewer lines.
4. Such use shall be strictly limited to the time construction or development is actively underway. In no event shall the use continue more than six months without the further approval of the Director. The temporary use shall be approved only upon finding that actual construction is continuing.

M. Manufactured Home, Temporary

1. In R-T and R-R zoning districts where a detached single-family is a use by right, the Director may permit the placement of a manufactured home on a lot of record on a temporary basis while a detached single-family is being constructed on the same lot. Such permit may only be issued under the following conditions:
 - (a) The manufactured home is a Class A, B, C or E manufactured home.

Temporary Use Permit Required

- (b) The manufactured home is used as the principal residence of the owner of the lot while the detached single-family is being constructed.
 - (c) The temporary permit for the manufactured home shall not be issued by the Director until the owner of the lot has received a building permit for the construction of the detached single-family.
 - (d) The manufactured home shall be placed on the lot in such manner that it meets all required setbacks for the principal structure.
 - (e) The temporary permit shall initially be valid for a period of one year. The permit may be extended on a one-time basis for a period of no greater than 6 months if the Director determines that significant progress is being made in completing the construction of the detached single-family. Upon expiration of said eighteen-month period, the temporary permit for the manufactured home shall become invalid.
 - (f) The manufactured home shall immediately be removed upon (i) expiration of the temporary use permit for the manufactured home, or (ii) upon expiration of the building permit for the detached single-family, or (iii) within 30 days of the issuance of a certificate of occupancy for the detached single-family.
 - (g) An existing manufactured home located on the lot may be so used so long as all applicable regulations of this section are met.
2. In the R-S, R-SF, and R-CR districts, where an existing manufactured home is located on a lot, and such manufactured home serves as the only principal residential structure on said lot, the Director shall have the authority to issue a temporary use permit to allow the construction of a detached single-family to be located on the same lot, under the following conditions:
- (a) The detached single-family to be constructed will otherwise be in harmony with all other requirements of this UDO.
 - (b) The existing manufactured home is the principal residence of the owner of lot while the detached single-family is being constructed.
 - (c) The temporary use permit for the detached single-family shall initially be valid for a maximum period of one year. The temporary use permit may be extended on a one-time basis only for a period not to exceed nine months if the Director determines that significant progress is being made in completing the construction of the detached single-family. Upon expiration of the one-year period or any extension, if applicable, the temporary use permit allowing both the detached single-family and the manufactured home to be located on said lot shall expire. Construction of the detached single-family shall immediately cease upon expiration of said temporary use permit (or upon expiration of the associated building permit). The Director shall have no authority to renew or reissue the temporary use permit

Temporary Use Permit Required

for said detached single-family unless the manufactured home on the lot is first removed.

- (d) Within 30 days of the issuance of a certificate of occupancy for the detached single-family, the owner of the lot shall have the manufactured home removed.
 - (e) Rights established per any temporary use permit issued per this subsection shall be transferable to subsequent owners of the lot without the necessity of a new permit being issued, provided that the successor owner complies with all provisions herein indicated.
3. Manufactured homes may be allowed on a temporary basis in the R-S, R-SF, & R-CR districts on a permitted basis under the following conditions:
- (a) In the event of a disaster, the result of which an occupied detached single-family was destroyed [i.e., received damage greater than 50 percent of its assessed tax value as indicated on the most current tax listings], a Class C, E or F manufactured home may be placed on the lot containing the dwelling unit which was destroyed. The purpose of allowing such manufactured home on said lot is to give the occupants of the destroyed detached single-family unit a place to live while a new dwelling unit is being constructed or damage to the original dwelling unit is being repaired.
 - (b) Such manufactured home may only be placed in the side or rear yard (in relation to the structure to be replaced or damaged), or in the front yard a minimum of 100 feet from the edge of the road right-of-way line. The manufactured home shall be no closer than ten feet to any side or rear lot line.
 - (c) The Director shall be given the authority to issue a temporary use permit for such temporary use on a one-time basis only for a period of up to nine months. Such permit may be renewed on a one-time only basis for up to three additional months by the Board of Commissioners if, after a public hearing, it is determined that:
 - (1) Construction of a detached single-family unit is proceeding in a diligent manner; and,
 - (2) The granting of such permit will not materially endanger the public health, welfare and safety; and,
 - (3) The location of the manufactured home on the site does not have a negative effect on the abutting properties.
 - (4) Such manufactured home may be allowed on the lot irrespective of the number of other dwelling units located on the lot prior to the date of destruction.
 - (5) The permanent replacement of a structure on the lot may occur if such use and structure is in conformity with the underlying zoning district's regulations; otherwise, the Board

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of Commissioners may approve replacement of the structure by conditional use permit approved pursuant to §9.11.

