

6-2.2 Unlisted Uses

For any use not specifically listed in this Section, the parking, stacking and loading requirements shall be those of the most similar use.

6-2.3 Parking Requirements for Change in Use

If a change in use causes an increase in the required number of off-street parking, stacking or loading spaces, such additional spaces shall be provided in accordance with the requirements of this Ordinance; except that if the change in use would require an increase of less than five (5%) percent in the required number of parking spaces or fewer than five (5) spaces, no additional off-street parking shall be required.

6-2.4 Design Standards for Parking, Stacking and Loading

(A) Design: Parking facilities shall be designed and constructed to:

- 1) Allow unobstructed movement into and out of each parking space without interfering with fixed objects or vehicles.
- 2) Minimize delay and interference with traffic on public streets and access drives.
- 3) Maximize sight distances from parking lot exits and access drives.
- 4) All off-street parking spaces in parking lots shall have access from parking lot driveways and not directly from streets.

(B) Dimensional Requirements: Parking facilities shall be designed and constructed to meet minimum, parking space dimensions, aisle dimensions and other standards found in Table 6-2-2.

(C) Improvements

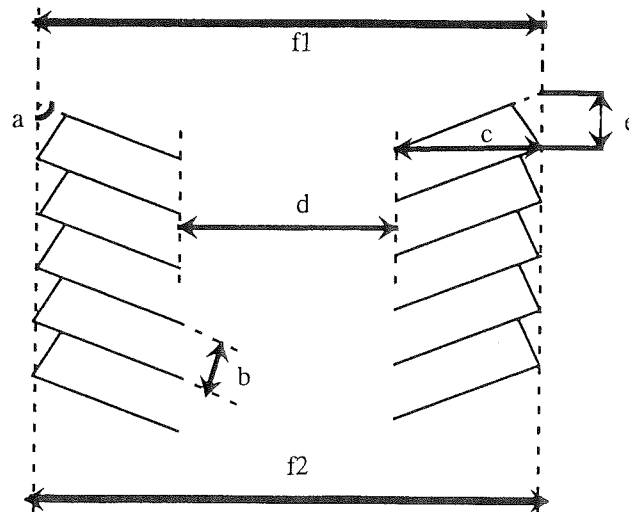
- 1) Paving
 - a) Required parking spaces, access drives, and loading areas shall be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights.
 - b) Access drives shall be paved and maintained from the curbline to a point at least ten (10) feet beyond the public right-of-way line for all parking and loading facilities, whether paved or unpaved.
 - c) Paving shall not be required for:
 - i) Parking facilities used on an irregular basis for churches, private clubs or other similar nonprofit organizations.
 - ii) Parking facilities for residential uses where six (6) or fewer spaces are required.
 - iii) Parking areas for agricultural uses in the Agricultural (AG) District .
 - iv) Parking areas in the Heavy Industrial (HI) District or manufacturing and industrial uses in the Light Industrial (LI) District, provided they are constructed with an all-weather surface.
 - v) Parking areas for tracked heavy construction equipment, skid-mounted equipment and similar equipment, provided they are constructed with an all-weather surface.
 - d) Where parking facilities are paved, curb and gutter or an equivalent drainage system shall be provided along the periphery of the parking lot, except where it is determined by the Enforcement Officer that such system is not practical for storm drainage purposes.

TABLE 6-2-2
Parking Space Geometric Design Standards

a	b	c	d	e	f1	f2
PARKING ANGLE (degrees)	STALL WIDTH (*)	STALL TO CURB (ft.)	AISLE WIDTH (ft.)	CURB LENGTH (ft.)	CENTER-TO-CENTER WIDTH OF TWO ROW BIN WITH ACCESS ROAD BETWEEN (ft.)	
					CURB- TO-CURB	OVERLAP C-C
0	7'-6"	7.5	12.0	23.0	27.0	
	8'-6"	8.5	12.0	23.0	29.0	-
	9'-0"	9.0	12.0	23.0	30.0	-
	9'-6"	9.5	12.0	23.0	31.0	-
	10'-0"	10.0	12.0	23.0	32.0	-
30	7'-6"	16.5	11.0	17.5	44.0	41.0
	8'-6"	16.9	11.0	17.0	44.8	37.4
	9'-0"	17.3	11.0	18.0	45.6	37.8
	9'-6"	17.8	11.0	19.0	46.6	38.4
	10'-0"	18.2	11.0	20.0	47.8	38.7
45	7'-6"	17.0	11.0	10.5	43.0	48.1
	8'-6"	19.4	13.5	12.0	52.3	46.3
	9'-0"	19.8	13.0	12.7	52.6	46.2
	9'-6"	20.1	13.0	13.4	53.2	46.5
	10'-0"	20.5	13.0	14.1	54.0	46.9
60	7'-6"	17.7	14.0	8.7	47.4	44.0
	8'-6"	20.7	18.5	9.8	59.9	55.6
	9'-0"	21.0	18.0	10.4	60.0	55.5
	9'-6"	21.2	18.0	11.0	60.4	55.6
	10'-0"	21.2	18.0	11.5	61.0	56.0
90	7'-6"	17.0	20.0	7.5	54.0	
	8'-6"	19.0	25.0	8.5	63.0	-
	9'-0"	19.0	24.0	9.0	62.0	-
	9'-6"	19.0	24.0	9.5	62.0	-
	10'-0"	19.0	24.0	10.0	62.0	-

(*) 9'-0" Recommended (*) 8'-6" Minimum (*) 7'-6" Compact Cars Only, for non-required spaces only

Stacking Space Geometric Design Standards: Stacking spaces shall be twelve feet (12) by twenty (20) feet.



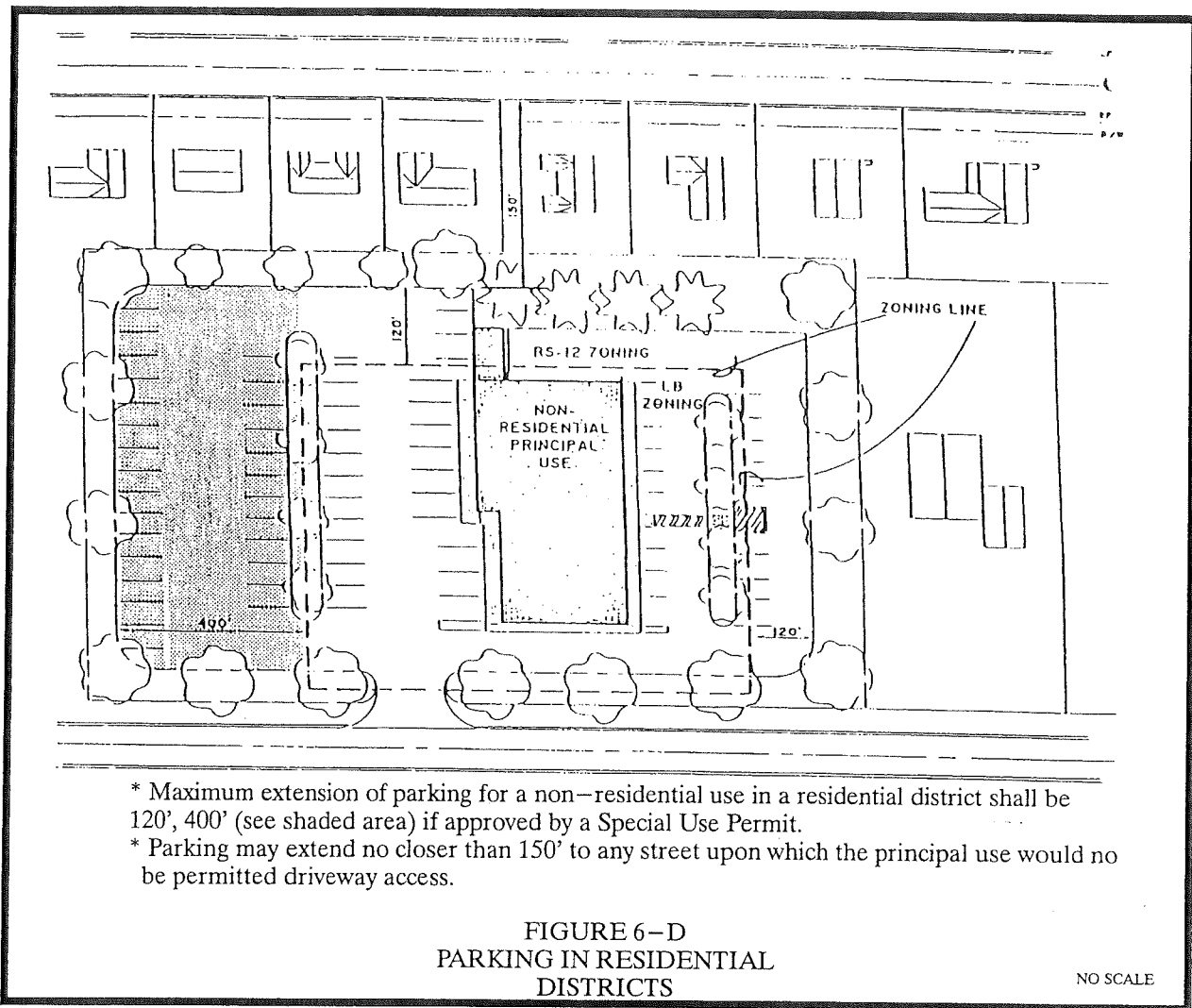
- e) All facilities shall be graded, properly drained, stabilized and maintained to minimize dust and erosion.
- f) All parking spaces and stacking lanes shall be clearly identified with paint lines, bumper guards, curbs, or similar treatment.
- g) All parking spaces shall be provided with wheel guards or curbs located so that no part of the parked vehicle will extend beyond the property line or encroach more than two (2) feet into a required planting area.
- h) Concrete pads for stationary refuse containers shall be provided beneath and in the approach to each container.
- i) Parking lots shall be designed and constructed such that walkways shall maintain a minimum unobstructed width of four (4) feet. (Vehicle encroachment is calculated as two (2) feet beyond curb.)

6-2.5 Location

- (A) Off-site Parking Lots: When required off-street parking is permitted to be located off-site, it shall begin within four hundred (400) feet of the zone lot containing the principal use. Required off-street parking shall not be located across an intervening major or minor thoroughfare.
- (B) Parking in Nonresidential District: Automobile parking for any use may be provided in any nonresidential district.
- (C) Parking in Residential Districts – See Figure 6-D: Surface parking in a residential district for any use not permitted in that district is allowed under the following conditions:
 - 1) Property on which the parking is located must abut the lot containing the use which the parking serves. The property must be under the same ownership or subject to a parking encumbrance agreement approved by the Enforcement Office. All access to such property shall be through nonresidentially zoned property;
 - 2) Parking shall be used only during daylight hours except by Special Use Permit;
 - 3) Parking shall be used by customers, patrons, employees, guests, or residents of the use which the parking serves;
 - 4) No parking shall be located more than one hundred twenty (120) feet into the residential zoning district. Parking may be allowed to extend up to four hundred (400) feet into the residential zoning district with approval of a Special Use Permit;
 - 5) No parking shall be permitted closer than one hundred fifty (150) feet to any public street right-of-way upon which the principal use would not be permitted driveway access; and
 - 6) Long-term or dead storage, loading, sales, repair work or servicing of vehicles is prohibited.
- (D) Townhouse Developments: In developments using individual driveways and garages to meet parking requirements, visitor parking areas shall be distributed such that the front entrance to each unit is not further than two hundred (200) feet from such area. A maximum of two (2) spaces shall be assigned to driveway/garage units with 0.25 spaces per unit defined as visitor parking.

6-2.6 Combined Parking

- (A) Separate Uses: The required parking for separate or mixed uses may be combined in one facility.
- (B) Shared Parking: A maximum of fifty (50%) percent of the parking spaces required for a church, theater, auditorium or assembly hall or other similar use may also serve as required spaces for another use located on the same zone lot. Shared spaces may also be located off-site as allowed in Section 6-2.5(A) (Off-site Parking Lots). In either case the Enforcement Officer must determine that the various activities will have



peak parking demands at different periods of the day or week. Otherwise, no off-street parking required for one (1) building or use shall be applied toward the requirements of any other building or use.

- (C) Reassignment: Required off-street parking spaces shall not be leased or otherwise assigned to another use except as provided in Section 6-2.6 (B) (Shared Parking).

6-2.7 Loading Areas

(A) Location: Off-street loading areas shall be located on the same zone lot as the use they serve.

(B) Design Standards

1) Minimum Number of Loading Spaces Required:

a) Retail operations, including restaurant and dining facilities within hotels and office buildings:

Gross Floor Area (SQ FT)	Number of Spaces
0 – 20,000	0
20,001 – 40,000	1
40,001 – 75,000	2
75,001 – 150,000	3
150,001 – 250,000	4
For each additional 250,000 square feet or fraction thereof	1

b) Office buildings and hotels:

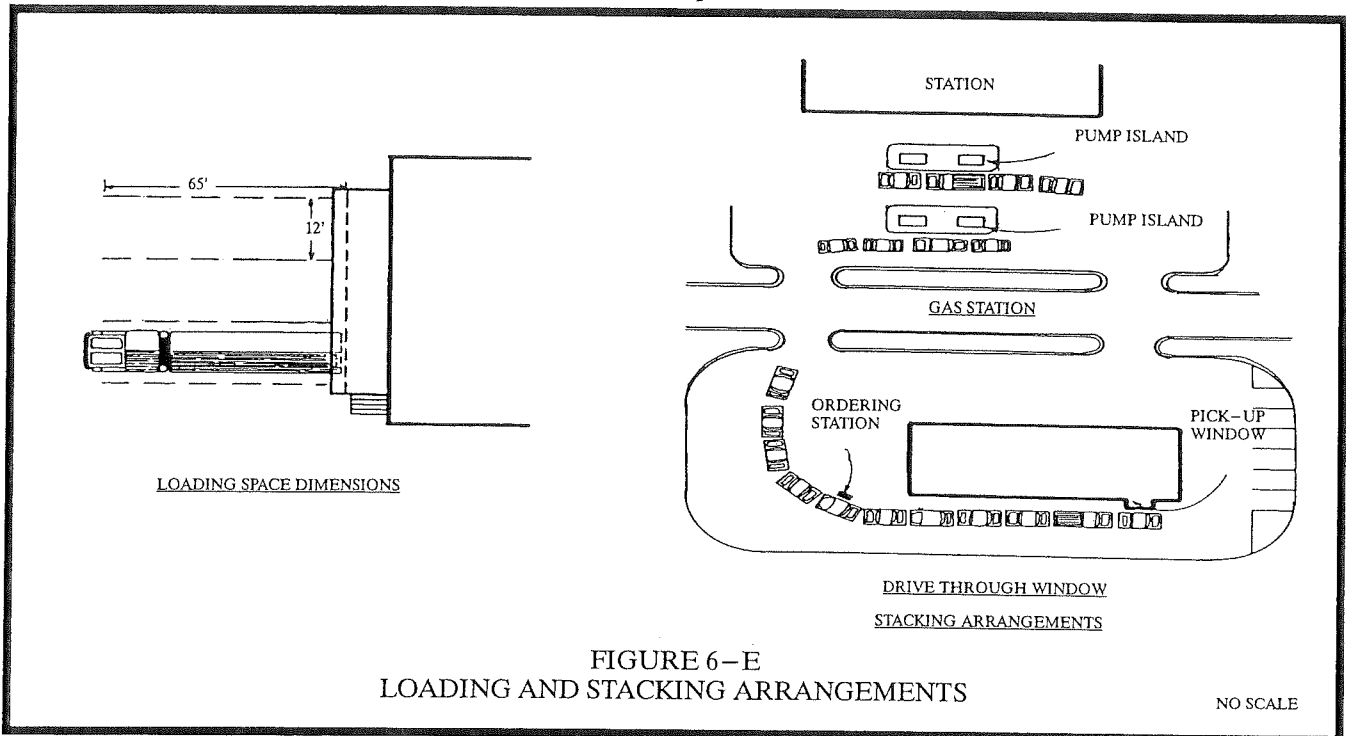
Gross Floor Area (SQ FT)	Number of Spaces
0 – 100,000	0
For each additional 100,000 square feet or fraction thereof	1

c) Industrial and wholesale operations:

Gross Floor Area (ft.2)	Number of Spaces
0 – 10,000	0
10,000 – 40,000	1
40,001 – 100,000	2
100,001 – 160,000	3
160,001 – 240,000	4
240,001 – 320,000	5
320,001 – 400,000	6
For each additional 90,000 square feet or fraction thereof	1

2) Each loading area shall be at least twelve (12) feet wide, sixty-five (65) feet long and fourteen (14) feet in clearance. See Figure 6-E.

- 3) All off-street loading areas shall be arranged and marked to provide for orderly and safe unloading and loading, and shall not hinder the free movement of vehicles and pedestrians. All loading and unloading maneuvers shall take place on private property. No backing in from street or maneuvering on right-of-way shall be permitted.



6-3 LANDSCAPING REQUIREMENTS

6-3.1 Applicability

- (A) Exemptions: These requirements shall not apply to:
- 1) Single family detached dwellings or two-family dwellings on their own lots;
 - 2) Multi-family developments containing eight (8) or fewer dwelling units in a single zone (building) lot;
 - 3) Properties within or surrounded by the Central Business (CB) zoning district;
 - 4) Property lines abutting railroad rights-of-way and utility easements in excess of sixty (60) feet in width; and
 - 5) Property lines abutting dedicated street right-of-way which has remained unopened for a period of at least fifteen (15) years.
- (B) Application: These requirements shall apply to the following:
- 1) New Principal Building or Use: Principal buildings or open uses of land constructed or established after the adoption of this Ordinance.
 - 2) Changes in Use: Changes in use which result in an increase of two (2) or more in the Land Use Classification number. The requirements of this Section shall be applicable to the entire zone lot.
 - 3) Expansions or Reconstruction: Expansions which will result in a parking or building square footage increases of more than three thousand (3,000) square feet for developments existing on the effective date of this Ordinance. In such cases the landscaping requirements shall apply only to the expansion.
- (C) Reduction in Parking Requirements for Pre-Existing Developments: To allow compliance with the landscaping regulations, the number of required off-street parking spaces may be reduced by the Enforcement Officer up to ten (10%) percent.

