

## 2-2 DEFINITION INDEX

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**ARTICLE III**  
**PERMITS AND PROCEDURES**

**3-1 PERMIT REQUIRED**

No person shall undertake any development activity subject to this Ordinance without first obtaining a permit from the Town of Sedalia.

**3-2 PERMIT EXEMPTIONS**

**3-2.1 Building Permit Exemptions**

The following are exempt from building permit requirements:

- (A) Facilities for storing, handling and utilizing liquified petroleum gases for fuel and anhydrous ammonia or other liquid fertilizers; but not including tanks and tank farms;
- (B) Facilities of a public utility or an electric or telephone membership corporation (except buildings);
- (C) Accessory buildings with no horizontal dimension greater than twelve (12) feet; and
- (D) Federal or State owned buildings.

**3-2.2 Grading Permit Exemptions**

The following land-disturbing activities are exempt from grading permit requirements:

- (A) For the purpose of fighting fires;
- (B) For the stock piling of raw or processed sand, stone, or gravel in material processing plants and storage yards, provided that sediment control measures have been utilized to protect against off-site damage;
- (C) Areas that do not exceed one (1) acre in surface area. In determining the area, lands under one or diverse ownership being developed as a unit shall be aggregated;
- (D) Those undertaken on agricultural land for the production of plants and animals useful to man, including but not limited to: forage and sod crops, grain and feed crops, tobacco, cotton and peanuts; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding and grazing of any or all such animals; bees and aviary products; fur animals;
- (E) Those undertaken on forest land for the production and harvesting of timber and timber products and which are conducted in accordance with Forest Practice Guidelines Related to Water Quality (best management practices) as adopted by the North Carolina Department of Environment, Health and Natural Resources (DEHNR). If land-disturbing activity undertaken on forestland for the production and harvesting of timber and timber products is not conducted in accordance with Forest Practice Guidelines Related to Water Quality, the provisions on this Ordinance shall apply to such activity and any related land-disturbing activity on the tract;
- (F) Mining activity undertaken by persons as defined in NCGS 113A-52(8) who are otherwise regulated by the provisions of The Mining Act of 1971, NCGS 74-46 through 74-68; and
- (G) Land-disturbing activity over which the State has exclusive regulatory jurisdiction as provided in NCGS 113A-56(a).

3-2.3 Sign Permit Exemptions

No sign permit shall be required for signs exempted by Section 6-1 (Sign Regulation).

3-3 PERMIT APPLICATIONS

3-3.1 General Requirements

- (A) Submission: Unless otherwise specified, all applications for permits under this Ordinance shall be submitted by the owner of the property or the authorized agent of such owner. The Enforcement Officer may require reasonable proof of agency from any person submitting an application as an agent.
- (B) Form of Submission: An application for any permit under this Ordinance shall be submitted in such form, number of copies and format as required by Appendix 3 (Table of Required Information for Obtaining a Permit), together with such fees as required.
- (C) Waiver of Submission Requirements: The Sedalia Planning Board may waive submission of required elements of information when in their opinion such information is otherwise available or is not necessary to review the application. The Enforcement Officer may refuse to process an incomplete application.
- (D) Processing: All applications for permits shall be submitted, reviewed and processed in accordance with the requirements of this Ordinance.
- (E) Approved Plans: A copy of required plans or information submitted with the application shall be returned to the applicant after the Sedalia Planning Board has marked the copy either approved or disapproved and attested to same. A similarly marked copy shall be retained by the Enforcement Officer.
- (F) Improvement Permit and Authorization to Construct Required: A permit for any building or use for which a State or County Health Department Improvement Permit for installation of a well and/or an Improvement Permit/Authorization to Construct a new sewage disposal system is required shall not be issued until such Improvement Permit or Authorization to Construct has been issued by the State or County Health Department.

3-3.2 Building, Sign, Use/Location Permits

Application for a building, sign, and use/location permits shall be made to the Sedalia Planning Board.

3-3.3 Event Permit

- (A) Application: Application for an event permit shall be made to the Enforcement Officer at least three (3) working days prior to the start of the event.
- (B) Permit Required: An event permit shall be obtained for non-permanent facilities and activities which will have a duration more than three (3) days but not more than thirty (30) days. Examples of this type of event uses are: a carnival, a turkey shoot, a revival or similar activity conducted on a short term basis. Turkey shoots may have a duration not to exceed ninety (90) days. Refer to Section 6-4 (Development Standards) for additional requirements for Turkey Shoots.
- (C) Purpose of Permit: The purpose of this permit will be to authorize a specific use for a defined period of time; and to coordinate health, traffic, and other code specific inspections necessary to the safe and healthful operation of the event.
- (D) Permit Issuance: The event permit shall not be issued until evidence is shown that the following conditions have been or will be complied with:
  - 1) Ample off-street parking shall be provided for the event, in addition to required parking for the use or uses located at the event site;

- 2) The owner of the property where the event is to be held, or his agent, shall provide to the Enforcement Officer written authorization that the event may take place on the property;
  - 3) An event held outside of a building and within five hundred (500) feet of any residence shall cease operation by 10:00 p.m.;
  - 4) Noise shall be controlled so that no adjoining property owner or occupant is unduly disturbed by the event; and
  - 5) Licenses and/or permits required by other agencies shall be obtained prior to the issuance of the event permit.
- (E) Maximum Number of Permits: No more than three (3) permits may be issued on the same property for the same event in any one calendar year.

### 3-3.4 Grading Permit

Application for a grading permit shall be made to the Enforcement Officer, in accordance with provisions of Section 7-4 (Soil Erosion and Sedimentation Control). A Certificate of Erosion Control Performance is required in accordance with Section 3-8.3.

### 3-3.5 Floodplain Development Permit

Application for a Floodplain Development Permit shall be made to the Sedalia Planning Board on appropriate forms prior to any development activities, and shall include, but not be limited to the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- (A) Where base flood elevation data is provided in accordance with Article 7-5.3(B), the application for a Floodplain Development Permit shall show:
  - 1) The elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and
  - 2) If a nonresidential structure has been floodproofed in accordance with Article 7-5.6,(B)2), the elevation (in relation to mean sea level) to which the structure was floodproofed.
- (B) Base Flood Elevation not Provided: Where base flood elevation data are not provided, the application for a development permit must show construction of the lowest floor at least two (2) feet above the highest adjacent grade.
- (C) Watercourse Alteration or Relocation: Where any watercourse will be altered or relocated as a result of proposed development in a flood hazard area, the application for a development permit shall include: a description of the extent of watercourse alteration or relocation; a report certified by a registered professional engineer on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects on properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation.
- (D) Certificate Required: A floor elevation or flood-proofing certificate is required in accordance with Section 3-8.4. When a nonresidential structure is floodproofed, the applicant shall provide a certificate from a registered professional engineer or architect that the nonresidential floodproofed structure meets the floodproofing criteria.



- (E) Temporary Structure: Prior to the issuance of a floodplain development permit for a temporary structure, the following requirements must be met:
- 1) All applicants must submit to the Enforcement Officer a plan for the removal of such structure(s) in the event of a hurricane or flash flood notification. The plan must include the following information:
    - a) The name, address and phone number of the individual responsible for the removal of the temporary structure;
    - b) The time frame prior to the event at which a structure will be removed;
    - c) A copy of the contract or other suitable instrument with a trucking company to insure the availability of removal equipment when needed; and
    - d) Designation, accompanied by documentation, of a location outside the floodplain to which the temporary structure will be moved.
- (F) Accessory Structure: When accessory structures (sheds, detached garages, etc.) with a value of three thousand dollars (\$3,000) or less are to be placed in the floodplain, the following criteria shall be met:
- 1) Accessory structures shall not be used for human habitation;
  - 2) Accessory structures shall be designed to have low flood damage potential;
  - 3) Accessory structures shall be firmly anchored in accordance with Section 7-5.6; and
  - 4) Section facilities, such as electrical and heating equipment, shall be elevated in accordance with Section 7-5.6.