N. Right-of-way Use in Conjunction with Special Event Permit, Temporary

Where a valid permit has been issued by the County or State (for State maintained roads) for use of adjacent road that makes the road unavailable to vehicular traffic, a temporary use permit may be issued in accordance for events on the grounds or in the parking lot of any adjacent parcel during the period of the special event permit.

O. Other Temporary Uses

Other temporary uses similar in nature to the ones listed above, with corresponding and similar limitations, as determined by the Director.

§4.8. Lake Norman Area Standards

Principal and accessory uses on Lake Norman shall comply with the following requirements.

§4.8.1. Purpose

The purpose of this section is to establish special development requirements for Lake Norman and its shoreline area for the enhancement of public recreation and water safety on the Lake. The section reflects the coordinated efforts of the counties bordering Lake Norman (Mecklenburg, Lincoln, Catawba, and Iredell) and the Lake Norman Marine Commission to guide and control those development activities along and within Lake Norman which directly affect the use, enjoyment, and safety of the Lake.

§4.8.2. Applicability

- A. The provisions of this section shall apply all development within and below the surface waters of Lake Norman lying below contour elevation 760 feet above Mean Sea Level, United States Geological Survey (USGS) Datum and to land areas bordering on the waters of Lake Norman within 1,000 feet of the shoreline when measured from full pond level at contour elevation 760 feet above Mean Sea Level, USGS Datum.
- B. All dimensional requirements herein, when reference is made to the water surface, or shore, shall be measured from the full pond level, which is at contour elevation 760 feet above Mean Sea Level, USGS Datum, unless otherwise noted. Property lines of waterfront lots will be considered to be on the shoreline where such lots have been surveyed and a plat thereof has been recorded in the Lincoln County Register of Deeds Office and where such plat clearly indicates that the property lines are based upon and intended to represent contour elevation 760 feet above Mean Sea Level, USGS Datum.

§4.8.3. General Requirements

A. Submission of Plans

Application shall be submitted to the Director for piers, seawalls, moorings, floats, marine railways, breakwaters, signs or swimming areas and shall be accompanied by three sets of plans for the proposed facility or activity showing the name and address of the property owner and project designed; the location and detailed graphic description of the proposed improvement; property boundary and area; adjacent shoreline and waterborne facilities; date, north arrow and scale; and such additional information as the Director might require to enable him to act upon such application.

B. Setbacks

On any lot which abuts the full pond level of Lake Norman, no principal structure or accessory structure (other than one which is water-borne) shall be located closer than 50 feet inward from the edge of the full pond level line. Walkways to a pier are allowed within the 50-foot setback provided they are made of decking or other pervious material and do not exceed six feet in width.

Piers and Docks**§4.8.4. Piers and Docks**

- A. Piers and docks located on or adjacent to Lake Norman shall comply with all applicable regulations contained in this §4.8.
- B. A single-slip pier or dock may be located on a lot without any other structures located on that lot. In such instances, that pier shall be deemed to be a principle use. Yard and bulk requirements for the pier or dock shall be waived, except as may be prescribed in this §4.8.
- C. If a single-slip pier or dock, or a boat launching ramp designed to serve one household, is located on a lot in a residential district, and such pier, dock, or launching ramp serves as the principal structure on the lot, said structure shall be allowed as a use-by-right. Any other accessory structures (i.e., picnic shelters, changing room facilities, etc.) May be allowed on the lot subject to the issuance of a conditional use permit by the Board of Commissioners.
- D. Multiple boat slips, (not used for commercial purposes), or a boat launching ramp, located on a lot with a permitted principle use, shall be considered an accessory use and shall be allowed as a use-by-right.
- E. Multiple boat slips (not used for commercial purposes), or a boat launching ramp designed to serve more than one household, located on a lot without a principal use, may be allowed subject to the issuance of a conditional use permit by the Board of Commissioners.
- F. In approving a conditional use permit under this section, the Board of Commissioners, in addition to making the findings of fact contained in §9.11.8, shall also be required to find that:
 - The proposed use is so situated and developed in a manner which is well-integrated with and minimizes any negative effects upon adjoining and nearby properties.
- G. The Board of Commissioners shall have the authority to attach fair and reasonable conditions to the conditional use permit which support this (and the other) findings of fact. These conditions may include the placement of a minimum lot size for the lot(s) containing the pier, dock, or boat launching ramp.
- H. Piers and docks shall comply with requirements of Duke Energy, all applicable regulations contained in this §4.8, and the following requirements:
 - 1. With regard to any new subdivision of land, a master pier location plan may be submitted as part of the preliminary and final plats. Said plan shall show:
 - (a) Designated buildable pier areas for the pier facilities; and
 - (b) Projections into the body of water as depicted in §4.8.3.B, above.
 - 2. A similar master pier plan may be submitted (in the form of a scaled boundary survey plat) for two or more adjacent recorded lots showing, at a minimum:
 - (a) All property line boundaries for the lots in question;