6-3.2 Planting Yards

- (A) Required Planting Areas: The following areas are required to be landscaped:
- 1) Street planting yards;
 - 2) Parking lots (excluding vehicle loading, storage, and display areas); and
 - 3) Planting yards.
- (B) Planting Area Descriptions:
- 1) Street Planting Yard: A planting area parallel to a public street designed to provide continuity of vegetation along the right-of-way and a pleasing view from the road. No more than fifteen (15%) percent of the street planting yard may be used for walkways or signs. Parking, merchandise display and off-street loading are prohibited in the street planting yard. See Figure 6-F.
 - 2) Parking Lot Plantings: Planting areas within and adjacent to parking areas designed to shade and improve the attractiveness of large areas of pavement.
 - 3) Type A Planting Yard: A high density screen intended to block substantially visual contact between adjacent uses and create spatial separation. A Type A Planting Yard reduces lighting and noise which would otherwise intrude upon adjacent uses. See Figure 6-G.
 - 4) Type B Planting Yard: A medium density screen intended to partially block visual contact between uses and create spatial separation. See Figure 6-G.
 - 5) Type C Planting Yard: A low density screen intended to partially block visual contact between uses and create spatial separation. See Figure 6-H.
 - 6) Type D Planting Yard: A peripheral planting strip intended to separate uses, provide vegetation in densely-developed areas and enhance the appearance of individual properties. See Figure 6-H.

6-3.3 Planting Yard Determination

To determine the planting yards required by this Ordinance, the following steps shall be taken:

- (A) Identify the classification of the proposed or expanded land use and of any existing or proposed adjacent land use(s) by using the Permitted Use Schedule, Table 4-3-1 in Section 4-3 (Permitted Use Schedule). A land use becomes existing on an adjacent property when a building permit is issued. If a zone lot contains uses with different land use classifications, select the higher numbered classification, then
- (B) Use the Planting Yard Chart, Table 6-3-1, to determine the appropriate letter designation for each planting yard, then
- (C) Match the letter designation obtained from the Planting Yard Chart with the Planting Rate Chart, Table 6-3-2, to determine the types and numbers of shrubs and trees required.

TABLE 6-3-1
Planting Yard Chart

PROPOSED LAND USE	EXISTING		ADJACENT USE(S)				
	Land Use Classification	1	2	3	4	5	Undeveloped
	1	*	*	*	*	*	*
	2	C	D	D	D	D	D
	3	B	B	D	D	D	D
	4	A	A	C	D	D	D
	5	A	A	B	C	D	D

* No Planting Yard Required

TABLE 6-3-2
Planting Yard Rate Chart

Planting Yard Rates						
Yard Type	Minimum Width (ft.)	Min. Avg. Width (ft.)	Maximum Width (ft.)	Canopy Tree Rate	Understory Tree Rate	Shrub Rate
Street Yard	8	8	25	2/100 lf ^b	NA ^c	17/100 lf
Type A Yard	40 ^a	50 ^a	75	4/100 lf/oc	10/100 lf/oc	33/100 lf/oc
Type B Yard	25 ^a	30 ^a	50	3/100 lf	5/100 lf	25/100 lf
Type C Yard	15 ^a	20 ^a	40	2/100 lf ^b	3/100 lf	17/100 lf
Type D Yard	5	5	10	—	2/100 lf	18/100 lf
Parking Lot	NA	NA	NA	1/12 parking spaces ^b	NA ^c	NA

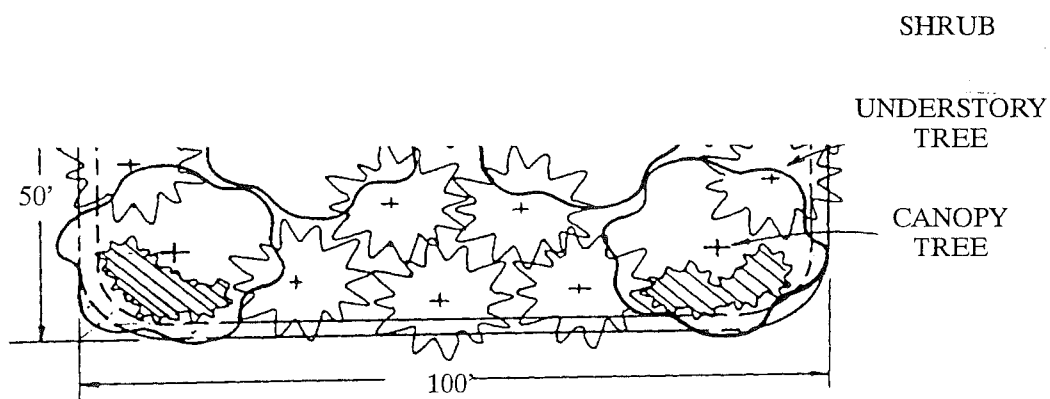
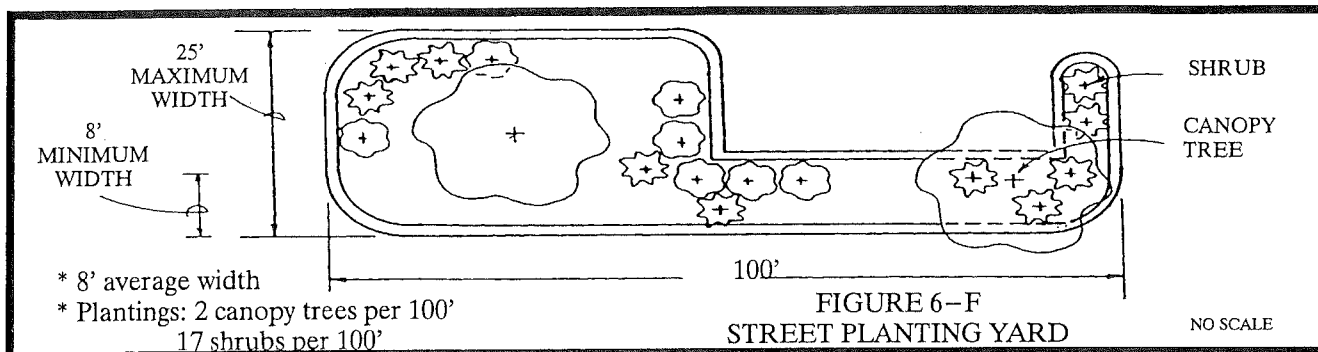
lf: linear fee oc: on center

a Walls, a minimum of five (5) feet in height, constructed of masonry, stone, or pressure treated lumber or an opaque fence, a minimum of five (5) feet in height, may be used to reduce the widths of the planting yards by ten (10) feet.

b In street yards, Type C and Type D planting yards, and parking lots understory trees may be substituted for canopy trees at the rate of two (2) understory trees for each required canopy tree.

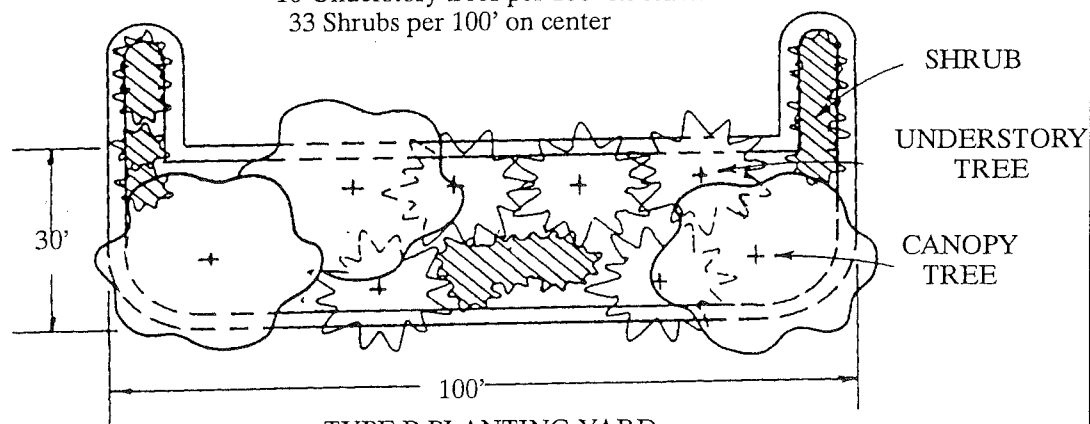
c One understory tree may be substituted for each required canopy tree if the Governing Body determines that there would be a major conflict with overhead utility lines.

NOTE: On Lots of Record less than fifty-five thousand (55,000) square feet in area, no development shall be required to place required landscaping on greater than fifteen (15%) percent of the site.



TYPE A PLANTING YARD

- * 40' minimum, 75' maximum width
- * Plantings: 4 Canopy trees per 100' on center
- 10 Understory trees per 100' on center
- 33 Shrubs per 100' on center

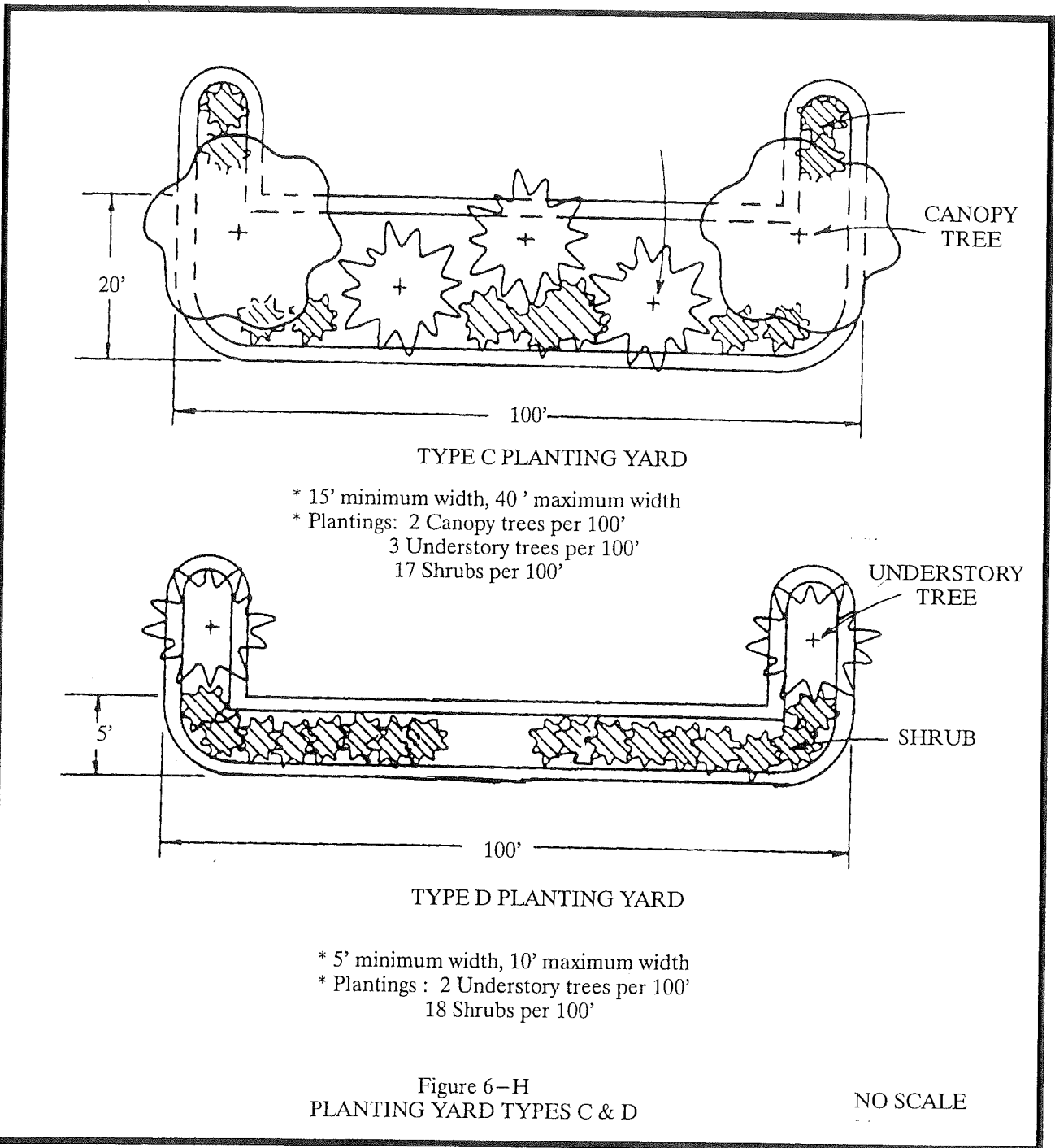


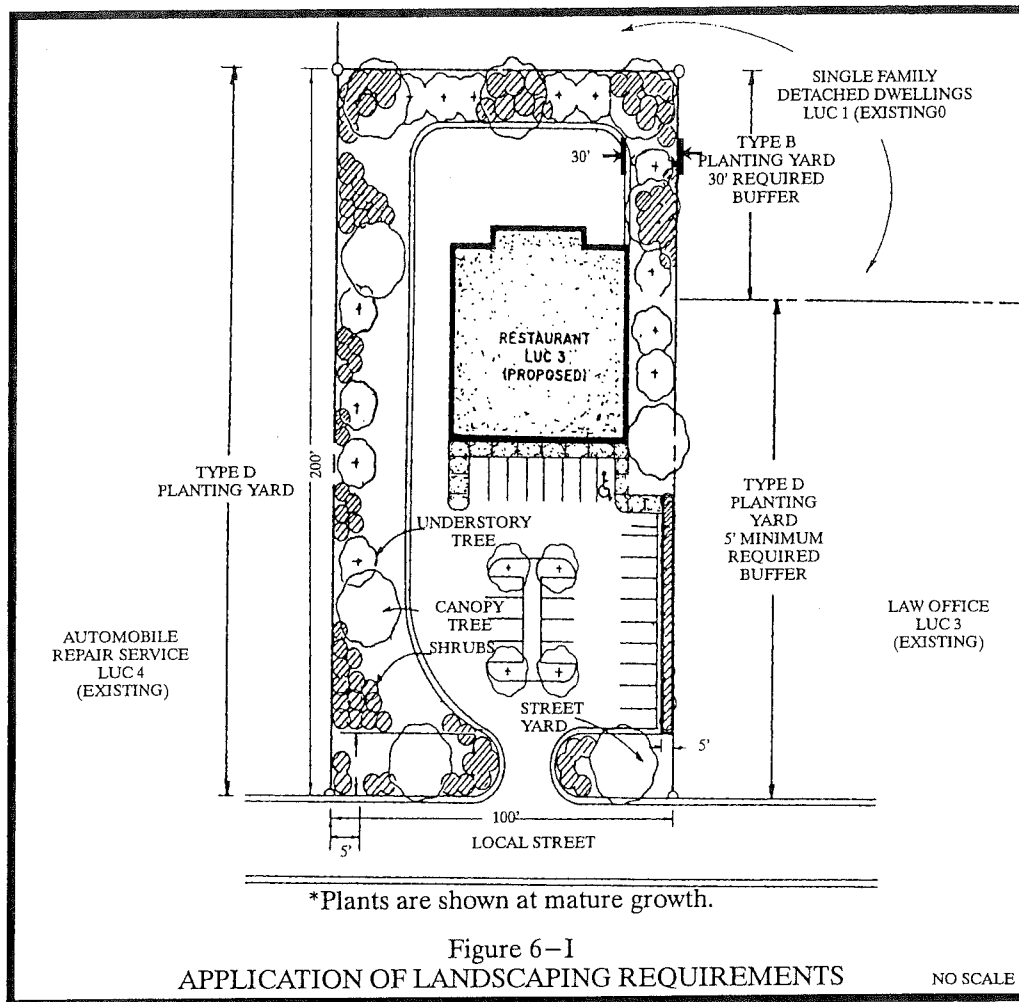
TYPE B PLANTING YARD

- * 25' minimum, 50' maximum width
- * Plantings: 3 Canopy trees per 100' on center
- 5 Understory trees per 100' on center
- 25 Shrubs per 100' on center