### 3-4 PERMIT ISSUANCE

#### 3-4.1 Permit Sequence

- (A) Order of Review and Issuance: The order of permit issuance shall be as follows:
- 1) A Grading Permit may be issued in advance of other permits and plan approvals, except watershed development plans;
  - 2) If required, a Health Department Improvement Permit/Authorization to Construct for well or septic, driveway permit, sewer and water construction plans, site or plot plan, and watershed development plan shall be issued, approved, or authorized prior to issuance of a building, sign, use, location or occupancy permit.
- (B) Recordation of Final Plats: Recordation of Final Plats may be deferred on group development projects and projects in excess of fifty thousand (50,000) square feet of gross floor area. A Certificate of Occupancy may not be issued until all platting requirements are met.
- (C) Phasing of Projects: Phased projects may be occupied in phases as long as compliance is achieved in each phase, and access and other requirements are met.
- (D) Permits Prior to Final Plan Approval: The Enforcement Officer may issue permits for model homes, temporary construction trailers, safety structures, and other customary construction mobilization structures prior to site plan and final plat approval.
- (E) Concurrent Review: Review of plans may be concurrent.

### 3-4.2 Fees

The Governing Body may establish a Schedule of Fees, charges and expenses, and a collection procedure, for building permits, sign permits, use/location permits, conditional use and special use permits, grading permits, variances, waivers, appeals and other matters pertaining to this Ordinance. No permit, certificate, variance etc. shall be issued unless or until such costs, charges, fees, or expenses as established, have been paid in full, nor shall any action be taken on proceedings before the administrative board authorized by this Ordinance unless or until charges and fees have been paid in full.

## 3-5 PERMIT APPEALS

### 3-5.1 Permit Denial

Any owner or occupant who has been denied a permit may appeal the denial by giving notice of appeal in writing to the Town of Sedalia within (15) days, in accordance with Section 9-8 (Appeals).

### 3-5.2 Appellant Body

An appeal from permit denial shall be made to the appropriate body in accordance with Section 9-8 (Appeals).

## 3-6 INSPECTIONS AND INVESTIGATIONS

### 3-6.1 Periodic Inspections

The Enforcement Officer shall have the right, upon presentation of proper credentials, or inspection warrant if necessary, to enter on any premises within the jurisdiction of the Governing Body at any reasonable hour for the purposes of inspection, determination of plan compliance or other enforcement action.

### 3-6.2 Investigation

The Enforcement Officer shall have the power to conduct such investigation as he may reasonably deem necessary to carry out his duties as prescribed in this Ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any complaints or alleged violations of this Ordinance.

### 3-6.3 Written Statements

The Governing Body or its agent shall also have the power to require written statements, certificates and certifications or the filing of reports under oath, with respect to pertinent questions relating to complaints or alleged violations of this Ordinance.

## 3-7 PERMIT EXPIRATION

### 3-7.1 Building, Sign, Use/Location Permit Expiration

- (A) Start of Construction: If the work authorized by a building, sign, use, or location permit has not begun within one-hundred and eighty (180) days from the date of issuance thereof, the permit shall be void and a new permit, consistent with all provisions of this Ordinance, shall be required. For purposes of this Section, construction shall be deemed to have begun at the time of completion of an approved foundation inspection.
- (B) Permit Continuance: If, after start of construction, the work is discontinued for a period of one (1) year, the permit shall immediately expire. No work authorized by any permit that has expired shall thereafter be performed until a new permit has been secured.
- (C) Posting: The building sign, use, or location permit must be posted in a prominent place on the site at all times it is in effect.

3-7.2 Grading Permit Expiration

- (A) Expiration: A grading permit shall be valid for one (1) year unless it is revoked by the Town of Sedalia or the grading project is completed and a Certificate of Compliance is issued by the Enforcement Officer within the one (1) year period.
- (B) Renewal: The grading permit may be reissued for an additional one hundred eighty (180) day period, if adequately justified, by making a written request to the Sedalia Planning Board. No permit fee will be required for reissuance of a grading permit; however, the applicable surety shall remain in effect.
- (C) Eighteen (18) Month Limit: If grading or protection of the site is not completed within eighteen months, the person conducting the land-disturbing activity shall be required to obtain a new grading permit by following the same procedures whereby the original permit was issued.
- (D) Posting: The grading permit must be posted in a prominent place on the site of the land-disturbing activity at all times it is in effect.

3-7.3 Improvements Permit Expiration

- (A) Application Expiration: The application and pertinent information prepared as necessary to obtain an Improvements Permit becomes invalid two (2) years from the date of application or expires upon expiration of the Preliminary Plat whichever comes first.
- (B) Permit Expiration:
  - 1) Improvements Permits for which a plot plan is provided shall be valid without expiration.
  - 2) Improvements Permits for which a health drawing is provided shall be valid for five (5) years.
  - 3) An Improvement Permit, once approved, may be revoked, pursuant to Section 8-4.6, if there has been alternation of the site or soil conditions, changes to the proposed facility, or document falsification causing revocation of the permit.

3-8 CERTIFICATE REQUIREMENTS

3-8.1 Certificate of Occupancy and Compliance

- (A) Certificate of Occupancy Required: No land, building, or sign shall be structurally altered, erected, moved, occupied, or its use changed until a Certificate of Occupancy is issued by the Town of Sedalia. This certificate shall state that the building and/or proposed use thereof complies with the provisions of this Ordinance. Farm uses and buildings, except residences, are exempt from the provisions of this Ordinance outside municipalities.
- (B) Nonconforming Use: A Certificate of Occupancy shall be required for the purpose of renewing or altering a nonconforming use.
- (C) Certificate of Occupancy Application: A Certificate of Occupancy shall be applied for concurrently with the application for a building, sign, use/location permit.
- (D) Issuance: A Certificate of Occupancy shall be issued as soon as practical after completion of construction or alterations of such building or sign after:
  - 1) Inspection by the Enforcement Officer to determine compliance with all applicable provisions of this Ordinance;
  - 2) If required, issuance of an Operations Permit for a septic system or other approved sanitary disposal method by the County or State Health Department;

- 3) Compliance with all applicable provisions of related health, building, and fire codes.
- (E) Certificate of Occupancy and Compliance: A Certificate of Occupancy may also serve as a Certificate of Compliance under the building code, in which case it shall be known as a Certificate of Occupancy and Compliance.

### 3-8.2 Temporary Certificate

A Temporary Certificate of Occupancy may be issued by the Sedalia Planning Board prior to the completion of all construction, alterations, or changes if such occupancy will not violate any health or safety considerations of applicable codes.

- (A) Time Period: A Temporary Certificate of Occupancy may be for a time period as the Enforcement Officer deems appropriate to complete the work, but not to exceed one hundred eighty (180) days.
- (B) Surety: A surety will be posted in an amount sufficient to insure that the missing elements specified in the plan will be accomplished within the period of the Temporary Certificate of Occupancy.
- (C) Work Incomplete: If the work is not completed within the period of the Temporary Certificate of Occupancy, the Enforcement Officer shall notify the owner. The owner shall cease use of the building and land immediately and shall not resume such use until a Certificate of Occupancy has been issued. Failure to cease use shall subject the owner or operator to civil penalties and other enforcement actions available under this Ordinance and Compliance with all applicable provisions of related health, building, and fire codes.
- (D) Certificate of Operation: If required, an Operations Permit for a septic system, or other approved sanitary disposal method, must be issued by the County or State Health Department prior to temporary occupancy.

### 3-8.3 Certificate of Erosion Control Performance

A Certificate of Erosion Control Performance shall be issued after initial soil erosion and sedimentation control devices have been installed, inspected and certified to be installed and functioning properly in accordance with an approved grading plan. After issuance of a grading permit, grading on the site shall be limited to that required to install soil erosion and sedimentation control devices until the Certificate of Erosion Control Performance is issued.

### 3-8.4 Certificate of Floor Elevation/Flood Proofing

If the property is located in a flood hazard area, a Certificate of Floor Elevation or Flood Proofing after the lowest floor is completed shall be provided within twenty-one (21) days of establishment of the flood-proofing by whatever construction means. It shall be the duty of the permit holder to submit to the Town of Sedalia a certificate of the elevation of the lowest floor, flood-proofed elevation, or the elevation of the bottom of the horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by or under direct supervision of a professional engineer or architect and certified by same. Any work done within the twenty-one (21) day period and prior to submission of the certification shall be at the permit holder's risk. The Town of Sedalia shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make corrections required hereby shall be cause to issue a stop-work order for the project.