- (b) Designated buildable pier areas for the pier facilities; and
 - (c) A statement signed by the owner(s) of each of the lots in question certifying lot ownership and acceptance of the pier plan as so designated.
3. Said plat shall be in a form suitable for recordation in the Lincoln County Register of Deeds Office and must first be recorded in order for such pier placements to be allowed.
- I. Lincoln County reserves the right to request that a survey of any completed pier facility (authorized in subsection F) be submitted to the Director prior to issuance of a certificate of occupancy for such facility.

§4.8.5. Moorings and Floats

Moorings and floats, when placed in the Lake for navigational purposes, shall be so placed only with the expressed written approval of the Lake Norman Marine Commission or the North Carolina Wildlife Commission. When placed for the purpose of mooring, it shall be separated on every side from any other mooring by a distance of at least 50 feet and shall be located so as to permit unobstructed passage on the Lake of through boats. Moorings and floats shall not be anchored in such a manner as to deny or obstruct in any manner access to the Lake from boat docks, boat houses, or boat launching ramps. In addition to the foregoing requirement, such mooring and floats shall conform to the Uniform Waterway Marking System.

§4.8.6. Marine Railways

Marine railways shall have permanent signs complying with the requirements of the North Carolina Wildlife Commission Uniform State Waterway Marker System designating the location of the marine railway. Marine railways shall not extend above the normal or natural lake bed at the time of construction more than 18 inches, between a horizontal line extending from the 760 contour to a water depth of 15 feet below the 760 contour.

§4.8.7. Breakwaters

Breakwaters, when constructed for the purpose of protecting docks, piers, or other facilities shall be so placed as to protect the particular facility for its width only and shall not offer area protection which might overly obstruct passage on the Lake. Breakwaters shall be located and marked so as not to be a hazard to boating at any time.

§4.8.8. Filling

Any filling operations shall be designed by a licensed professional engineer in the State of North Carolina and approved by Duke Power and appropriate State and Federal agencies. Fill shall not be placed above the water level without proper and adequate rip-rapping to prevent fill from being eroded into the Lake. Fill so placed shall be sufficiently compacted to reach 90 percent maximum dry density using the Standard Proctor Test as defined by ASTM D698 66T. Fill areas shall not obstruct access to or be a hazard to passage on the Lake or a nuisance to adjacent property owners.

Dredging**§4.8.9. Dredging**

Dredging shall not be conducted in such a way that the spoil there from is placed back into Lake Norman, thus reducing water depth in areas outside of the dredged areas. A permit shall be obtained from Duke Power and appropriate State and Federal agencies before any dredging activity can be undertaken on the Lake.

§4.8.10. Signs

Signs, other than navigational signs, should be constructed in such a manner as to be compatible with the adjacent visual qualities of the area in which they are located. Signs shall not unduly obstruct the view of the Lake from any adjacent lakeshore occupant and shall not be placed in the water or within 25 horizontal feet of the water's edge at elevation 760. When lighted, signs shall have fixed, non-moving, indirect or internal lighting when necessary. There shall be no off-site advertising signs placed or maintained so as to be visible from the Lake.

§4.8.11. Navigational Lighting

Lighting which offers navigational aid on Lake Norman, whether public or private, shall be approved by the Lake Norman Marine Commission. When installed for purposes other than navigational, lights shall not be moving or flashing or colored other than white, except for a continuous non-flashing yellow light for insect control. Lights shall not be of such intensity as to cause night blindness for boat operators on the Lake and not inhibit vision in any way.

§4.8.12. Overhead Transmission Lines

Overhead transmission lines shall be constructed to a minimum height of 48 feet at maximum deflection above the full pond level.

§4.8.13. Swimming Areas, Public and Private

Swimming areas shall not be defined in water beyond a depth of 15 feet and in no event shall extend more than 80 feet from the shore. Swimming areas shall extend into the water so as to remain confined within a projection of the side lot lines of the lot on which the area is located maintaining the side yard requirements of the district in which the lot is located. Public swimming areas shall be, and private swimming areas may be marked and protected in keeping with the North Carolina Wildlife Commission regulations.

§4.8.14. Seawalls

Seawalls may be built in areas on the Lake, subject to the approval of all appropriate local, State, and Federal agencies and Duke Power Company.