Figure 6-G
PLANTING YARD TYPE A & B

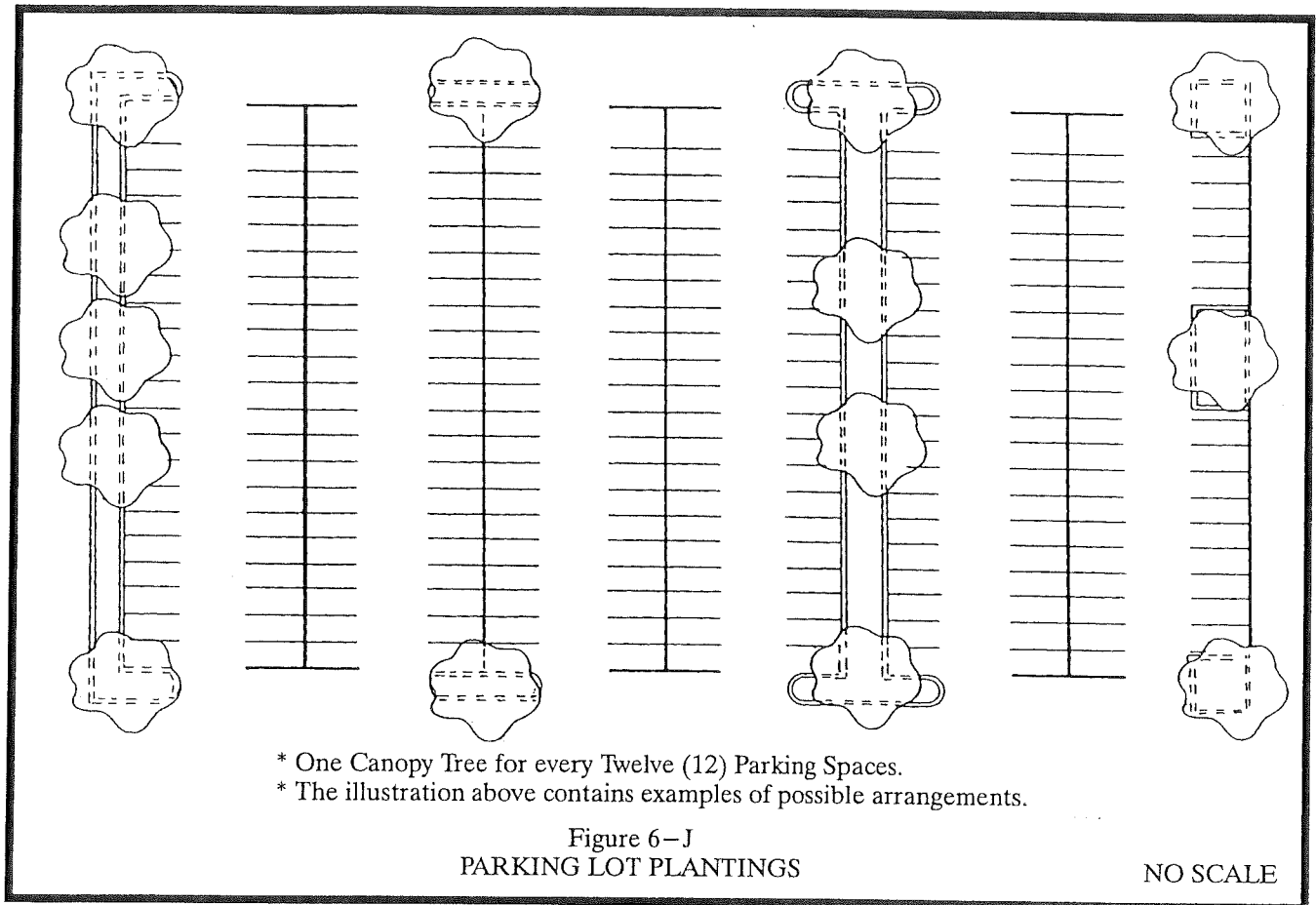
NO SCALE





6-3.4 Landscaping Design and Maintenance Standards

- (A) Calculation of Street Planting Yards: Street planting yard rate and width calculations shall exclude access drives.
- (B) Plant Species: Species used in required street planting yards, parking lots and planting yards shall be of a locally adapted nature. Refer to the recommended plant species list. Other species may be approved by the Enforcement Officer.
- (C) Dimension of Planting Areas: Each planting area containing trees, including those located in parking lots, shall have a minimum inside dimension of seven (7) feet and be at least two hundred (200) square feet in area.
- (D) Grouping: For the Type B, C, and D planting yards, shrubs and trees may be grouped or clustered; however, not more than fifty (50%) percent of each required plant material may be grouped or clustered. The remainder of the materials shall be distributed throughout the planting yard. There shall be at least one row of evergreen shrubs or evergreen understory trees in all Type A planting yards.
- (E) Parking Lot Spacing: Required canopy tree areas shall be distributed throughout parking lots and shall be located within or adjacent to parking lots as tree islands, at the end of parking bays, medians, or between rows of parking spaces. See Figure 6-J.
- (F) Canopy Tree Size: Canopy trees must be a minimum of eight (8) feet high and two (2) inches in caliper, measured six (6) inches above grade, when planted. When mature, a canopy tree should be at least forty (40) feet high and have a crown width of thirty (30) feet or greater.



- (G) Understory Tree Size: Understory trees must be a minimum of four (4) feet high and one (1) inch in caliper, measured six (6) inches above grade, when planted.
- (H) Shrub Size: All approved shrubs shall be installed at a minimum size of eighteen (18) inches, spread or height and are expected to reach a minimum height of thirty-six (36) inches, and a minimum spread of thirty (30) inches within three (3) years of planting.
- (I) Berm: Berms may be used in an alternate planting plan as a substitute for some plant materials, subject to approval of the Enforcement Officer.
- (J) Wall Planters: Wall planters shall be constructed of masonry, stone, or pressure treated lumber stamped for ground contact (AWPB LP-22 1980 or equivalent). The minimum height of the wall planter shall be thirty (30) inches. The minimum height of shrubs in the wall planter shall be six (6) inches. The effective planting area of the wall planter shall be four (4) feet in width. If the wall planter is to contain trees, the effective planting width shall be seven (7) feet.
- (K) Encroachments Permitted in Required Planting Yards: The following are permitted in required planting yards provided the landscaping requirements are met and there is no interference with any sight area:
 - 1) Landscaping features, including but not limited to ornamental pools, planting boxes, sculpture, arbors, trellises, and birdbaths.
 - 2) Pet shelters, at-grade patios, play equipment, outdoor furniture, ornamental entry columns and gates, flag poles, lamp posts, address posts, HVAC equipment, mailboxes, outdoor fire places, public utility wires and poles, pumps, wells, fences, retaining walls, or similar structures.
 - 3) Cornices, steps, canopies overhanging eaves and gutters, window sills, bay windows or similar architectural features, chimneys and fire places, fire escapes, fire balconies, and fire towers may project not more than two and one-half (2 1/2) feet into any required planting yard, but in no case shall be closer than three (3) feet to any property line.

- 4) Permanent runoff control structures.
- (L) Fence Location Within Required Planting Yards: The setback of fences within a required planting yard shall be subject to the approval of a landscaping plan.
- (M) Setback Less than Planting Yard: If the required building setback is less than the required planting yard, the building setback shall control, reducing the required planting yard width only alongside the building. The planting rate of the required planting yard shall still apply.
- (N) Location of Planting Material Outside Shade of Building: Where a building is located less than ten (10) feet from a property line, and the planting yard would be heavily shaded by buildings on both sides of the property line, the required trees and shrubs may be planted outside the shaded area to improve survivability.
- (O) Obstructions: Landscaping shall not obstruct the view of motorists using any street, driveway or parking aisle.
- (P) Location: Required trees and shrubs shall not be installed in street rights-of-way. Required trees and shrubs may be placed in water quality conservation easements. Required trees and shrubs may be planted in electric utility easements below overhead lines and in drainage maintenance and utility easements by approval of the Governing Body.
- (Q) Plant Protection: Whenever planting areas are adjacent to parking lots or drives, the planting areas shall be protected from damage by vehicles, lubricants or fuels.
- (R) Maintenance: The owner is responsible for maintaining all required plant materials and planting areas in good health and appearance. Any dead, unhealthy or missing plants must be replaced within one-hundred and eighty (180) days with vegetation which conforms to the initial planting rates and standards. When plant material is severely damaged due to unusual weather conditions or other acts of God, the owner shall have two (2) years to replant.

6-3.5 Procedures

- (A) Landscaping Plan Required: Prior to obtaining a building permit, an applicant must receive approval of a landscaping plan from the Enforcement Officer, except that site plans submitted in accordance with Section 3-11.4(B)2) may include a conceptual landscaping plan and delay submission of the landscaping plan for up to ninety (90) days after issuance of the building permit.
- (B) Installation of Plant Materials
 - 1) Installation of plant material shall occur prior to the issuance of a Certificate of Occupancy.
 - 2) If at the time of a request for a Certificate of Occupancy, the required planting areas are not complete and it can be determined that:
 - a) plant materials are unavailable,
 - b) completion of the planting areas would jeopardize the health of the plant materials, or
 - c) weather conditions prohibit completion of the planting areas, then the installation of plant materials may be deferred by the Enforcement Officer. The developer shall submit a copy of a signed contract for installation of the required planting areas and may be required to post a surety equal to the amount of the contract. In no instance shall the surety be for a period greater than one-hundred and eighty (180) days. The Enforcement Officer may issue a Temporary Certificate of Occupancy but shall not issue a Certificate of Occupancy until the planting areas have been completed and approved.

6-3.6 Alternate Methods of Compliance

(A) General Provisions:

- 1) Alternate landscaping plans, plant materials or planting methods may be used where unreasonable or impractical situations would result from application of landscaping requirements. Such situations may result from utility easements, streams, natural rock formations, topography, lot configuration, or where other physical conditions exist, or where other site conditions exist such as unified development design.
- 2) The Enforcement Officer may approve an alternate plan which proposes different plant materials, planting yard widths, or methods provided that quality, effectiveness, durability and performance are equivalent to that required by this Ordinance.
- 3) The performance of alternate landscaping plans must be reviewed by the Enforcement Officer to determine if the alternate plan meets the intent and purpose of this Ordinance. This determination shall take into account the land use classification of adjacent property, number of plantings, species, arrangement and coverage, location of plantings on the lot, and the level of screening, height, spread, and canopy of the plantings at maturity.
- 4) Decisions of the Enforcement Officer regarding alternate methods of compliance may be appealed to the Governing Body.

(B) Lot of Record Provisions: For zone lots less than one hundred (100) feet in width the following provisions may be applied:

- 1) For zone lots less than one hundred (100) feet and greater than eighty (80) in width where Type D Planting Yards are required, one (1) Type D planting yards may be eliminated from the landscaping plan if the Enforcement Officer finds that strict application of the requirements of this Section prevents reasonable use of the property. However, the plantings required for this yard shall be installed in remaining planting yards.
- 2) For zone lots less than eighty (80) feet in width where Type D planting yards are required, two (2) Type D planting yards may be eliminated from the landscaping plan if the Enforcement Officer finds that strict application of the requirements of this Section prevents reasonable use of the property. All required plants for these yards shall be installed in remaining planting yards.

6-3.7 Provisions for Preservation of Existing Trees

(A) General: Any existing tree or group of trees which stands within or near a required planting area and meets or exceeds the standards of this Ordinance may be used to satisfy the tree requirements of the planting area. The protection of tree stands, rather than individual trees, is strongly encouraged.

(B) Protection of Existing Trees: To receive credit, trees must be protected from direct and indirect root damage and trunk and crown disturbance. The following standards shall apply:

- 1) The protected area around trees shall include all land within the canopy drip line.
- 2) Construction site activities such as parking, material storage, soil stock piling and concrete washout shall not be permitted within tree protection areas.
- 3) Protective fencing shall be installed around tree protection areas prior to any land disturbance. Such fences shall be at least four (4) feet high and may consist of snow fence or polyethylene safety fencing. Fencing shall remain in place until construction is complete and other landscaping has been installed.
- 4) Dead or Unhealthy Trees: No credit will be allowed for any dead tree, any tree in poor health or any tree subjected to grade alterations. The death of any tree used for preservation credit shall require the owner to plant new trees equal to the number of credited trees.
- 5) Rate of Credit: Credits shall be allowed at the rate of one canopy tree for every three (3) inches of circumference measured at four and one-half (4.5) feet above grade. Credits shall be subtracted from the total number of canopy and understory trees required in the same planting yard where the tree is located. In every case, however, there shall be at least one canopy tree for every fifty (50) linear feet of street planting yard, existing or planted.

6-4 DEVELOPMENT STANDARDS FOR INDIVIDUAL USES

6-4.1 Application of Development Standards

The development standards listed herein are additional to other requirements in this Ordinance. These development standards are use-specific and apply to those uses designated with a "D" in Table 4-3.1 Permitted Use Schedule. Uses requiring approval of a Special Use Permit shall also be subject to these standards and any additional standards or conditions required by the Special Use Permit.

6-4.2 Standards for All Uses

The following rules apply to all development standards and uses listed below:

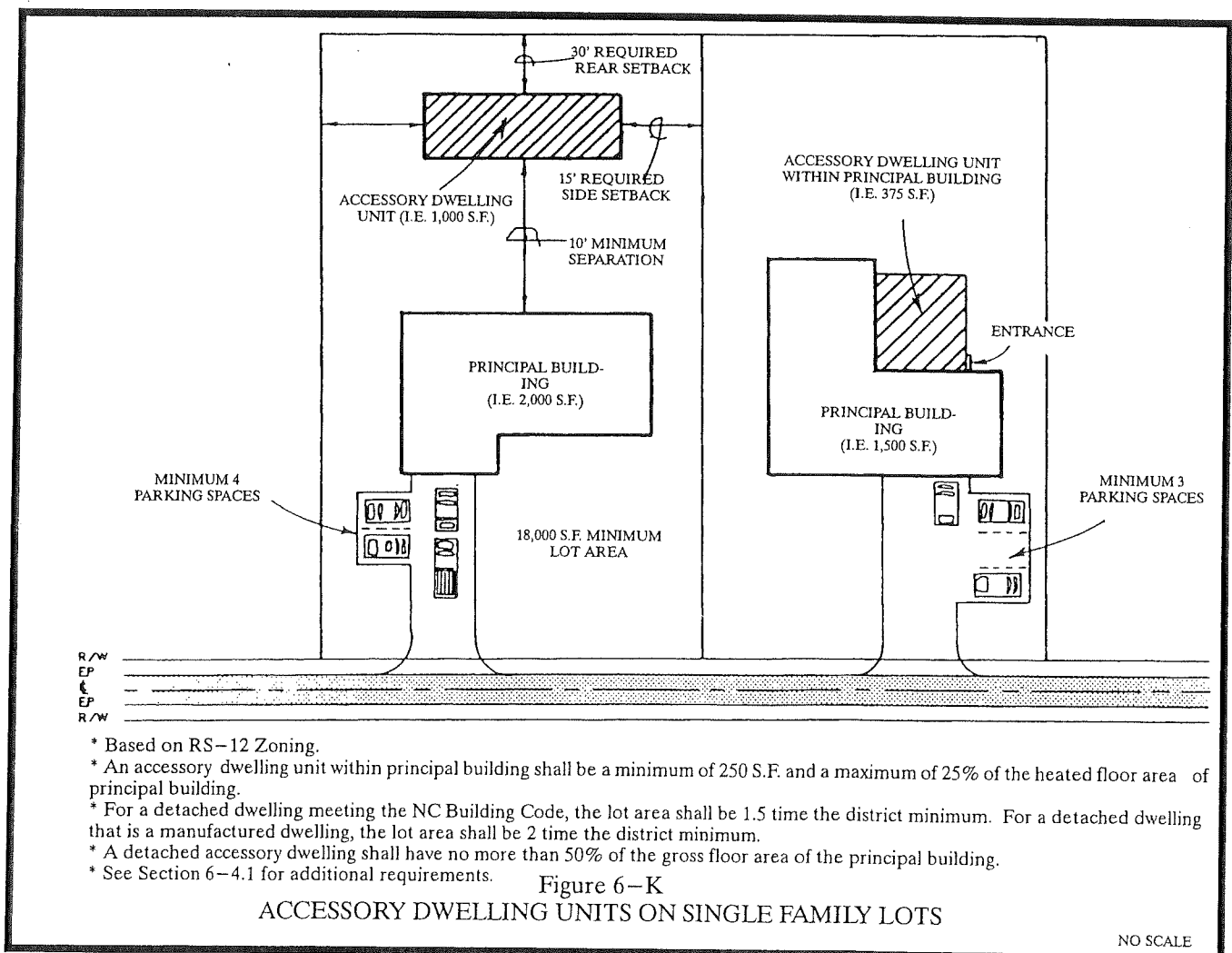
- (A) Property Separation: All measurements shall be made by drawing straight lines from the nearest point of the lot line where the proposed use is to be located to the lot line of the closest use (or zoned property) from which the proposed use is to be separated.
- (B) Use Separation: All measurements shall be made by drawing straight lines from the nearest point on the wall of a proposed or existing principal building or edge of a proposed use to the nearest point on the wall of the principal building from which the subject building is to be separated, unless otherwise specified.
- (C) Outdoor Lighting: Outdoor lighting structures shall be located, angled, shielded, or limited in intensity so as to cast no direct light upon adjacent property and to avoid the creation of a visual safety hazard to passing motorists.

6-4.3 Accessory Dwelling Units (on Single-Family Lots) – See Figure 6-K.

- (A) Where Required: AG, all residential, LO, GO-M, and GO-H districts.
- (B) General Requirements
 - 1) The accessory dwelling unit and principal dwelling unit shall have the same address.
 - 2) No more than one accessory dwelling unit is permitted on the same lot with a principal dwelling unit.
 - 3) No accessory dwelling unit shall be permitted on the same zone lot with a two-family or multi-family dwelling or family care home.
- (C) Accessory Dwelling Unit Within a Principal Single-Family Dwelling
 - 1) The principal building shall not be altered in any way so as to appear from a public or private street to be multi-family housing. Prohibited alterations include, but are not limited to, multiple entranceways, or multiple mailboxes. Access to the accessory dwelling unit shall be by means of an existing side or rear door, except where a new entrance is required by the NC Building Code. No new doorways or stairways to upper floors are permitted if they are attached to the side of a building facing a public or private street.
 - 2) An accessory dwelling unit shall occupy no more than twenty-five (25%) percent of the heated floor area of the principal building. The sum of all accessory uses (including home occupations) in a principal building shall not exceed twenty-five (25%) percent of the total floor area.
 - 3) The minimum size of an accessory dwelling unit shall be two hundred and fifty (250) square feet.
 - 4) The accessory dwelling unit shall have, water, sanitary sewer, and electrical utilities as part of the principal building.

(D) Detached Accessory Dwelling Units

- 1) A detached accessory dwelling unit may be:
 - a) a manufactured dwelling in zones which permit this use;
 - b) a dwelling unit which is part of an accessory detached garage; or
 - c) a freestanding dwelling unit meeting the NC Building Code.
- 2) The detached accessory dwelling unit shall:
 - a) have an approved sewage disposal connection or system;
 - b) meet all setbacks applicable to the principal building;
 - c) be erected behind and at least ten (10) feet from the principal building; and
 - d) not exceed the maximum lot coverage when added to the square footage of all accessory buildings on the lot.



3) Minimum Lot Area

- a) When the detached accessory dwelling unit is part of an accessory detached garage or is a freestanding accessory dwelling unit meeting the NC Building Code, the lot containing both the principal and accessory dwelling units shall have one and one-half (1.5) times the minimum lot area required for the district.
- b) When the detached accessory dwelling unit is a manufactured dwelling, the lot containing both the principal and accessory dwelling units shall have two (2) times the minimum lot area required for the district in which they are located.