### 3-8.5 Certificate of Appropriateness

A Certificate of Appropriateness shall be required for all activities specified in Section 4-11.1 (Historic District Overlay) and any property designated as an Historic Landmark Property by the Historic Preservation Commission whether a building permit is otherwise required or not.

### 3-8.6 Record

A record of all certificates shall be kept on file by the Enforcement Officer.

### 3-8.7 Construction and Use

Construction and use as provided in the Certificate of Occupancy, building permit, use/location permit, sign permit or grading permit issued on the basis of approved plans or applications authorizes only the use, arrangement, and construction set forth in such approved plans or applications. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation.

## 3-9 DEDICATION OR RESERVATION OF RIGHT-OF-WAY

### 3-9.1 Dedication of Right-of-Way with Density Transfer

Whenever a tract of land located within the Jurisdiction is proposed for subdivision or for use pursuant to a special use permit, and a portion of it is embraced within a corridor for a street or highway on a plan established and adopted pursuant to NCGS 136-66.2, the Jurisdiction may provide for the dedication of right-of-way within that corridor pursuant to any applicable legal authority, or:

- 1) The Jurisdiction may require an applicant for subdivision plat approval or for a special use permit, or for any other permission pursuant to a land use control ordinance authorized by local act to dedicate for street or highway purpose, the right-of-way within such corridor if the Jurisdiction allows the applicant to transfer density credits attributable to the dedicated right-of-way to contiguous land owned by the applicant. No dedication of right-of-way shall be required pursuant to this Section unless the board or agency granting final subdivision plat approval or the special use permit, or permission shall find, prior to the grant, that the dedication does not result in the deprivation of a reasonable use of the original tract and that the dedication is either reasonably related to the traffic generated by the proposed subdivision or use of the remaining land or the impact of the dedication is mitigated by measures provided in this Ordinance.
- 2) If the Jurisdiction does not require the dedication of right-of-way within the corridor pursuant to subsection 1) of this Section or other applicable legal authority, but an applicant for subdivision plat approval or a zoning or building permit, or any other permission pursuant to land use control ordinance authorized by local act elects to dedicate the right-of-way, the Jurisdiction may allow the applicant to transfer density credits attributable to the dedicated right-of-way to contiguous land that is part of a common development plan.

### 3-9.2 Reservation of Right-of-Way Through Official Roadway Corridor Maps

- (A) Authority: Under the authority granted by NCGS 136-2E Governing Bodies or NC Department of Transportation may from time to time adopt, amend, supplement, or change a roadway corridor official map for any streets or roadways identified on the adopted Thoroughfare Plan.
- (B) Effect of Roadway Corridor Official Map
  - 1) After a roadway corridor official map is filed with the Register of Deeds, no building permit shall be issued for any building or structure or part thereof located within the roadway corridor, nor shall approval of a subdivision, as defined in Article V (Subdivisions: Procedures and Standards), be granted with respect to property within the roadway corridor. The provisions of this Section shall not apply to valid building permits issued prior to the effective date of this Section, or to building permits for buildings and structures which existed prior to the filing of the roadway corridor, provided the size of the building or structure is not increased and the type of building code occupancy as set forth in the NC Building Code is not changed.
  - 2) No application for building permit issuance or subdivision plan approval shall be delayed by the provisions of this Section for more than three (3) years from the date of the original building permit or subdivision plan submittal.
  - 3) Real property that lies within a roadway corridor marked on an official map is designated a special class of property and is taxable at twenty (20%) percent of the general tax rate levied on real property by the taxing unit in which the property is situated if:

- a) As of January 1, no building or other structure is located on the property; and
- b) The property has not been subdivided, as defined in Article V (Subdivisions: Procedures and Standards), since it was included in the corridor.

### 3-10 SURETIES OR IMPROVEMENT GUARANTEES

#### 3-10.1 Agreement and Security

(A) Financial Guarantee in Lieu of Immediate Installation for Approval: In lieu of requiring the completion, installation, and dedication of all improvements prior to final plat approval or issuance of the Certificate of Occupancy, the Jurisdiction may enter into an agreement with the developer whereby the developer shall complete all required improvements. Once said agreement is signed by the developer and the security required herein is provided, the final plat may be approved or the Certificate of Occupancy may be issued, if all other requirements of this Ordinance are met. To secure this agreement, the developer shall provide, any or a combination of the following guarantees to cover the costs of the uncompleted improvements;

1) Surety Performance Bond(s)

- a) The developer shall obtain a surety bond from a surety bonding company authorized to issue said bonds in North Carolina.
- b) The bond shall be payable to the Jurisdiction and shall be in an amount equal to the entire estimated cost as approved by the Jurisdiction, of installing all uncompleted improvements.

2) Cash or Equivalent Security

- a) The developer shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the Jurisdiction or in escrow with a financial institution. The use of any instrument other than cash shall be subject to approval of the Jurisdiction. The amount of deposit shall be equal to the entire estimated cost, as approved by the Jurisdiction, of installing all uncompleted improvements.
- b) If cash or other instrument is deposited in escrow with a financial institution as provided above, then the developer shall file with the Jurisdiction an agreement between the financial institution and himself guaranteeing the following:
  - i) that said escrow account shall be held in trust until released by the Jurisdiction and may not be used or pledged by the developer in any other matter during the term of the escrow; and
  - ii) that in case of a failure on the part of the developer to complete said improvements, the financial institution shall, upon notification by the Jurisdiction immediately pay the funds deemed necessary by the Jurisdiction to complete the improvements, up to the full balance of the escrow account, or deliver to the Jurisdiction any other instruments fully endorsed or otherwise made payable in full to the Jurisdiction.

(B) Duration of Financial Guarantees

- 1) The duration of a financial guarantee shall be of a reasonable period to allow for completion and acceptance of improvements. In no case shall the duration of the financial guarantee for improvements exceed two (2) years.
- 2) All developments whose improvements are not completed and accepted fourteen (14) days prior to the expiration of the financial guarantee shall be considered to be in default. Said guarantee may be extended with the consent of the Jurisdiction, if such extension takes place prior to default.

(C) Default

- 1) Upon default, the surety bonding company or the financial institution holding the escrow account shall, if requested by the Jurisdiction, pay all or any portion of the bond or escrow fund to the Jurisdiction up to the amount deemed necessary by the Jurisdiction to complete the improvements. Upon payment, the Jurisdiction shall expend such funds or portion thereof to complete all or any portion of the required improvements. The Jurisdiction shall return any funds not spent in completing the improvements. Default on a project does not release the developer from liability and responsibility for completion of the improvements.
- 2) Release of Guarantee Security: The Jurisdiction may release a portion or all of any security posted as the improvements are completed and approved by the Jurisdiction.

3-10.2 Oversized Improvements

The Jurisdiction may require installation of certain oversized utilities or the extension of utilities to adjacent property when it is in the interest of future development. If the Jurisdiction requires the installation of oversized improvements, the Jurisdiction shall reimburse the developer for the oversizing based on the rates set by the Jurisdiction.

3-11 SITE PLAN AND PLOT PLAN PROCEDURES

3-11.1 Applicability

- (A) Health Drawing/Plot Plan Required: No building permit for a single-family or two-family dwelling and their accessory(s) on a single lot shall be issued until an Authorization to Construct, if required; and a Plot Plan, prepared in accordance with Appendix 2 (Map Standards), has been approved.
- (B) Site Plan Required: No other building permit shall be issued on a lot until a Site Plan, prepared in accordance with Appendix 2 (Map Standards), has been approved for the development. Except that no new or amended Site Plan shall be required if an adequate Site Plan is already on file, no change in the parking requirements is required, and no increase in built-upon area is proposed or required.