4) Size and Type of Accessory Dwelling Unit

- a) When the detached accessory dwelling unit is part of an accessory detached garage or a freestanding accessory dwelling unit meeting the NC Building Code, the gross floor area of the accessory dwelling unit shall be limited to the maximum of fifty (50%) percent of the gross floor area of the principal building.
- b) When the detached accessory dwelling unit is a manufactured dwelling, the principal dwelling unit shall be a Class AA Double-wide Manufactured Dwelling or a freestanding principal dwelling unit meeting the NC Building Code. (In no case shall a Class A or B Manufactured Dwelling be accessory to another Class A or B Manufactured Dwelling.

6-4.4 Adult Oriented Establishment (principal or accessory use) including adult arcades, adult bookstores or adult video stores, adult cabarets, adult massage parlors, adult motels, adult motion picture theaters, adult theaters, escort agencies, nude model studios, sexual encounter centers, or any combination of these uses.

- (A) Where Required: GB district.
- (B) Property Separation : No adult oriented establishment shall locate within one thousand (1,000) feet of a church, public or private elementary or secondary school, child day care center or nursery school, public park, or residentially zoned property.
- (C) Prohibition of Sleeping Quarters: Except for an adult motel, no adult oriented establishment may have sleeping quarters.
- (D) Restriction of Uses on the Same Property or in the same Building: There shall not be more than one (1) adult oriented establishment in the same building, structure, or portion thereof. No other principal or accessory use may occupy the same building, structure, property, or portion thereof with any adult oriented establishment.
- (E) Signs: Except for business signs permitted by Section 6-1 (Sign Regulations) of this Ordinance, promotional materials shall not be visible to the public from sidewalks, walkways, or streets.

6-4.5 Agricultural Production (Livestock)

- (A) Where Required: RS-40, RS-30, RS-20, RS-15, RS-12, and HI districts.
- (B) Setback: Fencing shall meet Section 6-5 Fences. Shelters for such animals shall meet the principal structure setbacks for the district in which they are located.
- (C) Minimum Area: The minimum lot size shall be five (5) acres.

6-4.6 Advertising Service, Outdoor

- (A) Where Required: GB and HB districts.
- (B) Outdoor Storage: No outdoor storage of any materials related to outdoor advertising shall be permitted.

6-4.7 Agricultural Chemicals, Pesticides, and Fertilizers; Agricultural Products; Animal and Animal Products; Farm Supplies; Flowers Nursery Stock & Florist Supplies; Forest Products; Grain & Field Beans; and Livestock; Wholesale trade of

- (A) Where Required: AG district.
- (B) Use Separation: All structures, buildings or enclosed areas, used for the operation shall be a minimum of one hundred (100) feet from all property lines.
- (C) Noise: Equipment—producing noise or sound in excess of seventy (70) decibels shall be located no closer than one hundred (100) feet to the nearest residence.
- (D) Dust: All unpaved storage areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.
- (E) Fencing: Security fencing shall be provided around all outside storage areas.

6-4.8 Agricultural Products, Other, Wholesale trade of – See Section 6-4.7.

6-4.9 Airports and Flying Fields

.1 Airport and Flying Field, commercial (principal use)

- (A) Where Required: PI district.
- (B) Minimum Area: Fifty (50) acres for Basic Utility Stage 1 airport with two thousand (2,000) foot runway. More area is required for larger airports. Airport size and layout shall conform to current FAA requirements.
- (C) Use Separation: There shall be a minimum three hundred (300) foot distance between airport property and the nearest residence.
- (D) Fencing: Security fencing shall be provided sufficient to control access to runways and taxiways. The fencing shall be a minimum six (6) feet in height.

.2 Flying Field, Private (accessory use)

- (A) Where Required: AG, HI, and PI districts.
- (B) Minimum Area: Ten (10) acres and/or airstrip size and layout shall conform to current FAA requirements. The appropriate FAA permit(s) shall be included with site plan submission.
- (C) Use Separation: There shall be a minimum three hundred (300) foot distance between the private flying field and the nearest existing residence.

6-4.10 Ammunition, Small Arms

- (A) Where Required: HI District.
- (B) Use Separation: No such facility shall locate within a five hundred (500) foot radius of any residential or public—institutional zoning district.
- (C) Security Fencing: Security fencing shall be provided along the entire boundary of such a facility.
- (D) Operation: The facility and its operation shall observe all Fire Prevention and Protection requirements.

6-4.11 Amusement Park

- (A) Where Required: AG, HB, LI Districts.
- (B) Minimum Area: Minimum lot size shall be five (5) acres.
- (C) Use Separation: No buildings or structures, temporary or otherwise, shall be located within fifty (50) feet of any property line.
- (D) Security Fencing: Security fencing, a minimum six (6) feet in height, shall be provided along the entire boundary of the park activities.
- (E) Use Separation: No amusement equipment, machinery or mechanical device of any kind may be operated within two hundred (200) feet of any developed residentially or public--institutionally zoned property.

6-4.12 Animal Feeder/Breeder

- (A) Where Required: AG District.
- (B) Setback: All structures, buildings or enclosed areas, used for housing of poultry, hogs, cattle or other livestock or animals being bred shall be a minimum of one hundred (100) feet from all property lines.
- (C) Operation: Any violation of County Health Department regulations concerning the operation of the feeder/breeder shall be considered a violation of this Ordinance.
- (D) Noise: Mechanical equipment producing noise or sound in excess of seventy (70) decibels shall be located no closer than one hundred (100) feet to the nearest residence.

6-4.13 Animal Services (other), Kennels, and Pet Grooming

- (A) Where Required: GO-M, GO-H, LB, GB, HB, SC, and CP districts.
- (B) Outside Storage: Pens and runs located outdoors are prohibited.

6-4.14 Animal and Animal Products, Other, Wholesale trade of – See Section 6-4.7.

6-4.15 Asphalt Plant

- (A) Where Required: AG and HI Districts.
- (B) Use Separation: Any asphalt plant, or other industrial operations shall be located at least fifty (50) feet from any property line.
- (C) Security Fencing: The asphalt operation shall be enclosed by a nonclimbable fence of at least six (6) feet in height.
- (D) Rehabilitation
 - 1) Within one (1) year after the cessation of production, all equipment and stock piles, incidental to such operation, shall be dismantled and removed by and at the expense of the owner.
 - 2) The site shall be drained to prevent the accumulation of standing water, and channelization of the drainage shall be designed and controlled so as not to cause erosion or silting of neighboring properties or public drainageways, nor to appreciably increase the turbidity of any natural water course, or to occlude any existing drainage course.

(E) Dust: All unpaved storage areas shall be maintained in a manner so as to limit dust from leaving the storage area.

(F) Access

- 1) Access roads leading to any part of the operation shall be constructed with a gravel or asphalt stone surface and maintained in a dust-free manner.
- 2) No part of such roads shall be located closer than fifteen (15) feet to an external property line other than a limited access highway or railroad right-of-way line.
- 3) A truck route plan shall be submitted showing routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools or other uses which will be negatively affected by truck traffic.

6-4.16 Athletic Fields

(A) Where Required: AG, all residential, LO and NB districts.

(B) Access: All athletic fields shall have access to collector or higher capacity street.

6-4.17 Automotive Towing and Storage Service

(A) Where Required: GB, HB, LI and HI districts.

(B) Maximum Automotive Storage:

- 1) In the GB and HB districts no more than twenty (20) motor vehicles shall be stored on the premises at any one time.
 - 2) In the LI district no more than one-hundred (100) motor vehicles shall be stored on the premise at any one time.
 - 3) In the HI district there is no maximum number.
- (C) Screening: The automotive storage area must be screened with a six (6) foot high opaque fence in addition to the required planting yard..
- (D) Operation: No outdoor disassembly or salvaging shall be permitted.

6-4.18 Banks, Savings and Loan, or Credit Unions

(A) Where Required: GO-M, GO-H, and CP districts.

(B) Maximum Area: The total direct customer service floor space shall not exceed four-thousand (4,000) square feet.

(C) Drive-Thru Teller Services: The point of service for window tellers, remote tellers, or automated teller machines (ATM's) shall be located no closer than seventy-five (75) feet to residentially-zoned property.

6-4.19 Bars

(A) Where Required: GB, HB and SC districts.

(B) Property Separation: No such establishment shall be located within two-hundred (200) feet of a church, elementary or secondary school, public park or residentially-zoned property.

- (C) Frontage: The main entrance of the building shall be toward a street zoned predominantly for non-residential uses.
- (D) Screening: A minimum six (6) foot high opaque fence shall be erected adjacent to the property line of abutting residences.
- (E) Parking: Parking areas related to the establishment shall be located no closer than thirty (30) feet to the property line of abutting residences.

6-4.20 Barber Shop, Beauty Shop

- (A) Where Required: CP district.
- (B) Operation: Operated as an accessory use and limited to two (2) operators per establishment.

6-4.21 Batting Cages

- (A) Where Required: HB, LI and HI districts.
- (B) Security Fencing: Fencing, netting, or other control measures shall be provided around the perimeter of the batting area to prevent balls from leaving the designated area.

6-4.22 Beauty Shop – See Section 6-4.20.

6-4.23 Beneficial Fill Area

- (A) Where Required: All districts.
- (B) Maximum Area: Two (2) acres.
- (C) Maximum Duration: The Beneficial Fill Area shall be in operation no longer than one (1) year.

6-4.24 Billboards

- (A) Where Required: HB, LI and HI district.
- (B) Spacing: No billboard shall be erected within one thousand (1000) linear feet along the same street frontage of another billboard as measured from the billboard pole(s).
- (C) Height: No billboard shall exceed thirty (30) feet in height; however, the height may be increased to fifty (50) feet if the billboard is within four hundred (400) feet of an Interstate Highway.
- (D) Size: The sign area of any billboard pursuant to Section 6-1.6 (Computation of Sign Area) shall not exceed four hundred fifty (450) square feet.
- (E) Adjacent Residential: No billboard shall be erected closer than three hundred (300)-feet to any residentially zoned property.
- (F) Setback: The support post(s) of any billboard shall meet the minimum setbacks of the district in which it is located. No sign portion of a billboard shall project closer than fifteen (15) feet to a street right-of-way or closer than five feet to any other property line, measured horizontally.
- (G) Auxiliary Specifications: All billboards shall meet the minimum requirements of Section 6-1.7 (Location, Construction and Maintenance Specifications).
- (H) Permits: A permit to erect or install a billboard shall be required in accordance with the requirements and procedures of Article III (Permits and Procedures).

- (I) Nonconforming: Nonconforming billboards may be continued in accordance with the provisions of Section 3-14 (Nonconforming Lots, Uses, and Structures); provided that a Nonconforming Sign Certificate in accordance with Section 6-1.10 (Sign Certificates) is obtained.

6-4.25 Building Supply Sales (with storage yard)

- (A) Where Required: GB, HB, and SC Districts.
- (B) Screening: All outside storage shall be completely screened from view from all streets and adjacent residentially zoned property.
- (C) Security Fencing: Security fencing, a minimum six (6) feet in height, shall be provided around all outside storage areas.
- (D) Dust: All storage areas shall be maintained in a manner so as to limit dust from drifting onto adjoining properties.

6-4.26 Caretaker Dwelling

- (A) Where Required: AG and all nonresidential districts.
- (B) Operation: A building permit for the principal building must be obtained or principal use is engaged, prior to occupancy.
- (C) Number: No more than one (1) caretaker dwelling unit shall be permitted per lot.

6-4.27 Car Wash

- (A) Where Required: GB, HB, and SC districts.
- (B) Use Separation: Building(s) shall be not less than seventy-five (75) feet from any interior side or rear property line which adjoins residentially or public-institutionally zoned property.
- (C) Screening: A minimum six (6) foot high opaque fence shall be provided adjacent to all residentially-zoned property.
- (D) Operation
 - 1) All washing operations shall be contained in a building.
 - 2) Specific areas shall be provided for the manual drying, waxing, polishing and vacuuming of automobiles and other motor vehicles when these services are offered on the site. These areas shall not conflict with on-site circulation patterns.
 - 3) Hours of operation shall be between 7:00 a.m. and 10:00 p.m. when adjoining developed residentially zoned property.
- (E) Adequate provision shall be made for the safe and efficient disposal of waste products.

6-4.28 Cemetery/Mausoleum

- (A) Where Required: All districts.
- (B) Minimum Area: A minimum of three (3) contiguous acres shall be required to establish a cemetery or mausoleum not located on the same tract of land as a church.
- (C) Location: Principal access must be from a collector street or higher capacity street.

6-4.29 Church

- (A) Where Required: All residential districts.
- (B) Location: Within urban areas, church facilities located on sites of three (3) acres or more shall have direct access to a collector or higher capacity street.

6-4.30 Club or Lodge

- (A) Where Required: AG, all residential, and NB districts.
- (B) Location: Except in the AG district, clubs and lodges shall have direct access to a collector or higher capacity street.

6-4.31 Computer Sales

- (A) Where Required: CP district.
- (B) Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.
- (C) Outside Storage: No outside storage of materials shall be permitted.

6-4.32 Congregate Care Facility

- (A) Where Required: RM-8, RM-12, RM-18, RM-26, GO-M, GO-H, and PI districts.
- (B) Operation
 - 1) The facility shall provide centrally located shared food preparation, service and major dining areas.
 - 2) Common recreation, social and service facilities shall be provided at a minimum rate of thirty (30) square feet per dwelling unit or per rooming unit.
 - 3) All facilities shall be solely for the use of residents and their guests.
 - 4) Facilities for administrative services and limited medical services for the exclusive use of the residents shall be located on the site.
- (C) Density Requirements:
 - 1) Conversions of existing hotels or motels to a congregate care facility shall be exempt from the density requirement of Table 4-4-4.
 - 2) After January 1, 1994, a newly constructed congregate care facility in the GO-M or GO-H District shall be exempt from the density requirements of Table 4-4-4. The residential capacity of the facility shall be determined by provisions of the NC Building Code in conjunction with the applicable setbacks, planting yards, and minimum off-street parking requirements of this Ordinance.

6-4.33 Convenience Store (with gasoline pumps)

- (A) Where Required: CP district.
- (B) Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.
- (C) Outside Storage: No outside storage of materials shall be permitted.
- (D) Gasoline Service Islands/Pumps: There shall be no more than one (1) gasoline service island containing no more than four (4) gasoline pumps.

6-4.34 Convenience Store (without gasoline pumps)

- (A) Where Required: CP districts.
- (B) Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.
- (C) Outside Storage: No outside storage of materials shall be permitted.

6-4.35 Country Club with Golf Course, Swim & Tennis Club

- (A) Where Required: AG, all residential, GO-M, GO-H, HB, CP, LI, and PI districts.
- (B) Minimum Area: The minimum area shall be two (2) acres in addition to the golf course(s). The minimum shall be one (1) acre if located on common area within a development.
- (C) Use Separation: Fifty (50) foot minimum distance between clubhouse, swimming pool, lighted tennis court, or athletic field and any adjacent residentially-zoned property.
- (D) Security Fencing: Outdoor swimming pools shall be protected by a fence, or equal enclosure, a minimum four (4) feet in height and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking.

6-4.36 Day Care Center, Child or Adult

- (A) As a Home Occupation
 - 1) Defined: An adult or child day care center with five (5) or fewer attendees shall be operated as a Home Occupation and is subject to the development standards for a Home Occupation.
 - 2) Where Required: All districts.
- (B) As a Principal Use: An adult or child day care center with six (6) or more attendees shall be operated as a principal use and is subject to the following development standards.
 - 1) Where Required: AG, RM-8, RM-12, RM-18, RM-26, and all nonresidential districts, except HI.
 - 2) Minimum Area: An indoor activity area shall be provided equivalent to at least twenty-five (25) square feet per attendee.
 - 3) Open Space and Recreation: An outdoor activity area shall be provided equivalent to at least seventy-five (75) square feet per attendee and located outside of the street setback.
 - 4) Security Fencing: Outdoor activity area(s) for children shall be enclosed by a security fence at least four (4) feet in height and located outside the street setback.
 - 5) Location: Centers on a site greater than three (3) acres shall have frontage on a collector or thoroughfare street.
 - 6) Signs: An entrance sign shall be posted and maintained which lists the name and phone number of the current operator, the types of material accepted, the hours of operation, tipping charges and any other pertinent information.

6-4.37 Drugstore

- (A) Where Required: CP district.
- (B) Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.
- (C) Outside Storage: No outside storage of materials shall be permitted.

6-4.38 Elementary or Secondary School

- (A) Where Required: AG, all residential and LO districts.
- (B) Access: All elementary or secondary schools shall have direct access to a collector street or higher capacity street.
- (C) Minimum Area: All elementary or secondary schools shall be located on a minimum of three (3) acres.

6-4.39 Equestrian Facility

- (A) Where Required: AG, RS-40, and PI districts.
- (B) Minimum Area: Minimum area required for an Equestrian Facility to be established is twenty-five (25) acres.
- (C) Use Separation: There shall be minimum one hundred (100) foot distance between manure storage areas, barns or stables and any adjacent residentially zoned property.
- (D) Dust: All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjoining properties.

6-4.40 Equipment Repair, Light

- (A) Where Required: GB and HB Districts.
- (B) Outside Storage: Outside storage is prohibited.

6-4.41 Explosives

- (A) Where Required: HI District.
- (B) Property Separation: No facility shall locate within a five hundred (500) feet of any residentially or public institutionally zoned property.
- (C) Setbacks: Buildings, including any accessory buildings for storage of explosive raw materials and/or final products, shall be not less than one hundred and fifty (150) feet from all property lines.
- (D) Security Fencing: Security fencing, a minimum of eight (8) feet in height, shall be provided along the entire boundary of the facility.
- (E) Operation: Building(s) shall meet the requirements for Hazardous Occupancy under the NC Building Code.

6-4.42 Farm Supplies, Other, Wholesale trade of – See Section 6-4.7.

6-4.43 Flowers, Nursery Stock and Florist Supplies, Wholesale trade of – See Section 6-4.7.

6-4.44 Forest Products, Wholesale trade of – See Section 6-4.7.

6-4.45 Garden Center or Retail Nursery

- (A) Where Required: SC district.
- (B) Outside Storage: No outside storage of non-plant material shall be permitted.

6-4.46 Golf Course

- (A) Where Required: All residential, HB, CP, LI, and PI districts.
- (B) Use Separation: Fifty (50) foot minimum distance between clubhouse or other principal building(s) and any adjacent residentially-zoned property.

6-4.47 Golf Driving Range

- (A) Where Required: AG, HB, LI, and HI districts.
- (B) Minimum Area: The minimum lot depth from the tees to the end of the driving area shall be one thousand (1,000) feet or the end shall be controlled with netting and/or berms to prevent golf balls from leaving the property.
- (C) Security Fencing: Fencing, netting, trees, berms, or other control measures shall be provided around the perimeter of the driving area so as to prevent golf balls from leaving the driving area.

6-4.48 Grain and Field Beans, Wholesale trade of – See Section 6-4.7.

6-4.49 Group Care Facility

- (A) Where Required: GO-M, GO-H, and PI districts.
- (B) Property Separation: No Such facility shall be located within one-half (1/2) mile of an existing group care facility.
- (C) Operation: The facility shall be limited to not more than thirty (30) persons.

6-4.50 Home Occupations (including renting of rooms)

- (A) Where Required: AG, all residential, GO-M, GO-H, and NB districts.
- (B) Maximum Area: Area set aside for Home Occupation shall occupy no more than twenty-five (25%) percent of the gross floor area of the dwelling unit.
- (C) Outside Storage: No outside storage or display of items associated with the Home Occupation is permitted.
- (D) Operation
 - 1) The Home Occupation must be conducted entirely within a dwelling unit. It must be a use which is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character of the residence. Home Occupations are not permitted in a detached garage or other accessory structure, except for accessory dwelling units.
 - 2) Permitted home occupations include, but are not limited to: typing services, telephone sales, barber/beauty services, doctor/dentist office, architects, accountants, family day care (5 or fewer persons), food catering, and handicrafting etc.
 - 3) No display, stock-in-trade, nor commodity sold not made on the premises shall be permitted.

- 4) Only one (1) person may be employed who is not an occupant of the residence.
- 5) Activities shall not generate traffic, parking, noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the District in which it is located.
- 6) Instruction in music, dancing, art or similar subjects shall be limited to no more than five (5) students at one time.

6-4.51 Junked Motor Vehicle (as an accessory use)

(A) Where Required: All districts..

(B) Screening

- 1) AG District: Up to two (2) vehicles meeting the definition of “motor vehicle, junked,” are allowed, but must be located behind the rear building line of the principal building. All vehicles in excess of two (2) vehicles meeting the definition shall be enclosed within a building which meets the dimensional requirements of the district.
- 2) Residential Districts: Any vehicle meeting the definition of “motor vehicle, junked” shall be enclosed within a building which meets the dimensional requirements of the district in which it is located.
- 3) Nonresidential Districts: Any vehicle meeting the definition of “motor vehicle, junked” shall be stored, parked or placed on the property in such a manner so as to be totally screened from view from any street and/or from any adjacent residentially or public institutionally zoned property. Total screening shall be effected by placement of the vehicle(s) either within or behind a building and/or by plant materials, fences, berms or a combination thereof with a minimum height of six (6) feet.

6-4.52 Kennels – See Section 6-4.13.

6-4.53 Landfills, Construction or Demolition / Land Clearing and Inert Debris

.1 Construction or Demolition Debris Landfill (C-D) – Minor

(A) Where Required: All districts.

(B) Area, Siting, and Location Requirements:

- 1) Waste disposal area cannot exceed one (1) acre and must be at least four (4) feet above the seasonal high groundwater table.
- 2) The landfill must be located at least one-quarter mile from any other landfill of any type.
- 3) The perimeter of the landfill must be at least fifty (50) feet from the boundary of the property and five hundred (500) feet from the nearest existing drinking water well at time of approval.

(C) Closure and Post Closure:

- 1) Within thirty (30) days of the completion or termination of demolition activities, the landfill must be closed pursuant to NCGS 130A-301.2.
- 2) The site must be covered with at least two (2) feet of compacted earth, graded to minimize erosion, and planted with suitable vegetation.
- 3) No building may be build or located immediately above any part of the landfill and no construction on any part of the site may in initiated before the landfill is closed.
- 4) The property owner is responsible for filing with the Guilford County Registry and with the North Carolina Department of Environment, Health, and Natural Resources a survey of the site and proper notice for disclosure purposes pursuant to NCGS 47-30 and NCGS 130A-301.2.

.2 Land Clearing and Inert Debris (LCID) Landfill

(A) Land Clearing and Inert Debris Landfill (Minor)

- 1) Where Required: All districts.
- 2) Maximum Area: Two (2) acres.
- 3) Maximum Duration: Landfills are limited to a maximum period of operation of three (3) years from the date of issuance of the Certificate of Occupancy by Guilford County, provided that the Planning Board may upon request grant one or more three year renewals.
- 4) Use separation: One hundred (100) feet minimum from any property line to the edge of the fill area and three hundred (300) feet minimum from any residence not on the same tract as the landfill.
- 5) Buffer: Where possible a minimum fifteen (15) foot tree buffer shall be retained around the exterior property line.
- 6) Access: Access to the landfill shall be from a state maintained paved road, provided that the Planning Board may grant a waiver to the paving requirement upon reasonable conditions and shall be controlled with gates, chains, fences, ditches and/or trees to prevent unregulated dumping.
- 7) Dust: All unpaved areas shall be maintained in a manner which prevents dust from leaving the property.
- 8) Operation:
 - a) No filling is permitted in the 100-year floodplain of any stream. Filling to the edge of the 100-year floodplain is permitted only if the back slope is stable and no steeper than 3:1;
 - b) No filling is permitted in minor drainageways unless the drainage has been piped or otherwise diverted in accordance with approved plans; and
 - c) No filling is permitted in utility easements, except electrical transmission easements for 44kv or greater lines.
- 9) Closure: Landfills shall be closed with a minimum of one (1) foot of clean soil, graded to a maximum slope of three to one (3:1), and stabilized with vegetation or by other approved means.

(B) Land Clearing and Inert Debris Landfill (Major)

- 1) Where Required: AG and HI districts.
- 2) Use separation: One hundred (100) feet minimum from any property line to the edge of the fill area and three hundred (300) feet minimum from any residence not on the same tract as the landfill.
- 3) Buffer: Where possible a minimum fifteen (15) foot tree buffer shall be retained around the exterior property line.
- 4) Access: Access to the landfill shall be controlled with gates, chains, fences, ditches and/or trees to prevent unregulated dumping.
- 5) Dust: All unpaved areas shall be maintained in a manner which prevents dust from leaving the property.
- 6) Operation:
 - a) No filling is permitted in the 100-year floodplain of any stream. Filling to the edge of the 100-year floodplain is permitted only if the back slope is stable and no steeper than 3:1;
 - b) No filling is permitted in minor drainageways unless the drainage has been piped or otherwise diverted in accordance with approved plans; and
 - c) No filling is permitted in utility easements, except electrical transmission easements for 44kv or greater lines.
- 7) Closure: Landfills shall be closed with a minimum of one (1) foot of clean soil, graded to a maximum slope of three to one (3:1), and stabilized with vegetation or by other approved means.

6-4.54 Laundry or Dry Cleaning Plant

- (A) Where Required: LB and SC districts.
- (B) Maximum Area: A maximum of five thousand (5,000) square feet of gross floor area shall be permitted per establishment.
- (C) Outside Storage: No outside storage of materials shall be permitted.

6-4.55 Livestock, Wholesale trade of – See Section 6-4.7.

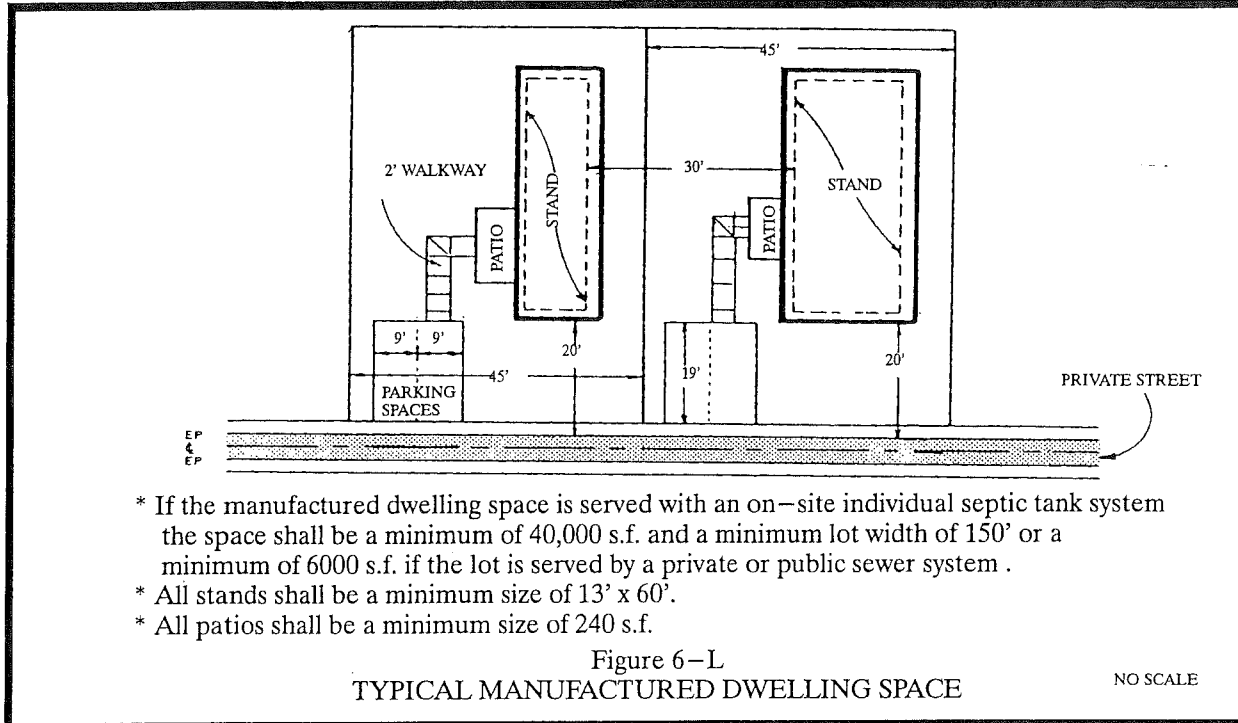
6-4.56 Manufactured Dwelling Park, Recreational Vehicle Park

- (A) Where Required:
 - 1) Manufactured Dwelling Park: RM-5, RM-8, RM-12, RM-18, and RM-26 districts.
 - 2) Recreational Vehicle Park: HB districts.
- (B) General Requirements: The following requirements apply to both Manufactured Dwelling Parks and Recreational Vehicle Parks.
 - 1) It shall be unlawful for any person to construct a new park or to make an addition or alteration to an existing park, unless a Site Plan for the park has been approved by the Governing Body.
 - 2) Compliance with Article V (Subdivision:Procedures and Standards): A manufactured dwelling park (but not a recreational vehicle park) shall be considered a group development and be subject to all procedures and standards of Article V (Subdivision:Procedures and Standards).
 - 3) Minimum Tract Area: Five (5) acres.
 - 4) Minimum and Maximum Number of Spaces: At least fifteen (15) spaces but not more than three hundred (300) spaces.
 - 5) Setback: All spaces shall be located a minimum of one hundred (100) feet from all public rights-of ways and property lines.
 - 6) Number of Homes and Vehicles in Each Space: No more than one (1) manufactured home or recreational vehicle may be parked or set-up on any one space.
 - 7) Access:
 - a) No space shall have direct vehicular access to a public street.
 - b) All spaces shall directly abut a private street contained within the park.
 - c) Adequate access for shall be provided to each space, with a minimum access width of twenty (20) feet unless more is deemed necessary because of topographical conditions or street curvature.
 - 8) Recreational Areas and Facilities: Recreational areas and facilities to serve the needs of the anticipated population within the manufactured home or recreational vehicle park shall be provided and shall consist of at least the following:
 - a) A play lot for pre-school children containing a minimum size of one thousand two hundred (1,200) square feet provided within five hundred (500) feet of every space.
 - b) One or more playgrounds for school-age children and adults, containing a minimum size of one (1) acre per one hundred (100) spaces.These recreation areas shall not be in an area utilized for septic tank fields.
 - 9) Manufactured Dwelling and Recreational Vehicle Sales: The sales of manufactured dwellings or recreational vehicles in the parks on a commercial basis shall not be permitted

- 10) Drainage and Grading
 - a) The spaces shall be located on ground with an elevation that is not susceptible to flooding and which is graded to prevent any water from ponding or accumulating on or around the manufactured home park. Where storm drainage pipes are located in adjacent streets, underground drainage facilities with connections to the storm drainage system shall be provided for the manufactured home park.
 - b) Each space shall be graded and grassed to prevent erosion and provide adequate storm drainage away from the manufactured home or recreational vehicle pad.
 - c) The slope of the surface of the stand or pad shall not exceed three (3%) percent.
 - d) No banks, except along drainage ditches, in the park shall have a slope steeper than three (3) feet to one (1) foot.
 - 11) Garbage and Refuse Disposal
 - a) Containers: All refuse shall be stored in conveniently located, and leakproof containers with tight-fitting lids. Containers shall be provided in sufficient number and capacity for proper storage of all refuse.
 - b) Storage Racks or Platforms: Racks or concrete platforms shall be provided on which to store containers for refuse. Dumpsters shall be required in lieu of individual containers in areas where municipal water or sewer are available. Such containers racks or platforms shall be so designed as to prevent tipping, to minimize spillage and container deterioration, and to facilitate cleaning.
 - c) Collection: All refuse shall be collected at least twice weekly, or more often if the need is indicated.
 - 12) Registration: It shall be the duty of the operator to keep an accurate register containing a record of all occupants. The register shall contain the following information:
 - a) Name, address and space number of each occupant.
 - b) The date the manufactured dwelling or recreational vehicle entered the park.
 - c) The license number of each recreational vehicle and/or car, truck, etc. with state of issuance, make and type of vehicle.

The operator shall keep the register available at all times for inspection by the Enforcement Officer, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register.
 - 13) Park Manager Residence: A single-family detached dwelling may be constructed for the manager of the park.
 - 14) Pre-existing Dwellings: Pre-existing dwellings on the site may remain provided they occupy approved spaces.
- (C) Manufactured Park Requirements: The following design requirements apply only to Manufactured Dwelling Parks.
- 1) Minimum Manufactured Dwelling Space Size: A manufactured dwelling space shall consist of a minimum of six thousand (6,000) square feet and shall have a width of at least forty-five (45) feet at the location of the manufactured dwelling stand. Exception: A manufactured dwelling space not served by public sewer shall consist of a minimum of forty thousand (40,000) square feet and shall have a width of at least one hundred fifty (150) feet at the location of the manufactured dwelling stand. Every manufactured dwelling space shall be clearly established on the ground by permanent monuments or markers.
 - 2) Each Manufactured dwelling space shall contain:
 - a) A manufactured dwelling stand consisting of a properly graded and compacted surface no less than thirteen (13) feet by sixty (60) feet.
 - b) A patio space constructed of concrete, brick, flagstone or other hard surface material a minimum of two hundred and forty (240) square feet in area.

- c) A hard surface walkway a minimum of two (2) feet wide leading from the patio to the parking space or road. See Figure 6-L.



- 3) Manufactured Dwelling Additions: Prefabricated structures specifically designed by the manufacturer for manufactured dwelling extensions and any other addition meeting the NC Building Code may be added to any manufactured dwelling provided that setback within the space can be met and a building permit is obtained from the Jurisdiction.
- 4) Construction and Design of Private Streets
 - a) Private entrance, collector, and interior streets with no parking or minor or cul-de-sac streets with no parking shall meet the minimum design standards of Article V (Subdivision: Procedures and Standards).
 - b) One-way minor streets with no parking (acceptable only if less than five hundred (500) feet total length and serving less than fifteen (15) manufactured dwelling stands) shall have a twenty (20) foot minimum common area with twelve (12) foot minimum paved surface.
 - c) The private streets shall be lighted at night with no less than two (2) foot-candles of light measured at a height of five (5) feet from the ground along the entire length of the street or drive center line.
- 5) Park Access: If a manufactured dwelling park has more than one (1) direct access to a public street, such access points shall be no less than two hundred (200) feet apart and no closer than three hundred (300) feet to a public street intersection.
- 6) Parking
 - a) Two parking spaces, nine (9) feet by nineteen (19) feet shall be provided within each manufactured dwelling space.
 - b) All parking spaces shall be paved or covered with four (4) inches of crushed stone.
 - c) No parking will be allowed on private entrance and collector streets.
- 7) Landscaping: Landscaping shall be provided throughout the park with ample trees and shrubs to provide shade and break up open areas. All banks and open areas shall be grassed.
- 8) Removal of Rubbish: All cut or fallen trees, stumps, or rubbish shall be completely burned or removed from the mobile home park.