3-11.2 Submission of Site Plans

- (A) Timing: Site Plans for review by the Planning Board shall be submitted to the Planning Department at least fourteen (14) days prior to the next scheduled meeting.
- (B) Site Plan Compliance: Site Plans shall contain all applicable information listed in Appendix 2 (Map Standards). The Site Plan shall consist of four sheets: a site layout, a water and sewer utility plan, a conceptual landscaping plan showing planting yard areas, types of plantings (i.e. canopy trees, understory trees, shrubs), and number of plantings, and a grading, erosion control and watershed development plan, if required. Depending on the scale or complexity of the development, any or all of the sheets may be combined. A site layout meeting the requirements of Article V (Subdivision:Procedures and Standards) of this Ordinance may also serve as the preliminary subdivision plat.
- (C) Fees: All fees shall be due and payable when the Site Plan is submitted according to the Schedule of Fees.

3-11.3 Coordination with Other Procedures

To lessen the time required to obtain all necessary approvals, the site plan approval process may run concurrently with building plan review; an application for Certificate of Appropriateness; an application for a grading permit, or other applications for approvals required for the particular project.

3-11.4 Site Plan and Plot Plan Approval

- (A) Approval of Site/Plot Plan: The Site Plan or Plot Plan shall be approved when it meets all requirements of this Ordinance or proper waivers and/or variances are obtained.

- (B) Approval Authority: Site Plans submitted for developments, or additions to existing developments may be recommended by the Planning Board and approved by the Governing Body.
- (C) Action by Planning Board: If the Site Plan is recommended, the applicant may proceed with other requirements necessary to obtain a Building Permit. If the Planning Board denies the Site Plan, reasons for the denial shall be stated in writing and the Site Plan may be revised and resubmitted. The Planning Board shall take action within thirty (30) days of reviewing the Site Plan. If the Site Plan is denied, or if no action is taken within thirty (30) days by the Planning Board, the applicant may appeal the Site Plan to the Governing Body. The appeal may be made within fifteen (15) days after denial, or lack of action by the Planning Board.
- (D) Action by Governing Body: If a Site Plan is recommended to the Governing Body, it shall be scheduled, subject to filing deadlines, to be reviewed at the next regularly scheduled meeting. The Governing Body shall take action within thirty (30) days of reviewing the Site Plan. The Governing Body may approve, conditionally approve, or deny the Site Plan.
- (E) Conditional Approvals: If the Site Plan is granted conditional approval by the Governing Body, the applicant shall revise and resubmit the Site Plan. The Planning Department shall review the revised Site Plan and, if it meets all the approval conditions and is otherwise substantially unaltered, shall signify on the plan the change from conditional approval to approval. If the Site Plan is not revised within sixty (60) days to meet the approval conditions, or the applicant notifies the Planning Department that he is unwilling to revise the Site Plan, it shall be deemed denied.
- (F) Expiration of Site Plan or Plot Plan Approval: If construction or development does not begin within two (2) years following site plan or plot plan approval; or is begun within two (2) years and then discontinued for a period greater than one-hundred and eighty (180) days; such approval shall expire, and a new site plan or plot plan must be submitted in accordance with the procedures in this Section.

### 3-11.5 Street and Utility Construction

- (A) Plans: When required street and utility construction plans for all public or private streets, and water, sanitary sewer, and storm sewer facilities shall be submitted to the Jurisdiction following conditional approval or approval of the Site Plan. For each phase of the Site Plan, street and utility construction plans shall include all improvements lying within or adjacent to that section as well as all water and sanitary sewer lines lying outside that section and being required to serve that section.
- (B) No Construction Without Plan Approval: None of the improvements listed above shall be constructed until the street and utility construction plans for such improvements have been reviewed and approved by the appropriate authority.
- (C) Inspections: Work performed pursuant to approved street and utility construction plans shall be inspected and approved by the appropriate authority.

### 3-11.6 Runoff Control Structures and Soil Erosion and Sedimentation Control Devices Installation

Any approved permanent runoff control structure(s) and soil erosion and sedimentation control device(s) may be installed prior to approval of street and utility construction plans.

### 3-11.7 Permits

Upon approval of the Site Plan, the developer shall be eligible to apply for building and any other permits and authorizations as required by this Ordinance or other laws, unless otherwise provided in this Ordinance.



### 3-12 ZONING MAP AND TEXT AMENDMENTS

#### 3-12.1 General Requirements

- (A) Amendments and Modifications: Zoning regulations, restrictions, and zone boundaries as shown on the Official Zoning Map may from time to time be amended, supplemented, changed, modified or repealed according to the provisions of this Ordinance.
- (B) Prior Building Permit Approval: Amendments, modifications, supplements, repeal or other changes in zoning regulations and zone boundaries shall not be applicable or enforceable without the consent of the owner with regard to lots for which building permits have been issued, pursuant to state law, prior to the enactment of the ordinance making the change or changes, so long as the permits remain valid and unexpired or not revoked.
- (C) Authorized Submission: The Governing Body, any Local Board, Commission or Department or any person who resides or owns property within the zoning jurisdiction of the Town of Sedalia may petition for an amendment to this Ordinance.

#### 3-12.2 Requirements for Zoning Map Amendments

- (A) General Requirements: Any person authorized to seek an ordinance amendment shall submit an application according to a form provided by the Planning Department, along with other required information pursuant to Appendix 2 (Map Standards) in cases where sketch plans or site plans are required.
- (B) Fee: All fees shall be due and payable when the application is made according to the Schedule of Fees.
- (C) Filing of Application:
  - 1) No application for rezoning to the same district shall be filed within a one (1) year period from the date of final action on the previous rezoning request (other than a withdrawal, subject to the provisions of Section 3-12.2(F) Application Withdrawal, prior to the public hearing) on a given parcel of land or portion thereof unless the Planning Board determines that evidence submitted to them merits consideration for a public hearing at their next meeting.
  - 2) A second request for the same parcel of land or portion thereof for a different zoning district may occur within a one (1) year period from final action on the initial request.
  - 3) Under no circumstances may more than two (2) zoning map amendments be filed for rezoning a given parcel of land or any portion thereof within any one (1) year period.
- (D) Notification: The posting of signs, publishing of legal notices and other procedures as provided in Article IX (Administration) shall be followed.
- (E) Public Hearing: The Planning Board shall hold a public hearing on the application. The Planning Department shall present the application to the Planning Board, together with the Planning Department's recommendations, at the first regularly scheduled meeting following proper filing and notice of the application.
- (F) Application Withdrawal:
  - 1) An application for amendment may be withdrawn by the applicant anytime before submission of the public notice to the newspaper announcing the public hearing.
  - 2) After submission of such notice, an application may be withdrawn at the discretion of the Planning Board or Governing Body at the public hearing.
  - 3) No more than two (2) withdrawals may occur on the same parcel of land or portion thereof within a one (1) year period.

- 4) No application shall be filed on the same parcel of land or portion thereof within a one (1) year period after the date of the second withdrawal.
- (G) Continuance: The Planning Board may continue a rezoning request for up to two (2) months provided the reason for said continuance is stated in the motion to continue. Nothing in this Section shall prohibit a continuance being granted for a greater period of time provided it is mutually agreed upon by all parties concerned. Upon failure of the Planning Board to act on a request immediately following all proper continuances, or if no action is taken, the petitioner may take the rezoning application to the Governing Body without a recommendation from the Planning Board.
- (H) Voting:
- 1) A favorable majority vote from the Planning Board shall constitute a favorable recommendation of the application and shall be forwarded to the Governing Body.
  - 2) Applications receiving less than a majority favorable vote or unfavorable from the Planning Board shall constitute an unfavorable recommendation of the application and shall be forwarded to the Governing Body.
  - 3) Applications that are denied by the Planning Board and subsequently appealed to the Governing Body shall require a simple majority vote to be approved.
- (I) Appeals:
- 1) Any decision of the Planning Board may be appealed to the Governing Body.
  - 2) Such Appeals shall be made within fifteen (15) days of the decision by filing with the Clerk to the Governing Body a written notice of appeal.