- 9) Utilities Installation: Each manufactured dwelling located within a park shall comply with the current North Carolina Regulations for manufactured dwelling in both manufacture and installation and must be inspected to assure compliance prior to occupancy.
 - a) All utilities shall be installed underground except where extreme conditions of topography make this requirement unreasonable.
 - b) Placement of utilities serving the mobile home stand shall comply with the NC Building Code for Plumbing.
 - c) Minimum electrical service of two hundred (200) ampere, one hundred and twenty (120) – two hundred and forty (240) volt single phase shall be provided to each manufactured dwelling stand. The service panel and location as well as all wiring shall be in accordance with the National Electrical Code.
 - d) Each manufactured dwelling shall be required to connect to the utilities provided at each manufactured dwelling space.
 - e) Each manufactured dwelling park shall obtain water from a public water supply when available, and when unavailable, from a source approved by the Guilford County Health Department. The water supply and pressure shall be adequate for the park requirements. Water for drinking, cooking, laundry, and general sanitary uses for each individual manufactured dwelling shall be obtained only from faucets or other plumbing connections located within each manufactured dwelling.
 - f) Each manufactured dwelling park shall be provided with an adequate sewage disposal system, either by connection to a public sewer or a septic tank constructed in compliance with the regulations of the Guilford County Board of Health. All sewage wastes from toilets, showers, bathtubs, lavatories, wash basins, refrigerator drains, sinks, faucets, and water—using appliances not herein mentioned shall be piped into the manufactured dwelling park sewage disposal system.
 - 10) Fuel Oil Drum: Each manufactured dwelling that requires the use of fuel oil shall be furnished with an oil drum having a minimum capacity of one hundred fifty (150) gallons, set upon a painted, prefabricated metal stand.
- (D) Recreation Vehicle Park (RVP) Regulations: The following design requirements apply only to Recreation Vehicle Parks.
- 1) Minimum space requirements
 - a) Each recreational vehicle space shall consist of a minimum of two thousand (2,000) square feet.
 - b) Each recreational vehicle space shall be designated on the ground by permanent markers or monuments.
 - 2) Setbacks: All structures, buildings, and sewage facilities shall meet the setbacks requirement for the district in which they are located.
 - 3) Roads and Drives
 - a) The RVP shall have all-weather roads and driveways that directly abut all spaces.
 - b) Entrance and circulation drives must meet the minimum design standards of Article V (Subdivisions: Procedures and Standards).
 - 4) Parking: Parking space sufficient to accommodate at least one (1) automobile and camping vehicle shall be constructed within each space and shall be paved.
 - 5) Installation, Alteration, and Use of Utilities
 - a) The installation, alteration, or use of all utilities including, but not limited to, electrical service, plumbing fixtures, and sewage disposal systems shall conform with all applicable codes.

b) Water Supply

- i) A safe, adequate, and conveniently located water supply must be provided for each park in compliance with applicable regulations.
- ii) Areas around faucets or drinking fountains shall be properly drained.

c) Sanitary Facilities

- i) Each park shall have a central structure or structures that will provide separate toilet and bathing facilities for both sexes.
- ii) The minimum number of facilities per sex to be provided shall follow the schedule below:

Toilets	1 per 15 spaces
Urinals	1 per 30 spaces (male facilities only)
Lavatories	1 per 15 spaces
Showers	1 per 15 spaces

- iii) All toilet, shower, lavatory, and laundry facilities shall be provided and maintained in a clean, sanitary condition and kept in good repair at all times. They shall be safely and adequately lighted. Facilities shall be easily accessible to all persons and conveniently located.

- d) Sewage Disposal: Each park shall provide a sewage dumping station. In accordance with Guilford County Health Department regulations, all sewage wastes from the park, including waste from toilets, showers, bathtubs, lavatories, wash basins, refrigerator drains, sinks, faucets, and water-using appliances not herein mentioned, shall be piped into the park's sewage disposal system approved by the Guilford County Health Department.

- 6) Insect and Rodent Control Measures: Insect and rodent control measures to safeguard the public health and comfort shall be practiced for all uses, structures, etc. used in the Park.
- 7) Retail Sales: The recreational vehicle park may contain a retail sales counter and/or coin operated machines for the park residents' use only, provided they are completely enclosed within a structure and there is no exterior advertising.
- 8) Permanent Sleeping Quarters: Permanent sleeping quarters shall not be permitted within the park for guests.
- 9) Manufactured Dwellings in Recreational Vehicle Parks: It shall be unlawful for a person to park or store a manufactured dwelling in a recreational vehicle park, except that one (1) manufactured dwelling may be located within the park for exclusive use as the dwelling quarters for the park manager or operator. Such a manufactured dwelling shall be located in an area designated on the site plan, and approved by the Governing Body.

6-4.57 Market Showrooms

- (A) Where Required: GB and HB districts
- (B) Display Area Display areas shall exist within permanent buildings only.

6-4.58 Migrant Labor Housing

- (A) Where Required: AG District.
- (B) Minimum Area: Each site shall contain not less than two (2) acres of land. An additional two thousand (2,000) square feet of land shall be required for each worker in excess of twenty (20) people.

(C) Setback

- 1) Minimum required front yard shall be one hundred (100) feet.
- 2) Minimum required interior yard shall be fifty (50) feet.

(D) Building Area: Rooms or compartments for sleeping shall contain not less than thirty-nine (39) square feet of floor space for each person.

(E) Health & Safety

- 1) Not more than ten (10) people shall be housed in any one (1) room or compartment for sleeping purposes.
- 2) Separate toilet and shower facilities shall be provided for male and female workers. A minimum of one (1) toilet and one (1) shower shall be provided for each ten (10) workers.
- 3) A laundry room shall be required with one (1) wash sink of at least ten (10) gallons capacity for each ten (10) workers. Adequate clothes drying lines shall be provided.
- 4) Dining and food service facilities shall be provided and shall contain at least twelve (12) square feet of floor space per worker and shall be approved by the Guilford County Health Department.
- 5) All water, sewer and sanitary facilities shall be approved by the Guilford County Health Department.
- 6) All garbage and refuse shall be stored in water-tight and fly-tight receptacles and it shall be the responsibility of the owner of the property to insure that all garbage and refuse is regularly disposed of in a sanitary manner acceptable to the County Health Department.
- 7) Class C Manufactured Dwellings used as migrant labor housing as part of a bona fide farm operation must be certified as housing for migrant labor in accordance with Department of Labor regulations.

6-4.59 Mining & Quarrying

(A) Where Required: HI District.

(B) Use Separation

- 1) The edges of any pit where a mining operation is taking place and any equipment used in the processing of rock and gravel, any asphalt plant, or other industrial uses operated in conjunction with the mine or quarry shall be located at least fifty (50) feet from any property line.
- 2) Where the mining operation site is bounded by a railroad right-of-way currently being used for rail service to the mining operation, no setback shall be required between the railroad right-of-way and such operation.

(C) Security Fencing

- 1) The mining operation shall be enclosed by a nonclimbable fence of at least six (6) feet in height.
- 2) Abandoned locations shall have a fence of at least six (6) feet in height around the perimeter of the site.

(D) Rehabilitation

- 1) Within one (1) year after the cessation of production at all mining operations, all equipment and stock piles, incidental to such operation, shall be dismantled and removed by and at the expense of the owner.
- 2) Except in a case where redevelopment for another permitted use is in progress on the site of an abandoned extractive operation, all excavations shall be graded to reduce the surface to gently rolling topography in substantial conformity to the land area immediately surrounding; and shall be planted with a cover of sod, trees, shrubs, legumes, or grasses, which will minimize erosion due to wind or rainfall.

- 3) The site shall be drained to prevent the accumulation of standing water, and channelization of the drainage shall be designed and controlled so as not to cause erosion or silting of neighboring properties or public ways, nor to appreciably increase the turbidity of any natural water course, or to occlude any existing drainage course.
- (E) Noise: All operations involving blasting discernible beyond the external property line on a quarry shall only be conducted between the hours of 7:00 A.M. to 6:00 P.M.
- (F) Dust: All non-paved storage areas shall be maintained in a manner so as to limit dust from leaving the storage area.
- (G) Access
 - 1) Access roads leading to any part of the operation shall be constructed with a gravel or crushed stone surface and maintained in a dust-free manner.
 - 2) No part of such roads shall be located closer than fifteen (15) feet to an external property line other than a limited access highway or railroad right-of-way line.
 - 3) A truck route plan shall be submitted showing truck routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools or other uses which will be negatively affected by truck traffic.

6-4.60 Mixed Development

- (A) Where Required: GB, HB, SC, and CP Districts.
- (B) Location of Residential Use: No residential use(s) shall be permitted on or below the ground floor.
- (C) Percentage of Mix: Where residential and non-residential uses are mixed in a principal building, at least twenty percent (20%) percent of the gross floor area shall be devoted to the permitted nonresidential office and/or commercial use(s).
- (D) Dimensional Requirements: Any building must conform to the nonresidential dimensional requirements of the district in which it is located.

6-4.61 Newsstand

- (A) Where Required: CP district.
- (B) Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.
- (C) Outside Storage: No outside storage of materials shall be permitted.

6-4.62 Optical Goods Sales

- (A) Where Required: GO-M and GO-H districts.
- (B) Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.

6-4.63 Pet Grooming — See Section 6-4.13.

6-4.64 Petroleum and Petroleum Products

(A) Where Required: HI District.

(B) Use Separation

- 1) Storage tanks protected by either an attached extinguishing system approved by the Fire Marshal or an approved floating roof shall not be located closer to an exterior property line than a distance equal to the greatest dimension of either diameter or height of the tank, except that such distance need not exceed one hundred and twenty (120) feet.
- 2) Storage tanks not equipped as indicated in 1) above, shall not be located any closer to an exterior property line than a distance equal to one and one-half (1 1/2) times the greater dimension of either the diameter or height of the tank, except that such distance need not exceed one hundred and seventy-five (175) feet.
- 3) Storage tanks and loading facilities shall be located a minimum of five hundred (500) feet from any existing residence or residentially zoned property.

(C) Access: Gravel or paved roadways shall be provided to all storage tanks.

(D) Security Fencing: Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of such facilities.

(E) Dikes

- 1) Tanks or groups of tanks shall be diked to prevent the spread of liquid onto other property, waterways, or drainageways. The volumetric capacity of the diked area shall not be less than the capacity of the largest tank within the diked area.
- 2) Dikes or retaining walls shall be of earth, steel, concrete or solid masonry designed and constructed to be liquid tight and to withstand a full hydraulic head. Earthen dikes three (3) feet or more in height shall have a flat section at the top not less than two (2) feet in width. The slope shall be consistent with the angle or repose of the material of which the dikes are constructed. Dikes shall be restricted to an average height of not more than six (6) feet above the exterior grade unless means are available for extinguishing a fire in any tank. Dikes enclosing such tanks shall be provided at the top with a flareback section designed to turn back a boil-over wave. A flareback section shall not be required for dikes and walls enclosing approved floating roof tanks. No loose combustible material, empty or full drums or barrels, shall be permitted within the diked area.
- 3) Where provision is made for draining rainwater from diked areas, such drains shall normally be kept closed and shall be so designed that when in use they will not permit flammable liquids to enter natural watercourses, public sewers, or public drains. Where pumps control drainage from the diked area, they shall not be self-starting.

(F) Tank Maintenance

- 1) All storage tanks shall be maintained in a leak-proof condition with an adequately painted, rust free exterior surface.
- 2) A firm substrate shall be constructed under each storage area to eliminate differential subsidence and to prevent the product from seeping.

(G) Operation: The product shall be sold in the same form as received and shall not be altered, except that two or more products may be blended. Any other alteration of the product shall be deemed a manufacturing use, requiring approval of a special use permit.

(H) Storage: All storage facilities shall comply with the latest edition of the "Flammable and Combustible Liquids Code, NFPA 30" of the National Fire Protection Association.

6-4.65 Private Dormitory

- (A) Where Required: RM-18, RM-26, GO-M, and GO-H districts.
- (B) Use Separation: The property on which the use is located shall be within a one-half (1/2) mile radius of property developed as the primary campus of a college, business college, trade school or university.
- (C) Density Requirements:
 - 1) Conversions of existing hotels or motels to a private dormitory shall be exempt from the density requirement of Table 4-4-4.
 - 2) After January 1, 1994, a newly constructed private dormitory in the GO-M or GO-H District shall be exempt from the density requirements of Table 4-4-4. The residential capacity of the facility shall be determined by provisions of the NC Building Code in conjunction with the applicable setbacks, planting yards, and minimum off-street parking requirements of this Ordinance.

6-4.66 Public Park; Public Recreation Facility

- (A) Where Required: All districts.
- (B) Parking: Overflow parking (in addition to required parking) must be designated on the site plan and be kept available to handle all traffic from special events such as softball tournaments and outdoor concerts.
- (C) Access: All parks greater than ten (10) acres shall have primary access to a collector or higher capacity street.

6-4.67 Public Recreational Facility – See Section 6-4.66.

6-4.68 Radio, Television, Communication Tower (principal)

- (A) Where Required: AG, GB, GO-M, GO-H, HB, CP, LI, HI, and PI districts.
- (B) Location:
 - 1) In the GO-M, GO-H, HB, CP, LI, HI, and PI districts the tower shall be a minimum of one hundred (100) feet from any residentially zoned property.
 - 2) In the AG district the distance of the nearest portion of the tower to any existing residence or RM or RS zoned property shall be one and one-half times the height of the tower for unguyed freestanding towers; or for guyed towers, the area necessary to contain all guy wires and appurtenances plus the district's required setback for guyed towers.
- (C) Landscaping: Where adjacent to RM or RS zoned property, the required planting yard shall be landscaped at a Type A planting rate
- (D) General:
 - 1) Guy wires, anchors, and supporting cables shall be contained on the same zone lot with the tower and shall not encroach more than one-half the width of the planting yard.
 - 2) The lot shall be of sufficient size to accommodate the intended use and the planting yard if required.
 - 3) The provisions of section 4-9 regarding Special Purpose Lots may be applied.
 - 4) New towers shall be permitted only if there is no prudent or feasible method to share an existing tower. No triangular platforms greater than fifteen (15) feet on a side shall be permitted. Triangular or T-bar platforms shall not be permitted if mounting of required antennas can be accomplished without such platforms.

- 5) Any existing tower or any tower approved for erection on or before the effective date of this amendment is exempt from Nonconforming Use of Land and Nonconforming Structure provisions in Section 3-14.

6-4.69 Recreational Vehicle Park – See Section 6-4.56.

6-4.70 Recycling Processing Centers

- (A) Where Required: LI District.
- (B) Use Separation: No such facility shall locate within a five hundred (500) foot radius of any residentially or public-institutionally zoned property.
- (C) Outside Storage: No outside storage of materials shall be permitted.
- (D) Operation: The facility shall be operated in a wholly enclosed building except that loading to a flatbed railcar may take place outside the building provided no materials remain on the loading area for more than twenty-four (24) hours.
- (E) Dust: All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.

6-4.71 Refrigerator or Large Appliance Repair

- (A) Where Required: GB and HB districts.
- (B) Outdoor Storage: No outdoor storage of appliances, equipment or parts shall be permitted.

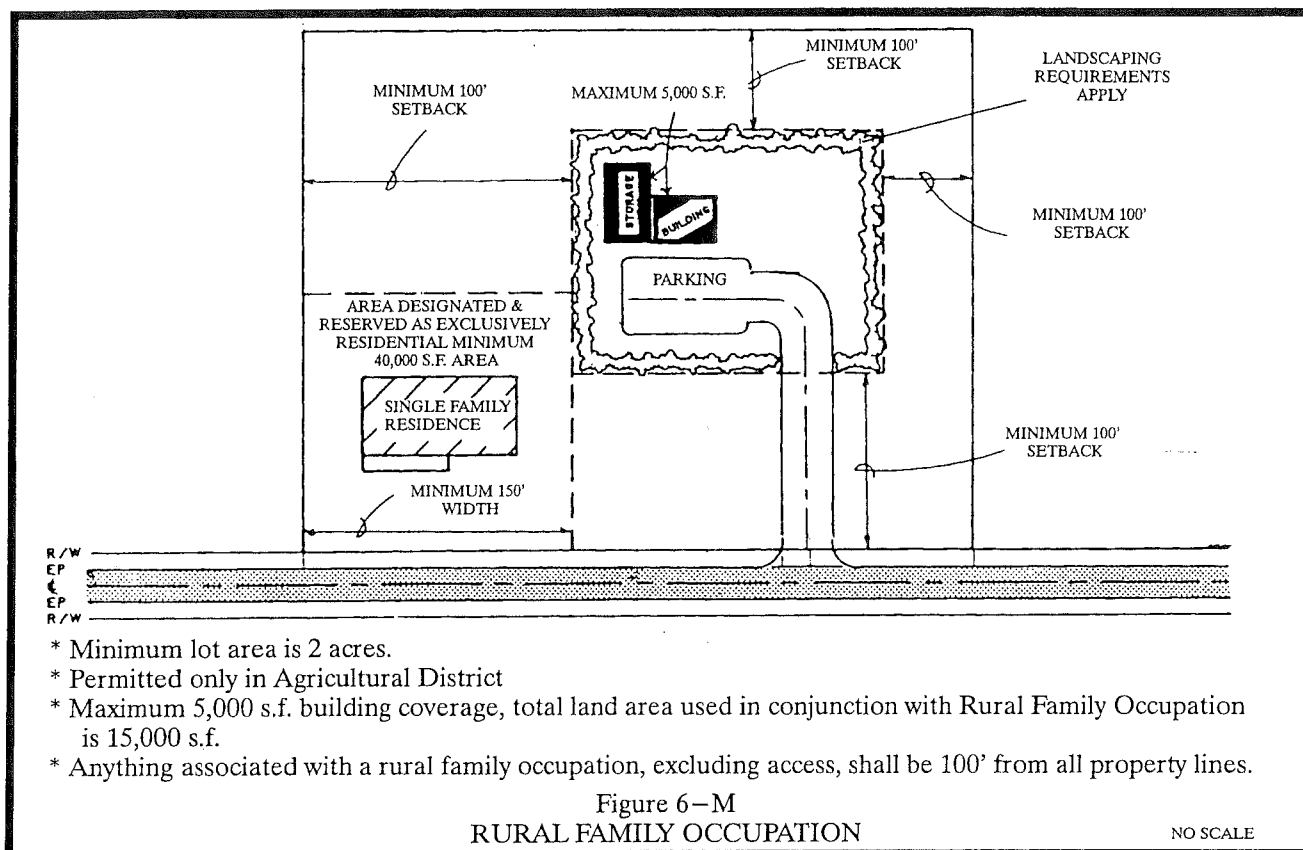
6-4.72 Restaurant (no drive thru)

- (A) Where Required: LB district.
- (B) Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.
- (C) Outside Storage: No outside storage of materials shall be permitted.

6-4.73 Rural Family Occupation – See Figure 6-M.