### 3-12.3 Amendments to the Flood Zoning Map

- (A) Authorization to Amend: The location of any floodway zone or floodway fringe zone may be amended in cases where:
- 1) A flood control project of the federal, state, county or city government has substantially altered the flood hazard;
  - 2) Flood data indicates that the boundaries or either of the zones as shown on the official flood zoning map are no longer correct;
  - 3) A private individual, corporation, firm or governmental agency has submitted plans to the appropriate local authority, state agencies, and the Federal Emergency Management Agency for a channel improvement or relocation or a street or bridge which would affect the location of the existing zone boundaries as shown on the Official Flood Zoning Map. Any development activity requiring as a prerequisite an amendment to the Official Flood Zoning Map shall not be allowed until the amendment to the Official Flood Zoning Map is approved; or
  - 4) Amendment approval is a prerequisite whenever the proposed development or proposed use combined with the allowable encroachment of the floodway fringe and with any previously placed or previously approved encroachment in the floodway will increase the base flood elevation by more than one (1) foot. The increase in base flood elevation due to the allowable encroachment of the floodway fringe is listed in the Floodway Data Table in the Flood Insurance Study prepared by the Federal Emergency Management Agency (FEMA)
- (B) Application Process: Application for an amendment to the Official Flood Zoning Map shall be processed in the same manner as an amendment to the official zoning map. The applicant shall be responsible for submitting the proposed amendment and supporting documentation to the Federal Emergency Management Agency (FEMA) for its approval. The application for flood zone map amendments shall be deemed incomplete if not accompanied by a letter of approval from FEMA.

- (C) Conformance to State Statutes: The Official Flood Zoning Map and all amendments thereto shall be filed in accordance with NCGS 143–215.56(c).

### 3–12.4 Requirements for Text Amendments

- (A) Submission of Application: Applications to amend the text of this Ordinance shall be submitted to the Planning Department.
- (B) MDOC Recommendations: The Planning Department shall refer such applications to the Multi–jurisdictional Development Ordinance Committee (MDOC) for a recommendation. The MDOC shall make its recommendation to the Planning Board within sixty (60) days of said referral.
- (C) Planning Board Procedure: Applications for text amendments shall be processed, considered and voted upon in the same procedure as that required for zoning map amendments except that the Planning Board does not have authority to approve a text amendment.
- (D) Planning Board Recommendation: The Planning Board shall make a recommendation to the Governing Body concerning the proposed text amendment after receipt of the recommendation from MDOC.
- (E) Application Approval: The Governing Body shall approve or disapprove the text amendment after receipt of the recommendation from the MDOC and Planning Board.
- (F) Amendments to Soil Erosion and Sedimentation Control Requirements: The Town of Sedalia shall incorporate revisions required by the Commission within eight (8) months following receipt of the required revisions. If standards and provisions of this Ordinance currently meet or exceed the required revisions, the Commission shall be so notified within ninety (90) days of their receipt.
- (G) Amendments to Water Supply Watershed Regulations: Amendments to the water supply watershed regulations found in this Ordinance are required by G.S. 143–214.5 to be reviewed and approved by the N.C. Environmental Management Commission (EMC). The Planning Department shall refer copies of all amendments upon adoption to the Supervisor of the Classifications and Standards Group, Water Quality Section, N.C. Division of Environmental Management. Amendments to the water supply watershed regulations shall not be effective until approved by the EMC.

### 3–12.5 Amendments to the Designated Water Supply Watershed Maps

- (A) Authorization to Amend: The Water Supply Watershed Maps may be amended in cases where:
  - 1) A new water supply watershed is established;
  - 2) A Watershed Critical Area boundary is changed;
  - 3) A Watershed Critical Area tier line is shifted; or
  - 4) A water supply watershed classification is changed.
- (B) Application Process: Applications for Water Supply Watershed Map amendments shall be processed in accordance with the same procedures used for Zoning Map amendments.

### 3-13 CONDITIONAL USE DISTRICTS AND SPECIAL USE PERMITS

#### 3-13.1 Purpose of Conditional Use Districts

If the regulations and restrictions of a zoning district permitting a proposed use are inadequate to ensure the compatibility of the proposed development with the immediately surrounding neighborhood in accordance with the principles of this ordinance and applicable adopted plans, the property owner may apply for rezoning to a Conditional Use District bearing the same designation as a standard zoning district but subject to additional conditions. The owner shall in such application specify the nature of the proposed development and shall propose conditions to ensure compatibility between the development and the surrounding neighborhood.

#### 3-13.2 General Requirements

- (A) Conditional Use District Application: A Conditional Use District application shall be considered only upon request by the property owner(s)
- (B) Other Regulations Apply: Within a Conditional Use District, all standards and requirements of the corresponding zoning district shall be met, except to the extent that the conditions imposed are more restrictive than those standards.
- (C) Uses Within District: Within an approved Conditional Use District, no use shall be permitted except pursuant to the conditions imposed on the Conditional Use District in the approval of the rezoning.
- (D) Conditions: The conditions imposed may limit the uses which are permitted on the property to some one or more use(s) otherwise permitted in the zone. Such conditions may further specify the location on the property of the proposed use, the number of dwelling units, the location and extent of supporting facilities such as parking lots, driveways, and access streets, the location and extent of buffer areas and other special purpose areas, the timing of development, the location and extent of right-of-ways and other areas to be dedicated for public purposes, and other such matters as the applicant may propose as conditions upon the request.
- (E) Non-compliance to District Conditions: Any violation of a condition included in the approval of a Conditional Use District shall be treated the same as any other violation of this Ordinance and shall be subject to the same remedies and penalties as any such violation. Any violation of such a condition shall be deemed to be the same type of violation as the use of a property for a use not permitted under the district regulations, for the reason that any use permitted in a Conditional Use District is permitted only subject to the specified conditions.

#### 3-13.3 Procedure

Applications for Conditional Use Districts shall be processed, considered, and voted upon in the same procedure as that required for zoning map amendments.

#### 3-13.4 Special Use Permits

- (A) Approval Procedure: Applications for Special Use Permits shall be processed in accordance with the procedures used for the review of applications for zoning map amendments. All evidence presented at the public hearing in regard to applications for Special Use Permits shall be under oath. The Chairman of the Board or any member temporarily acting as Chairman shall administer oaths to witnesses.
- (B) Conditions for Approval: An application for a Special Use Permit shall be recommended by the Planning Board if and only if the Planning Board finds that:
  - 1) The proposed use is represented by an "S" in the column for the district in which it is located on the Permitted Use Schedule in this Ordinance.
  - 2) The proposed conditions meet or exceed the development standards found in Article VI (Development Standards).

- 3) Either the use as proposed, or the use as proposed subject to such additional conditions as the owner may propose or the Planning Board may impose, is consistent with the purposes of the District and compatible with surrounding uses.
  - 4) The Special Use Permit shall be granted when each of the following Findings of Fact have been made by the Planning Board or Governing Body:
    - a) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted;
    - b) That the use meets all required conditions and specifications;
    - c) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
    - d) That the location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the Jurisdiction and its environs.
- (C) Greater Restrictions: In granting a Special Use Permit, the Planning Board may recommend and the Governing Body may impose more restrictive requirements upon such permit as it may deem necessary in order that the purpose and intent of this Ordinance are served.
- (D) Permit Denial: If the Planning Board or Governing Body fails to make the findings required by paragraph (B) or makes other findings inconsistent with the required findings, then such proposed permit shall be denied.
- (E) Permit Applicability: Any Special Use Permit so authorized shall be perpetually binding upon the property included in such permit unless subsequently changed or amended through application for a new or amended Special Use Permit or until a use otherwise permitted in the district is established.
- (F) Compliance with Approved Permit: No building or other subsequent permit or approval shall be issued for any development on property subject to a Special Use Permit except in accordance with the terms of the permit and the district.
- (G) Submission of Site Plans: Site plans for any development made pursuant to any Special Use Permit shall be submitted for review in the same manner as other development plans required by this Ordinance.
- (H) Minor Modification(s): In approving such Site Plans, the Governing Body may make minor modifications to the requirements of such Special Use Permit where such modification will result in equal or better performance and provided that the objective and purpose of the requirements and conditions of the Special Use Permit are maintained.
- (I) Amendment of Permit: The Governing Body may change or amend any Special Use Permit subject to the same consideration as provided for in this Ordinance for the original issuance of a Special Use Permit.
- (J) Timing of Amendment Proposal: No proposal to change or amend any Special Use Permit shall be considered within a one (1) year period after the date of the original authorization of such permit or within a one (1) year period after the hearing of any previous proposal to change or amend any such permit.
- (K) Effect of Invalidity: If for any reason any condition imposed pursuant to these regulations is found to be illegal or invalid, such Special Use Permit shall be null and void and of no effect.
- (L) Non-compliance with Permit Conditions: If after receiving a Notice of Violation for violation of the terms or conditions of a Special Use Permit, the owner fails to correct such violations within a reasonable time, then the Special Use Permit may, after a hearing, be revoked by the Governing Body. The Governing Body shall revoke such permit on all or part of a development if it finds that there has been a violation that: was intentional; or continued for an unreasonable time after the owner had notice thereof; or was substantially

inconsistent with the purposes of the district and continued for any time after the owner had notice thereof and the opportunity to cure. All of the other remedies of this ordinance for a zoning violation shall apply to a violation of the terms of a Special Use Permit. Civil and/or criminal penalties may accrue pending the correction of a violation of a Special Use Permit, notwithstanding the fact that the owner may correct the violation within a reasonable time for purposes of the revocation provisions of this paragraph.

### 3-14 NONCONFORMING LOTS, USES, AND STRUCTURES

#### 3-14.1 Nonconforming Lots of Record

(A) Single Lot of Record:

- 1) When a lot has an area or width which does not conform to the dimensional requirements of the district where located, but such lot was of record at the time of adoption of this Ordinance or any subsequent amendment which renders such lot nonconforming, then such lot may be used for a use permitted in the district where located, provided the following are complied with, setback dimensions and other requirements, except area or width.
- 2) In residential zones, only a single family dwelling shall be permitted on the nonconforming lot.
- 3) Nothing contained herein exempts a lot from meeting the applicable provisions of the Guilford County Board of Health regulations.

(B) Lots with Contiguous Frontage in One Ownership;

- 1) When two (2) or more adjoining and vacant lots with contiguous frontage are in one ownership and said lots individually have area or width which does not conform to the dimensional requirements of the district where located, but such lots were of record at the time of adoption of this Ordinance or any subsequent amendment which renders such lots nonconforming, such lots shall be considered as a single buildable lot or several buildable lots for any use permitted in the district where located provided the setback and all other requirements, not involving area or width, are complied with.
- 2) Nothing contained herein exempts the contiguous lots considered as a single buildable lot or lots from meeting the applicable provisions of the Guilford County Board of Health regulations.

(C) Reduction of a Lot of Record: A lot of record reduced to less than the required area, width, or setback dimension as the result of a condemnation or purchase by a local or state government agency shall become a non-conforming lot of record.

#### 3-14.2 Nonconforming Use of Land

(A) Continuance of Nonconforming Use of Land: Any nonconforming use legally existing at the time of adoption or amendment of this Ordinance, or any nonconforming use created by the extension of the jurisdiction, may be continued so long as it remains otherwise lawful subject to conditions provided in Section 3-14.2(B).

(B) Conditions for Continuance: Such nonconforming use of land shall be subject to the following conditions;

- 1) No nonconforming use shall be changed to another nonconforming use unless such use is determined to be of equal or less intensity. In determining whether a nonconforming use is of equal or less intensity, the Board of Adjustment shall consider:
  - a) probable traffic of each use;
  - b) parking requirements of each use;
  - c) probable number of persons on the premises of each use at a time of peak demand;

- d) off-site impacts of each use, such as noise, glare, dust, vibration or smoke.
  - 2) No such nonconforming use shall be enlarged, increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance. The number of dwelling units in a nonconforming residential use shall not be increased.
  - 3) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
  - 4) If any nonconforming use of land ceases for any reason for a continuous period of more than one (1) year, any subsequent use of such land shall be a permitted use in the district in which such land is located.
  - 5) The resumption of a nonconforming use of land shall not be permitted if such nonconforming use is superseded by a permitted use for any period of time.
  - 6) No additional structure(s) not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.
- (C) Junked Motor Vehicles: Any junked motor vehicle made nonconforming by adoption of this Ordinance shall be removed from the property or brought into compliance within 365 days following the date of adoption of this Ordinance.

### 3-14.3 Nonconforming Structures

- (A) Continuance of Nonconforming Structure: Any nonconforming structure legally existing at the time of adoption or amendment of this Ordinance or any nonconforming structure created by extension of jurisdiction may be continued so long as it remains otherwise lawful, subject to the conditions contained in Section 3-14.2(B).
- (B) Conditions for Continuance: Such nonconforming structures shall be subject to the following conditions:
- 1) No nonconforming structure may be enlarged or altered in any way which increases its dimensional deficiencies; however any nonconforming structure or portion thereof may be altered to decrease its dimensional deficiencies. Any enlargement of the structure shall conform to the current dimensional requirement.
  - 2) In the event of damage by fire or other causes to the extent exceeding fifty (50%) percent of its tax value prior to such damage as established by the County Tax Department, reconstruction of a nonconforming structure shall be permitted only in compliance with the dimensional provisions of this Ordinance.
  - 3) In the event of damage by fire or other causes to the extent causing less than fifty (50%) percent of its tax value prior to such damage as established by the County Tax Department, reconstruction of a nonconforming structure shall be permitted provided it is constructed:
    - a) in the same manner in which it originally existed; or
    - b) in compliance with the dimensional requirements.
  - 4) No nonconforming structure shall be moved or relocated unless it is made to comply with the dimensional and use requirements of the district in which it is relocated.
- (C) Preservation of Safe or Lawful Conditions: Nothing in this Ordinance shall prevent the strengthening or restoration to a safe or lawful condition any part of any building declared unsafe or unlawful, by the Building Inspector or other duly authorized official.

### 3-14.4 Nonconforming Situation Resulting from Governmental Acquisition

Any zone lot reduced in size by municipal, county or state condemnation or purchase of land shall obtain nonconforming lot or building status to the extent that said condemnation or purchase causes noncompliance with any provisions of this Ordinance.

### 3-15 HISTORIC DISTRICTS

Request for changes in the zoning classification of property within a historic district shall be processed and considered in the same manner and procedure as set forth in this Ordinance for rezoning requests, except that the Historic Preservation Commission shall forward a recommendation to the Planning Board prior to Planning Board taking action on any such request.

### 3-16 ZONING VESTED RIGHTS

#### 3-16.1 Establishment of a Zoning Vested Right

- (A) Establishment of Vested Right: A zoning vested right shall be deemed established upon the valid approval, or conditional approval, by the appropriate approval authority as specified in Section 3-16.2 of a site specific development plan, following notice and public hearing by the Governing Body.
- (B) Approval of Site Specific Development Plan:
  - 1) The approving authority may approve a site specific development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety and welfare.
  - 2) Notwithstanding subsections (A) and (B) above, approval of a site specific development plan with the condition that a variance be obtained shall not confer a zoning vested right unless and until the necessary variance is obtained.
- (C) Effective Date of Approval: A site specific development plan shall be deemed approved upon the effective date of the approval authority's action or ordinance relating thereto.
- (D) Effect of Additional, New or Amended Regulations: The establishment of a zoning vested right shall not preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations that are general in nature are applicable to all property subject to land use regulation by the Jurisdiction including, but not limited to, building, fire, plumbing, electrical and mechanical codes. Otherwise, the application of new or amended regulations shall become effective with respect to property that is subject to a site specific development plan upon the expiration or termination of the vested right in accordance with this Ordinance.
- (E) Vested Right Runs with Property: A zoning vested right is not a personal right, but shall attach to and run with the applicable property. After approval of a site specific development plan, all successors to the original landowner shall be entitled to exercise such right while applicable.

#### 3-16.2 Approval Procedures

- (A) Notice and Public Hearing: Notice of any proposed approval for a zoning vested right shall be as provided in Section 9-1.2(A)4). The Governing Body shall hold a public hearing on the matter in accordance with Section 9-2.3(A).
- (B) Approval by Governing Body: The following plans shall be vested for two (2) years from the date of approval by the Governing Body after review by the Planning Board following notice and public hearing by the Governing Board:
  - 1) a preliminary plat for a minor subdivision;
  - 2) a plot plan;



- 3) minor site plans in accordance with Section 3–11.4;
- 4) a master or common sign plan;
- 5) a watershed development plan;
- 6) a landscaping plan;
- 7) a preliminary plat for a major subdivision;
- 8) a major site plan approved in accordance with Section 3–11.4 but not including master or common sign plans, watershed development plans or landscaping plans;
- 9) a Special Use Permit; or
- 10) a Planned Development – Residential or Planned Development – Mixed unified development plan.