- (A) Where Required: AG District.
- (B) Minimum Area
 - 1) The Rural Family Occupation (RFO) must be located on a tract of two (2) acres or more.
 - 2) A portion of the tract measuring forty thousand (40,000) square feet with one hundred and fifty (150) feet of width must be designated and reserved as exclusively residential.
- (C) Maximum Area: The total floor area of all buildings occupied by the RFO shall not exceed five thousand (5,000) square feet. The total land area that may be used in conjunction with the Rural Family Occupation is fifteen thousand (15,000) square feet.
- (D) Use Separation: All operations of the RFO shall observe a one hundred (100) foot setback from all property lines.
- (E) Location: All operations of the RFO shall be located behind the rear line of the building occupied as the principal residence.
- (F) Landscaping: All operation of the RFO, including buildings, outside storage areas, and parking shall be treated as a separate use and subject to the landscaping provisions of this Ordinance.

- (G) Environmental Review: The Guilford County Environmental Health Division shall evaluate each RFO request to determine the occupation's impact on the surrounding area with respect to excessive noise, dust, air emissions, odors and surface or groundwater discharge. The RFO shall mitigate the impact of these and other environmental concerns. A written evaluation of these potential impacts is required by the Environmental Health Division prior to the consideration of any request for an RFO.



(H) Operation

- 1) The RFO must be owned by the landowner who must reside on the property.
- 2) No more than five (5) persons shall be employed other than those residing on the property.
- 3) There shall be no more than two (2) commercial vehicles operating in and out of the property.
- 4) The RFO shall not be operated between the hours of 9 P.M. to 6 A.M.
- 5) Permitted uses shall be limited to those products assembled or manufactured on-site for resale elsewhere, services sold or provided on premises, or stock-in-trade clearly incidental to such services. Commercial retail or wholesale operations which bring to the site goods specifically for the purpose of resale shall be prohibited.

6-4.74 Salvage Yards, Auto Parts and Scrap Processing

- (A) Where Required: HI district.
- (B) Minimum Area: The minimum area required to establish a salvage yard shall be five (5) acres.
- (C) Outside Storage: An approved opaque fence of uniform construction not less than six (6) feet in height shall be required around the perimeter of the activity. Such fencing shall be located between the salvage yard and the required planting yards.

- (D) Operation: The facility operator(s) shall provide continuous on-site supervision by an employee (s) and/or volunteer(s) during the hours of operation.
- (E) Use Separation: No salvage yard, scrap processor, or auto wrecking shall be located within three hundred (300) feet of any residence existing or under construction at the time of installation of such operation or business

6-4.75 Satellite Dish / Communication Tower (Accessory)

- (A) Where Required: All districts.
- (B) Location
 - 1) All supporting cables and anchors shall be contained on the property.
 - 2) In residential districts, structures shall not be located or placed in any street yard or side yard.
 - 3) Attached and detached satellite dishes eighteen (18) inches in diameter or less shall be exempt from the requirements of subsection (B) (2) above. Detached satellite dishes eighteen inches in diameter or less shall not exceed six (6) feet in height and shall not be located within fifteen (15) feet of any public or private street right-of-way or private lane.

6-4.76 Shelter for the Homeless

- (A) Where Required: GO-M, GO-H, GB, HB, LI, HI, and PI districts.
- (B) Property Separation: No such facility shall be located within one-quarter (1/4) mile of an existing shelter for the homeless.
- (C) Minimum Floor Area: A minimum floor space of fifty (50) square feet shall be provided for each individual sheltered.
- (D) Operation:
 - 1) The facility shall be contained within the building of and operated by a government agency or nonprofit organization.
 - 2) The facility operator(s) shall provide continuous on-site supervision by an employee(s) and/or volunteer(s) during the hours of operation.

6-4.77 Shoe Repair or Shoeshine Shop

- (A) Where Required: CP district.
- (B) Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.
- (C) Outside Storage: No outside storage of materials shall be permitted.

6-4.78 Shooting Range (Indoor)

- (A) Where Required: AG, GB, HB, LI, and HI districts.
- (B) Noise: The facility shall be designed to absorb sound to the maximum extent feasible.

6-4.79 Shooting Range (Outdoor)

- (A) Where Required: AG and PI districts.
- (B) Use Separation: Separation shall be a minimum three hundred (300) feet between range and closest exterior property line.

- (C) Access: Controlled to prevent unregulated entrance to firing area.
- (D) Security Fencing: Security fencing to prevent an individual from crossing the property downrange.
- (E) Dikes (berms): Dikes shall be of sufficient height and thickness to stop all rounds fired downrange. Elevation control is required along the shooting stands to prevent rounds from being fired over the berm.

6-4.80 Single Room Occupancy Residence

- (A) Where Required: RM-8, RM-12, RM-18, RM-26, GO-M, GO-H, and PI districts.
- (B) Minimum Area: Rooming units shall be a minimum of seventy (70) square feet with an additional minimum of fifty (50) square feet for each additional occupant.
- (C) Minimum Common Area: The building shall contain common space such as recreation areas, lounges, living rooms, dining rooms, or other congregate living spaces at a rate of five (5) square feet per rooming unit, but totalling not less than two hundred and fifty (250) square feet. Bathrooms, laundries, hallways, the main lobby, vending areas, and kitchens shall not be counted as common space.
- (D) Operation: On-site management shall be provided on a twenty-four (24) hour basis.
- (E) Density Requirements:
 - 1) Conversions of existing hotels or motels to a single room occupancy residence shall be exempt from the density requirement of Table 4-4-4.
 - 2) After January 1, 1994, a newly constructed single room occupancy residence in the GO-M or GO-H District shall be exempt from the density requirements of Table 4-4-4. The residential capacity of the facility shall be determined by provisions of the NC Building Code in conjunction with the applicable setbacks, planting yards, and minimum off-street parking requirements of this Ordinance.

6-4.81 Sports Instructional Schools

- (A) Where Required: SC district.
- (B) Location of Instruction: No outside instruction shall be allowed.

6-4.82 Swim and Tennis Club – See Section 6-4.35.

6-4.83 Swimming Pools

- (A) Where Required: All Districts.
- (B) Use Separation
 - 1) Pools shall be located so as to comply with the minimum setback requirement for accessory structures for the district in which it is located.
 - 2) Pools which are not an integral part of the principal building shall be located a minimum of ten (10) feet from the principal building.
- (C) Security Fencing: Swimming pools located outdoors shall be protected by a fence, or equal enclosure four (4) feet in height and equipped with a self closing and positive self latching gate provided with hardware for permanent locking.

6-4.84 Tourist Home (Bed and Breakfast)

- (A) Where Required: AG, all residential districts, NB, and LB districts.
- (B) Use Separation: No such facility shall locate within four hundred (400) feet of a rooming house, boarding house or another tourist home.
- (C) Operation
 - 1) The tourist home must be owned by the landowner who also resides on the property.
 - 2) The use shall be located in a structure which was originally constructed as a dwelling.
 - 3) Meals served on the premise shall be only for guests of the facility.
- (D) Signs: There shall be no exterior advertising except that which is permitted for a home occupation.

6-4.85 Truck Stops

- (A) Where Required: HB District
- (B) Maximum Area: The maximum area shall be for (4) acres.
- (C) Lighting: The maximum height of any outdoor lighting source or structure shall be thirty (30) feet.
- (D) Screening: A minimum six (6) foot high opaque fence shall be provided adjacent to residentially zoned property.

6-4.86 Turkey Shoots

- (A) Where Required: AG district.
- (B) Setbacks
 - 1) No turkey shoot shall be allowed within a required setback.
 - 2) All turkey shoots shall be established with the line of fire perpendicular to and away from a road right-of-way. The line of fire is a line which passes through the firing point and bisects the target. The back stop or target area shall be located not less than five hundred (500) feet from the road right-of-way.
 - 3) Sites adjacent to more than one road right-of-way must designate the higher classified road as the front, and set the line of fire perpendicular thereto. Any resultant line of fire parallel to a road must be a minimum distance of two (200) feet from and parallel to the road right-of-way.
 - 4) All backstops shall be constructed a minimum of five hundred (500) feet from a residence located to the rear and/or side of the backstop.
- (C) Parking: An off-street parking area adequate in size to store two (2) cars for every back stop shall be provided.
- (D) Operation
 - 1) Backstops shall be constructed of a material that will allow the shot to penetrate and not pass through. It shall be of a minimum thickness of two (2) feet and maintained at a height of four (4) feet above the target.
 - 2) The firearms used in turkey shoots shall be limited to shotguns firing shot no larger than number eight (#8). No firearms may be used which have been altered from manufacturer's specifications.
 - 3) The operators of the turkey shoot shall be responsible for maintaining adequate fire protection by notifying the local fire department as to the dates and times of the turkey shoot.

- 4) Turkey shoots shall be limited to Thursdays, Fridays, and Saturdays and be in operation no later than 11:00 PM.
- 5) Provisions for sanitation and refuse disposal must be made in accordance with health standards.
- (E) Event Permit: The Enforcement Officer shall issue an event permit not to exceed (90) days in a given year for a qualifying turkey shoot.

6-4.87 Utility Substations including Transformer Stations, Telephone Exchanges, Repeater Stations, Pressure Regulator Stations, Pump & Lift Stations, & Similar Structures

- (A) Where Required: All districts.
- (B) Dimensional Requirements: All buildings shall be considered accessory buildings or structures.
- (C) Noise: Equipment producing noise or sound in excess of seventy (70) decibels shall be located no closer than one hundred (100) feet to the nearest residence.
- (D) Security Fencing: Security fencing, a minimum of six (6) feet in height, shall be provided around the entire facility.
- (E) Outside Storage: If the facility has no outside storage or placement of materials or equipment the Land Use Classification (LUC) shall be considered a one (1), otherwise the LUC shall be considered a four (4).

6-4.88 Veterinary Service (other)

- (A) Where Required: GO-M, GO-H, LB, GB, HB, SC, and CP Districts.
- (B) Outside Storage: Pens and runs located outdoors are prohibited.

6-4.89 Warehouse (general storage/enclosed)

- (A) Where Required: GB and HB districts.
- (B) Maximum Area: A maximum of ten thousand (10,000) square feet of gross floor area shall be permitted for warehouse or wholesaling per establishment per lot.
- (C) Outdoor Storage: No outdoor storage of warehousing or wholesaling items is permitted.
- (D) Land Use Classification: Warehousing or wholesaling uses shall have a land use classification of three (3).

6-4.90 Warehouse (Self-Storage)

- (A) Where Required: GB and HB Districts.
- (B) Minimum Size: Minimum lot size shall be two (2) acres.
- (C) Maximum Size: Maximum lot size shall be five (5) acres.
- (D) Lot Coverage: The total ground area covered by buildings shall not exceed fifty percent (50%) of the site.
- (E) Maximum Height: Maximum height of building(s) shall be twenty (20) feet.

(F) Storage

- 1) No outside storage shall be permitted.
- 2) Storage of hazardous, toxic or explosive substances shall be prohibited.

(G) Operation

- 1) No business activity other than the rental of storage units shall be conducted on the premises.
- 2) One residential dwelling unit shall be allowed on the same lot for use as a caretaker dwelling.

6-4.91 Watch or Jewelry Repair Shop

(A) Where Required: CP district.

(B) Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.

(C) Outside Storage: No outside storage of materials shall be permitted.

6-5 FENCES

6-5.1 Applicability

This Section regulates all fences unless otherwise provided in this Ordinance. Fences are permitted in required setbacks according to Section 4-6.3 (Encroachments into Required Setbacks), provided the requirements of this Section are met.

6-5.2 Permitted Fence Types

The following fence types are permitted in all zoning districts:

- (A) Masonry or stone walls;
- (B) Ornamental iron;
- (C) Chain-link or woven wire; and
- (D) Wood or similar material.

6-5.3 Prohibited Fence Types

The following fence types are prohibited:

- (A) Fences constructed primarily of barbed or razor wire, except for the purpose of enclosing livestock in agricultural zoning districts;
- (B) Fences carrying electrical current, except for the purpose of enclosing livestock in agricultural zoning districts;
- (C) Fences constructed in whole or in part of readily flammable material such as paper, cloth or canvas;
- (D) Fences topped with barbed wire or metal spikes in residential zoning districts, except those serving a public institution requiring a security fence for public safety purposes; and
- (E) Fences constructed of concertina wire.

6-5.4 Maintenance Required

Any fence which, through neglect, lack of repair, type or manner of construction, method of placement or otherwise, constitutes a hazard or endangers any person, animal or property is hereby deemed a nuisance. If such

conditions exist, the Enforcement Officer shall require the owner or occupant of the property upon which the fence is located to repair, replace or demolish the fence causing the nuisance.

6-5.5 Height

(A) Residential Uses

- 1) Before Front Setback: No fence shall exceed four (4) feet in height up to the front setback line.
- 2) Behind Front Setback: No fence shall exceed seven (7) feet in height behind the front setback line.
- 3) Exceptions:
 - a) No fence shall exceed four (4) feet in height within fifteen (15) feet of any public or private street right-of-way line in a group housing development unless the sole purpose is to enclose a patio; a patio enclosure shall not exceed seven (7) feet in height
 - b) On through lots where a front setback abuts a major or minor thoroughfare and there is no driveway access or sight distance interference, a fence may be seven (7) feet in height as long as such fence is no closer than fifteen (15) feet from the thoroughfare right-of-way.

(B) Recreational Uses: No fence shall exceed twelve (12) feet in height if the fence is within the required setback. Otherwise, no fence shall exceed eight (8) feet in height.

(C) Commercial, Industrial, Institutional or Office Uses: No fence shall exceed eight (8) feet in height.

(D) Measurement:

- 1) Fence height shall be measured in the same manner as buildings. However, where fences are located on retaining walls or man-made berms, the height of the retaining wall or berm shall be considered as part of the overall height of the fence.
- 2) Fence height limitations do not apply to fences built in conjunction with electric or gas substations, utility facilities, sewer plants or facilities, radio and television masts, towers and similar structures, municipal water storage facilities, public correctional and mental institutions, or military facilities, or hazardous or radioactive waste, storage, and disposal facilities.

6-5.6 Temporary Fences

Nothing in this Section shall preclude the installation of temporary fences around construction works, erected or maintained pursuant to the NC State Building Code or the Soil Erosion and Sedimentation Control regulations.

6-5.7 General Fence Requirements

- (A) Obstruction of View: No fence shall be placed or retained in such a manner as to obstruct vision at any intersection of public or private streets.
- (B) Obstruction of Drainageway: Fence construction shall not alter or impede the natural flow of water in any stream, creek, drainage swale or ditch.
- (C) Historic Districts: Fences in Historic Districts shall meet the guidelines for the particular Historic District in which it is located.
- (D) Obstruction of Access: No fence shall block access from doors or windows. Fences must have a clearance of at least two (2) feet from building walls, except where fences project from or to a building wall.
- (E) Orientation of Barbed Wire: On fences topped with barbed wire, the bottom strand must be at least six (6) feet above grade with vertical supports slanting inward away from the property line.
- (F) Location Within Required Planting Yards: The setback of fences within a required planting yard shall be subject to the approval of a landscaping plan.

ARTICLE VII

ENVIRONMENTAL REGULATIONS

7-1 WATER SUPPLY WATERSHED DISTRICTS

7-1.1 District Descriptions

Two overlay districts cover designated water supply watersheds. They are the Watershed Critical Area (WCA) and the General Watershed Area (GWA). The WCA covers the portion of the watershed adjacent to a water supply intake or reservoir. The GWA covers the rest of the watershed draining to the reservoir or intake.

7-1.2 Incorporation of Designated Water Supply Watershed Map(s)

This Section incorporates by reference the Town of Sedalia Designated Water Supply Watershed Map(s), dated January 1, 1997, showing Watershed Critical Areas, General Watershed Areas, watershed classifications, and perennial streams of the Lake Mackintosh (Big Alamance Creek) watershed.

7-1.3 Applicability

(A) Coverage:

- 1) This Section 7-1 (Water Supply Watershed Districts) applies to all sites containing new development in the Watershed Critical Area or General Watershed Area, including grading, paving, gravel placement, and construction of buildings and other structures, except for the exempt activities listed in Section 7-1.3(B) below. Section 7-2 (General Watershed Area) and Section 7-3 (Watershed Critical Area) impose additional requirements specific to their overlay district.
- 2) The construction of new streets by local government shall comply with best management practices developed in response to the EPA-NPDES Stormwater Management Program which is incorporated herein by reference.
- 3) Widening of existing streets and the installation of sidewalks shall comply with the provisions of this Ordinance to the extent practicable. When determined by the Enforcement Officer that the provisions of these sections cannot be met, the widening of existing streets and the installation of sidewalks shall comply with best management practices developed in response to the EPA-NPDES Stormwater Management Program which is incorporated herein by reference.

(B) Exempt Activities: The following activities are exempt from the plan submission and approval requirements of this Section. However, any restrictions upon building location, drainageways, pavement or other built-upon area, or any other matter appearing on any previously approved watershed development (watershed control) plan covering the subject property shall be complied with unless and until replaced by an approved revised plan.

- 1) Construction of a single family dwelling and its accessory structures on a zone lot that was recorded prior to January 1, 1994 and is located outside WCA Tiers 1 and 2.
- 2) Replacement of existing built-upon area with a like or lesser amount of new built-upon area at the same location, or at a different location on the same zone lot if the Enforcement Officer has determined that equal or improved water quality will result.
- 3) Placement of small accessory buildings or structures or small amounts of other built-upon area provided that the total additional built-upon area is no greater than four hundred (400) square feet. This exemption shall apply to an individual property for one time only after January 1, 1994.
- 4) Existing development until such time that additional new development is initiated on the site.