### 3–16.3 Plans Not Vested

- (A) Conceptual Plans: Because the following plans frequently lack sufficient detail, they are not vested under this Ordinance:
  - 1) a Planned Development – Residential or Planned Development – Mixed sketch plan; or
  - 2) a subdivision master plan or sketch plan.
- (B) Plans Not Relating to Type and Intensity of Use: The following types of plans are reviewed and approved under statutes not related to the type and intensity of use in the context of NCGS 153A–334.1 and, therefore, are not considered vested in the meaning of this Ordinance:
  - 1) soil erosion and sedimentation control plans;
  - 2) utility and street construction plans; or
  - 3) building and other construction plans.

### 3–16.4 Compliance

- (A) Conformance Review: Following approval or conditional approval of a site specific development plan, nothing in this Ordinance shall exempt such a plan from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval.
- (B) Noncompliance: Nothing in this Ordinance shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval or the zoning Ordinance.
- (C) Life of Building Permit: A building permit shall not expire or be revoked because of the running of time while a zoning vested right under this Section is outstanding.

### 3–16.5 Termination

A zoning right that has been vested as provided in this Ordinance shall terminate:

- (A) at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit application has been filed;
- (B) with the written consent of the affected landowner;
- (C) upon findings by the Governing Board that natural or man–made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site specific development plan;

- (D) Upon payment to the affected landowner of compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant's fees incurred after approval by the Jurisdiction together with interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of the property which is caused by such action;
- (E) upon findings by the Governing Body that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the approval authority of the site specific development plan; or
- (F) upon the enactment or promulgation of a State or Federal law or regulation that precludes development as contemplated in the site specific development plan, in which case the approval authority may modify the affected provisions, upon a finding that the change in State or Federal law has a fundamental effect on the plan.



## ARTICLE IV

### ZONING

#### 4-1 DISTRICTS ESTABLISHED

In order to achieve the purposes of this Ordinance as set forth, all property within the jurisdiction of the Town of Sedalia is divided into districts with the designations and purposes listed in Section 4-2 (District Descriptions).

#### 4-2 DISTRICT DESCRIPTIONS

##### 4-2.1 General Use Districts

(A) Agricultural

##### AG AGRICULTURAL DISTRICT

The AG, Agricultural District, is primarily intended to accommodate uses of an agricultural nature, including farm residences and farm tenant housing. It also accommodates scattered non-farm residences on large tracts of land. It is not intended for major residential subdivisions. The district is established for the following purposes:

- 1) to preserve and encourage the continued use of land for agricultural, forest and open space purposes;
- 2) to discourage scattered commercial and industrial land uses;
- 3) to concentrate urban development in and around area growth centers, thereby avoiding premature conversion of farmland to urban uses;
- 4) to discourage any use which, because of its character, would create premature or extraordinary public infrastructure and service demands.

(B) Single-Family Residential: In the following districts the number refers to the minimum lot size in thousands of square feet.

1) RS-40 RESIDENTIAL SINGLE-FAMILY DISTRICT

The RS-40, Residential Single-Family District is primarily intended to accommodate single-family detached dwellings on large lots in areas without access to public water and wastewater services. The district is established to promote single-family detached residences where environmental features, public service capacities or soil characteristics necessitate very low density single-family development. The overall gross density in RS-40 areas will typically be 1.0 unit per acre or less.

2) RS-30 RESIDENTIAL SINGLE-FAMILY DISTRICT

The RS-30, Residential Single-Family District is primarily intended to accommodate low density single-family detached dwellings large lots in areas without access to public water and wastewater services. The overall gross density in RS-30 areas will typically be 1.3 units per acre or less.

The following districts require public sewer service:

3) RS-20 RESIDENTIAL SINGLE-FAMILY DISTRICT

The RS-20, Residential Single-Family District is primarily intended to accommodate low to moderate density single-family detached dwellings in suburban areas at an overall maximum density of 1.9 units per acre.

The following districts require public water and sewer service:

4) RS-15 RESIDENTIAL SINGLE-FAMILY DISTRICT

The RS-15, Residential Single-Family District is primarily intended to accommodate moderate density single-family detached dwellings in suburban areas at a maximum overall density of 2.5 units per acre.

5) RS-12 RESIDENTIAL SINGLE-FAMILY DISTRICT

The RS-12, Residential Single-Family District is primarily intended to accommodate moderate density single-family detached dwellings in suburban or urban areas at a maximum overall density of 3.0 units per acre.

6) RS-9 RESIDENTIAL SINGLE-FAMILY DISTRICT

The RS-9, Residential Single-Family District is primarily intended to accommodate moderate to high density single-family detached dwellings in urban areas with a maximum overall density of 4.0 units per acre.

7) RS-7 RESIDENTIAL SINGLE-FAMILY DISTRICT

The RS-7, Residential Single-Family District is primarily intended to accommodate high density single-family detached dwellings in urban areas at a maximum overall density of 5.0 units per acre.

8) RS-5 RESIDENTIAL SINGLE-FAMILY DISTRICT

The RS-5, Single-Family Residential District is primarily intended to accommodate high density single-family detached dwellings in urban areas at a maximum overall density of 7.0 units per acre.

(C) Multi-Family Residential: In the following districts the number refers to dwelling units per gross acre. Public water and sewer service is required in all districts.

1) RM-5 RESIDENTIAL MULTI-FAMILY DISTRICT

The RM-5, Residential Multi-Family District is primarily intended to accommodate duplexes, twin-homes, townhouses, cluster housing and similar residential uses at a maximum overall density of 5.0 units per acre.

2) RM-8 RESIDENTIAL MULTI-FAMILY DISTRICT

The RM-8, Residential Multi-Family District is primarily intended to accommodate duplexes, twin-homes, townhouses, cluster housing and similar residential uses at a maximum overall density of 8.0 units per acre.

3) RM-12 RESIDENTIAL MULTI-FAMILY DISTRICT

The RM-12, Residential Multi-Family District is primarily intended to accommodate multi-family uses at a maximum overall density of 12.0 units per acre.

4) RM-18 RESIDENTIAL MULTI-FAMILY DISTRICT

The RM-18, Residential Multi-Family District is primarily intended to accommodate multi-family uses at a maximum overall density of 18.0 units per acre.

5) RM-26 RESIDENTIAL MULTI-FAMILY DISTRICT

The RM-26, Residential Multi-Family District is primarily intended to accommodate multi-family uses at a maximum overall density of 26.0 units per acre.

(D) Office, Commercial, and Industrial

1) LO LIMITED OFFICE DISTRICT

The LO, Limited Office District is primarily intended to accommodate low intensity medical, professional, administrative and government office uses on small to mid-sized sites near residential areas.

2) GO-M GENERAL OFFICE MODERATE INTENSITY

The GO-M, General Office Moderate Intensity District is primarily intended to accommodate moderate intensity office and institutional uses, moderate density residential uses at a maximum of 12.0 units per acre, and supporting service and retail uses.

3) GO-H GENERAL OFFICE HIGH INTENSITY

The GO, General Office High Intensity District is primarily intended to accommodate high intensity office and institutional uses, high density residential uses at a maximum of 26.0 units per acre, and supporting service and retail uses.

4) NB NEIGHBORHOOD BUSINESS DISTRICT

The NB, Neighborhood Business District is primarily intended to accommodate very low intensity office, retail and personal service uses within residential areas. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents without disrupting the character of the neighborhood. It is not intended to accommodate retail uses which primarily attract passing motorists. Compatibility with nearby residences is reflected in design standards for both site layout and buildings.

5) LB LIMITED BUSINESS DISTRICT

The LB, Limited Business District is primarily intended to accommodate moderate intensity shopping and services close to residential areas. The district is established to provide locations for businesses which serve nearby neighborhoods. The district is typically located near the intersection of collectors or thoroughfares in areas which are otherwise developed with residences.

6) GB GENERAL BUSINESS DISTRICT

The GB, General Business District is primarily intended to accommodate a wide range of retail, service and office uses. The district is typically located along thoroughfares in areas which have developed with minimal front setbacks.