7-1.4 Participation in a Public Regional Water Quality Lake Program

(A) Where Permitted: Where a regional water quality lake program has been established by one or more local governments, or by an authority operating on behalf of one or more local governments, and

approved by the N.C. Environmental Management Commission, a development may participate in said program in lieu of any certification of runoff control required by this Article, provided that:

- 1) The development is within an area covered by a public regional water quality lake program;
- 2) Runoff from the development drains to an existing or funded public regional water quality lake which is part of said program;
- 3) Participation is in the form of contribution of funds, contribution of land, contribution of lake construction work, or a combination of these, the total value of which shall be in accordance with a fee schedule adopted by the Governing Body; and
- 4) The Enforcement Officer finds that the watershed development plan is in compliance with all other applicable requirements of this Article.

- (B) Use of Contributions: Each contribution from a development participating in a public regional water quality lake program shall be used for acquisition, design, or construction of one or more such lakes in the same water supply watershed that the development lies in.

7-1.5 Watershed Development Plan

- (A) Plan Required: A watershed development plan in accordance with the performance standards specified in Table 7-2-1 or the requirements of Section 7-3 and with other requirements of this Article shall be submitted to the Enforcement Officer and shall include all applicable information listed in Appendix 2 (Map Standards) of this Ordinance.
- (B) Plan Approval: The Enforcement Officer is authorized to approve any watershed development plan which is in conformance with the performance standards specified in Table 7-2-1 or the requirements of Section 7-3 (Watershed Critical Area) whichever is applicable, and with other requirements of this Article.
- (C) Approved Plan a Prerequisite: The Enforcement Officer is not authorized to issue any permits, except as provided in Section 3-4.1(D) for development on any land in a WCA or GWA unless and until a watershed development plan in compliance with the requirements of this Section has been approved.
- (D) Permanent Runoff Control Structures: When a permanent runoff control structure is required for a development to meet the requirements of this Article, a North Carolina registered professional engineer shall prepare the plan with the Engineer's Certification of Runoff Control from Table 7-1-1 affixed, signed, sealed, and dated.
- (E) Appeals: Appeals of the Enforcement Officer's decision on a watershed development plan shall be made in writing to the Town Council. The Planning Board shall review the appeal at its first regularly scheduled meeting after receipt of the written appeal and make a recommendation to the Town Council.

TABLE 7-1-1

ENGINEER'S CERTIFICATION OF RUNOFF CONTROL

The engineering certification required on Watershed Development Plans and construction plan drawings shall be of the following form:

ENGINEER'S CERTIFICATION OF RUNOFF CONTROL

I certify that this plan will control the (runoff from a one-half inch rainfall over the total drainage area)
(runoff from a one inch rainfall over the total drainage area)

and that the runoff control measures shown on this plan meet or exceed the guidelines in the Guilford County Water Quality Protection Manual issued by Guilford County, January, 1997.

P.E. SEAL _____
SIGNATURE _____
DATE _____

7-1.6 Improvements

(A) Design of Improvements

- 1) Design of improvements shall:
 - a) Be performed by a North Carolina registered professional engineer;
 - b) Be subject to approval of the Enforcement Officer; and
 - c) Meet or exceed the guidelines in the Guilford County Water Quality Protection Manual, issued by Guilford County, January 1, 1997.
- 2) The Enforcement Officer may recommend, and the Town Council may require, that a given runoff control structure(s) be positioned on a site such that water quality protection is improved.
- 3) The construction plans for required runoff control structures shall be approved prior to issuance of any building permit on a site. For subdivisions, construction plans shall be submitted in accordance with Section 5-7.1 (Plans).

(B) Construction of Improvements:

- 1) The construction of all improvements designed for watershed protection and shown on an approved watershed development plan shall be substantially completed prior to any plat recordation or issuance of any building certificate of occupancy (compliance).
- 2) Final approval of installed runoff control structures will be required at finalization of the grading permit or at issuance of the final building certificate of occupancy (compliance), whichever comes later. If neither a building permit nor a grading permit is required for a site, then any required runoff control structure shall be substantially completed prior to installation of any built-upon area on the site. Engineering certification of completion TABLE 7-1-2 shall be required prior to final approval by the Enforcement Officer.

TABLE 7-1-2

ENGINEER'S CERTIFICATION OF COMPLETION

The Engineering certification required upon completion of permanent runoff control structures shall be of the following form:

ENGINEER'S CERTIFICATION OF COMPLETION

I certify that the permanent runoff control structure for (name of plat) as recorded in PB , PG in the Office of the Guilford County Register of Deeds has been completed in conformance with the approved plans and specifications dated (approval date) .

P.E. SEAL

SIGNATURE _____

DATE _____

- (C) Recordation of Permanent Improvements: All permanent runoff control structures and associated access/maintenance easement(s) (specific or general, at the owner's option) shall be recorded on a final plat; and a mechanism to ensure their maintenance shall be established concurrent with or prior to plat recordation.
- (D) Maintenance Responsibility:
 - 1) When runoff control structures serve more than one lot, an owner's association or binding contract for the purpose of maintenance shall be required. See Section 5-8.2 (Permanent Runoff Control Structures).
 - 2) Maintenance of runoff control structures shall be performed at such time as the designated sediment storage volume of the structure has been lost to sediment or a part of the installation is not functioning as originally designed. The Enforcement Officer shall have the responsibility to inspect runoff control structures annually, to record the results on forms approved or supplied by the N. C. Division of Environmental Management, and to notify the responsible property owner or owner's association when maintenance or repairs are required. All required repairs and maintenance shall be performed within ninety (90) days after such notice. In case of failure by the responsible party to perform the required maintenance or repairs within the stated period, the jurisdiction may perform such maintenance or repairs and recover all costs attendant thereto from the property owner or owner's association.

7-1.7 Clustering

- (A) Clustering Encouraged: Clustering of residential development is encouraged. Clustering of single family detached development is allowed under the provisions of Section 4-4.1(B) (Single Family Detached Cluster Development). Multifamily development may be clustered so long as the development complies with the standards of Section 4-4.2 (Multifamily Districts).
- (B) Performance Requirements: Clustering is allowed if the overall density of the project meets the applicable GWA or WCA density and stormwater runoff control requirements, the built-upon areas are designed and sited to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow, and the remainder of the tract remains in a vegetated or natural state.

7-1.8 Stream Buffer Required

In the WCA and the GWA, a stream buffer with a minimum width as specified below measured landward from the normal pool elevation of impoundments and from the bank of each side of streams or rivers, shall be maintained along all perennial waters. [See Section 7-3 (Watershed Critical Area Requirements) for additional requirements concerning stream buffers in the WCA.]

- (A) Development Using Low Density Option: Thirty (30) feet.
- (B) Development Using High Density Option: One hundred (100) feet.
- (C) No new development is allowed in the buffer except for water dependent structures, other structures such as flag poles, signs and security lights which result in only diminutive increases in impervious area and public projects such as road crossings and greenways where no practical alternative exists. These activities shall minimize built-upon surface area, direct run-off away from the surface waters and maximize the utilization of stormwater Best Management Practices.

7-1.9 Stream Channelization

Perennial Streams in a WCA or GWA shall not be channelized without prior approval by the Town Council.

7-1.10 Activities Regulated by Other Governmental Agencies

- (A) Designated Agencies: The following are the designated agencies responsible for implementing the requirements of the Water Supply Watershed Protection Rules as adopted by the N.C. Environmental Management Commission for the specified activity:
 - 1) Agriculture – Guilford Soil and Water Conservation District
 - 2) Silviculture – N.C. Division of Forest Resources

- (B) Transportation: The North Carolina Department of Transportation shall comply with the practices outlined in its document entitled "Best Management Practices for the Protection of Surface Waters," which is incorporated by reference.
- (C) Hazardous Materials
- 1) The Guilford County Fire Marshall and the Greensboro Emergency Management Assistance Agency are the designated management agencies responsible for implementing the provisions of this Subsection pertaining to hazardous materials.
 - 2) An inventory of all hazardous materials used and stored in the watershed shall be maintained. A spill/failure containment plan and appropriate safeguards against contamination are required. Waste minimization and appropriate recycling of materials is encouraged.
 - 3) Properties in the WCA or GWA shall comply with the requirements of the following hazardous substances regulations if materials listed in the Superfund Amendments and Reauthorization Act (SARA) Section 302 Extremely Hazardous Substances (42 USC 11000 et seq.), or Section 311 of the Clean Water Act, as amended (CWA) (33USC 1251 et seq.; oil and hazardous substances) are stored or used on the site.

7-1.11 Modifications

(A) General:

- 1) Requests for watershed protection modifications shall be submitted in writing on forms supplied by the governing jurisdiction and with a completed watershed development plan showing all pertinent information relative to the site in question. Information not shown on the watershed development plan or not presented in writing shall not be considered pertinent to the modification request.
- 2) For each request for a minor or major watershed modification, the Planning Department shall notify all other local governments having jurisdiction within the same water supply watershed or using the affected water supply for consumption. A comment period of at least thirty (30) days shall be allowed before the Planning Board hearing.
- 3) In granting modifications the jurisdiction may require such conditions as will secure, insofar as practicable, the objectives of the requirements being modified.

- (B) Minor Watershed Modifications: The Town Council is designated to approve minor watershed modifications in the General Watershed Areas (GWA) and Watershed Critical Areas (WCA). The Planning Board shall review the submitted request and make a recommendation to the Town Council to approve or deny the modification. The Town Council shall make its decision after determining that good and justifiable cause for a modification exists.

(C) Major Watershed Modifications:

- 1) The North Carolina Environmental Management Commission (EMC) is designated to approve major watershed modifications for both the GWA and the WCA. The review process shall be the same as in subsection (B)2) above, except that the Governing Body shall make recommendations to the EMC. The modification application, hearing notices, and minutes from each committee and board review shall be forwarded to the EMC, which shall approve or deny the modification.
- 2) Before the Governing Body may grant a major watershed modification, it shall make the following three findings, and shall include the factual reasons on which they are based.
- 3) There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the watershed requirements, and all of the following conditions exist:
 - a) If the applicant complies with the provisions of the watershed requirements, the applicant can secure no reasonable return from, nor make reasonable use of the

subject property. The modification granted must be the minimum possible deviation from the terms of the Ordinance that will allow the reasonable use of property.

- b) The hardship results from the application of the Ordinance to the property rather than from other factors such as deed restrictions or other hardships.
 - c) The hardship is due to the physical nature of the applicant's property, such as size, shape, or topography, which is different from that of neighboring properties.
 - d) The hardship is not the result of the actions of an applicant who knowingly or unknowingly violates the Ordinance, or who purchases the property after the effective date of the Ordinance, and then comes to the Board or Governing Body for relief.
 - e) The hardship is peculiar to the applicant's property, rather than the result of conditions that are widespread.
- 4) The modifications is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.
 - 5) In the granting of the modification the public safety and welfare have been assured and substantial justice has been done.

7-1.12 Watershed Reporting

- (A) 10/70 Provision – Watershed Reporting: The Watershed Administrator shall keep records on the jurisdiction's use of the provisions that maximum of ten (10%) percent of the non-critical area of WS-III watersheds may be developed with new development at a maximum of seventy percent (70%) built-upon surface area. Records for each watershed shall include the total area of non-critical watershed area, total acres eligible to be developed under this option, total acres approved for this development option, and individual records for each project with the following information: location, number of developed acres, type of land use and stormwater management plan (if applicable).
- (B) Watershed Modifications: The Watershed Administrator shall keep a record of all watershed modifications. This record shall be submitted for each calendar year to the Division of Water Quality Management on or before January 1st of the the following year and shall provide a description of each project receiving a minor or major modification and the reasons for granting the modification.

7-2 GENERAL WATERSHED AREAS (GWA)

7-2.1 General Provisions

- (A) Boundary of the GWA: The GWA extends from the outer boundary of the WCA to the outer boundary of the watershed of a designated water supply reservoir or intake.
- (B) Minimum Lot Size: The minimum lot size for all developments not utilizing public sewer shall be forty thousand (40,000) square feet.
- (C) Performance Standards: The Watershed Development Plan for any development covered by this Section shall be prepared and submitted in accordance with the performance standards found in Table 7-2-1. The owner, developer, or person submitting the Watershed Development Plan shall indicate which performance standard they have chosen for review and approval.

TABLE 7-2-1
Watershed Performance Standards

Development Type	Schedule
1) Residential development with two (2) or fewer dwelling units per gross acre.	<u>Residential Scoresheet</u> (Table 7-2-2. A score of one hundred (100) or more is required for passing; or <u>Engineering Certification</u> by registered professional engineer, with seal (Table 7-1-1) certifying control of the run-off from a one-half (1/2) inch rain.
2) Institutional, Commercial, Recreational, and Industrial development with twenty-four (24%) percent or less built-upon area; or Residential development with greater than two (2) dwelling units per gross acre and with twenty-four (24%) percent or less built-upon area.	<u>Institutional, Commercial, Recreational, Industrial and High Density Residential Scoresheet</u> . (Table 7-2-3). A score of 100 or more is required for passing; or <u>Engineering Certification</u> by registered professional engineer, with seal (Table 7-1-1) certifying control of the run-off from a one-half (1/2) inch rain.
3) All development with more than twenty-four (24%) percent of built-upon area. (See Note 2)	<u>Engineering Certification</u> by registered professional engineer, with seal (Table 7-1-1) certifying control of the run-off from a one inch (1") rain.
Note: 1) The owner, developer, or person submitting the Watershed Development Plan shall indicate which Performance Standard shall be used for review and approval. 2) Within a WS-III watershed, development cannot exceed fifty (50%) percent built-upon area unless it is non-residential development and has received an additional allocation option in compliance with Section 7-2.3(B)1).	

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TABLE 7-2-2

Residential Scoresheet

Maximu Points	Factor	Point Value	Points Earned
20	1. Zone: AG or RS-40	10	
	PD-R (Single Family Detached & Cluster)	15	
	PD-R (Cluster Exclusively)	20	
25	2. Built-upon Area: 0 - 3%	25	
	3 - 7%	20	
	7 - 10%	15	
	10 - 15%	10	
25	3. Proximity to Floodway as Defined By The Federal Insurance Administration: More than 2000 feet	25	
	1000 - 2000 feet	20	
	500 - 1000 feet	15	
	100 - 500 feet	10	
	50 - 100 feet	5	
10	4. Soil Type as Defined on pg. 29 and Table 7, pg. 57 Guilford County Soil Survey: Slight	10	
	Moderate	5	
25	5. Drainage - Protect and Use Natural Drainageways		
	Piped or Improved Drainage With Rip-Rap	5	
	Dispersed Drainage or Protected Drainageways	10	
	Dispersed Drainage and Protected Drainageways	20	
	Enhanced and Protected Natural Drainageways	25	
25	6. Slope - Low Percentage of Slope: 0 - 6% Average Slope of Subdivision or Lot	25	
	6 - 10%	20	
	10 - 15%	5	
25	7. Land Cover - High Percentage of Natural and Stabilizing Vegetation		
	50' Stream Buffer and Natural or stabilizing vegetation on greater than 25% of the lot	25	
	50' Stream Buffer and Natural or stabilizing vegetation on 15 - 25% of lot	20	
	50' Stream Buffer and Natural or stabilizing vegetation on 10 - 15% of lot	15	
	Natural or stabilizing vegetation between units and water	10	
	Ornamental lawn on greater than 5% of the lot	5	
25	8. Run-off Control Strategies: Maximum Runoff Control	25	
	Moderate Runoff Control	20	
	Runoff control in excess of minimum requirements of Erosion Control Ordinance	15	
	Runoff control equal to minimum requirements	5	
10	9. Sewage Disposal: Public Sewer Service	10	
10	10. Road and Driveway Design: with Vegetated Ditches	10	
	with Piped Drainage and/or Curb and Gutter and Energy Dissipators	5	
Total: 200		Total	

NOTE:

- 1) All plans must have 100 or more points and meet all other requirements to be accepted.
- 2) Do not use this table if gross density exceeds 2 dwelling units per acre or built-upon area greater than 24%.

SUBMISSION REQUIREMENTS

SINGLE FAMILY: Rated prior to approval of a Preliminary Plat. Individual homes on individual lots are not rated.

MULTI-FAMILY: Rated prior to approval of a site plan.

RATING SYSTEM DEFINITIONS

1. Conditional use rezonings will be given the appropriate bonus points if the use and site plan conditions meet the requirements of the bonus zone, such as clustering development on the best soils and terrain of the site.
2. A gravel surface is considered built-upon area.
3. Proximity to floodway is determined by measuring or scaling the distance from the floodway to the closest boundary of the tract.
4. Self explanatory.
5. Protected Drainageway means drainage is channeled by pervious devices such as sod waterways, berms, channels or swales which have been constructed to resist soil erosion by either vegetating, netting, rip-rapping or a combination of those, and which allows infiltration of water into the soil.

Dispersed Drainage means spread out, as opposed to collecting the runoff in channels, so as to effect increased sheet flow and overland flow.

Improved Drainageway means channeled by impervious surfaces such as curb and gutter or concrete (gunnite, bituminous, etc.) channels.

Enhanced Drainage means carried by existing natural drainageways which have been enhanced to resist soil erosion, including stream bank degradation.

6. All slopes are before development.
7. If all or part of an existing lot containing natural or stabilizing vegetation is dedicated to the public for park and open space purposes; such land will count in computing the score.

Stabilizing Vegetation means any vegetation that protects the soil against erosion.

8. Maximum Runoff Control means approximately one hundred (100%) percent of built-upon area runoff must pass through permanent retention or wet detention pond(s).

Moderate Runoff Control means at least seventy-five (75%) percent of built-upon area runoff must pass through permanent retention and/or wet detention pond(s).

Runoff Control in Excess of Erosion Control Ordinance means at least fifty (50%) percent of built-upon area runoff must pass through permanent retention of permanent wet detention pond(s).

Runoff Control Equal to Minimum Requirements means velocity control of runoff.

Detention Pond means a pond which collects stormwater runoff, filters the water and releases it slowly over a period of hours or days. It does not have a permanent pool and is sometimes referred to as a dry pond.

Wet Detention Pond means a pond that has a permanent pool and also collects stormwater runoff, filters the water and releases it slowly over a period of days.

Retention Pond means a pond that has a permanent pool.

9. No points will be allowed for on-site septic tank systems or private sewage treatment systems.
10. Self Explanatory.