7) HB HIGHWAY BUSINESS DISTRICT

The HB, Highway Business District is primarily intended to accommodate those retail service and distributive uses which are typically located along thoroughfares. The district is established to provide locations for establishments which require high visibility and good road access, or which cater primarily to passing motorists. Developments in this district generally have substantial front setbacks.

8) SC SHOPPING CENTER DISTRICT

The SC, Shopping Center District is primarily intended to accommodate a wide range of high intensity retail and service developments meeting the shopping needs of the community and the region. The district is established on large sites to provide locations for major developments which contain multiple uses, shared parking and drives, coordinated signage and high-quality landscaping.

9) CP CORPORATE PARK DISTRICT

The CP, Corporate Park District is primarily intended to accommodate office, warehouse, research and development and assembly uses on large sites in a planned, campus-like setting compatible with adjacent residential uses. The district may also contain retail and service uses which customarily locate within planned employment centers.

10) LI LIGHT INDUSTRIAL DISTRICT

The LI, Light Industrial District is primarily intended to accommodate limited manufacturing, wholesaling, warehousing, research and development and related commercial/service activities which, in their normal operations, have little or no adverse effect upon adjoining properties.

11) HI HEAVY INDUSTRIAL DISTRICT

The HI, Heavy Industrial District is primarily intended to accommodate a wide range of assembling, fabricating and manufacturing activities. The district is established for the purpose of providing appropriate locations and development regulations for uses which may have significant environmental impacts or require special measures to ensure compatibility with adjoining properties.

(E) Public and Institutional

PI PUBLIC AND INSTITUTIONAL DISTRICT

The PI, Public and Institutional District is intended to accommodate mid- and large-sized public, semi-public and institutional uses which have a substantial land use impact or traffic generation potential. It is not intended for smaller public and institutional uses customarily found within residential areas.

4-2.2 Planned Unit Development Districts

(A) PD-R PLANNED UNIT DEVELOPMENT - RESIDENTIAL

The PD-R District is intended to accommodate a variety of housing types developed on large tracts in accordance with a Unified Development Plan. The PD-R District also accommodates neighborhood business and office uses which primarily serve nearby residents.

(B) PD-M PLANNED UNIT DEVELOPMENT - MIXED

The PD-M District is intended to accommodate residential, commercial and light industrial uses developed on large tracts in accordance with a Unified Development Plan.

4-2.3 Conditional Use Districts

(A) Districts Established: A Conditional Use District, bearing the designation CU, is hereby established as a companion district for every district established in Section 4-2. These districts are CU-AG, CU-RS-40, CU-RS-30, CU-RS-20, CU-RS-15, CU-RS-12, CU-RS-9, CU-RS-7, CU-RS-5, CU-RM-5, CU-RM-8, CU-RM-12, CU-RM-18, CU-RM-26, CU-LO, CU-GO-M, CU-GO-H, CU-NB, CU-LB, CU-GB, CU-HB, CU-SC, CU-CP, CU-LI, CU-HI, CU-PI, CU-PD-R, and CU-PD-M. All regulations which apply to a general use zoning district also apply to the companion conditional use district. All other regulations, which may be offered by the property owner and approved by the Jurisdiction as part of the rezoning process, also apply.

(B) Application: The Conditional Use District classification will be considered only upon request of the property owner for rezoning.

4-2.4 Overlay Districts

Overlay Districts establish certain area regulations which are in addition to the underlying general use, planned unit development or conditional use district(s).

(A) WCA WATERSHED CRITICAL AREA DISTRICT

The WCA Overlay District is intended to set forth regulations for the protection of public drinking water supplies and is applicable to all lands adjacent to and which drain toward existing or proposed water supply intakes or reservoirs. These regulations are specified in Section 7-1 (Water Supply Watershed Districts) and Section 7-3 (Watershed Critical Areas).

(B) GWA GENERAL WATERSHED AREA DISTRICT

The GWA Overlay District is intended to set forth regulations for the protection of public drinking water supplies and are applicable to all lands which drain toward such supplies and are outside of the WCA Overlay District. These regulations are specified in Section 7-1 (Water Supply Watershed Districts) and Section 7-2 (General Watershed Areas).

(C) FH FLOOD HAZARD DISTRICT

The FH Overlay District is intended to set forth regulations which will minimize the damage done by floods. These regulations are specified in Section 7-5 (Flood Control).

(D) HD HISTORIC DISTRICT

The HD Overlay District is intended to set forth regulations which will help maintain the historic integrity of certain areas in Guilford County. These regulations are specified in Section 4-11 (Overlay District Requirements).

(E) SR SCENIC CORRIDOR DISTRICT

The SR Overlay District is intended to set forth regulations which will enhance the attractiveness of major thoroughfares which enter and/or pass through Guilford County. These regulations are specified in Section 4-11 (Overlay District Requirements).

(F) MH MANUFACTURED HOUSING DISTRICT

The MH Overlay District is intended to set forth regulations governing the development of subdivisions for manufactured housing in certain areas of Guilford County. These regulations are specified in Section 4-11 (Overlay District Requirements).

4-3 PERMITTED USES

4-3.1 Permitted Use Schedule

(A) Tabulation of Permitted Uses: Within each zoning district indicated on the Official Zoning Map and subject to all requirements and conditions specified in this Ordinance, land, buildings, and structures shall only be used and buildings and structures shall only be erected which are intended or designed to be used for uses listed in the Permitted Use Schedule, Table 4-3-1. In the appropriate columns of Table 4-3-1 uses permitted by right in the various districts are indicated with a "P", uses requiring a Special Use Permit are indicated by an "S", uses permitted by right subject to meeting additional development standards as set forth in Article VI (Development Standards) are indicated with a "D", and uses requiring a Manufactured Housing overlay zone are indicated with a "Z". The column on the far right labeled "LUC" indicates the Land Use Classification of each use as it relates to Planting Yard requirements found in Section 6-4 (Landscaping Regulations).

(B) Formulation of Permitted Use Schedule

- 1) The Standard Industrial Classification Manual - 1987 was utilized in the preparation of this table and shall be referred to as a guide for purposes of interpretation by the Enforcement Officer. SIC codes are used to refer to SIC Classifications. Entries with 0000 in the Reference SIC column do not correspond to any classification in the SIC Manual.
- 2) When a use is not listed in the Permitted Use Schedule, the Enforcement Officer shall classify it with that use in the table most similar to it. The SIC Manual shall serve as a guide in classifying any unlisted use. If the Enforcement Officer should determine that a use is not listed and is not similar to a use in the Permitted Use Schedule, than said use is prohibited.
- 3) Rental and leasing of any commodity shall be permitted under the same classification and in the same districts as are sales of that commodity, unless rental or leasing of that commodity is listed separately in the Permitted Use Schedule.
- 4) If an industrial plant or facility involves two (or more) manufacturing activities with different SIC codes on the same zone lot, the industrial plant shall be permitted only in those zoning districts where the more restricted activity is permitted. (For example, an industrial plant preparing canned peanuts and also manufacturing the cans is allowed in those zoning districts permitting can manufacturing.)

4-3.2 Mixed Uses

Two or more permitted uses may occupy the same principal building.

4-3.3 Prohibited Uses

Within certain overlay districts, some uses are prohibited, regardless of the uses permitted in the underlying zoning district(s). The following uses are prohibited in the Overlay Districts listed.

- (A) Scenic Corridor Overlay District [4-11.3(A)2]: Class A, B, and C Manufactured Dwellings are prohibited in the Scenic Corridor Overlay District.



- (B) Watershed Critical Area [7-3.5(A)]: See Section 7-3.5 (Spill Risk Reduction) for the list of uses prohibited in the Watershed Critical Areas.
- (C) Flood Hazard Area [7-5.3(D)2]: Storage or Processing of materials that are flammable, corrosive, toxic or explosive, or which could otherwise be injurious to human, animal or plant life in time of flood shall be prohibited from the flood hazard areas.

TABLE 4-3-1 PERMITTED USE SCHEDULE

Zoning Districts

Use Type	Ref. SIC	Zoning Districts															L U C												
		A G	R S 40	R S 30	R S 20	R S 15	R S 12	R S 9	R S 7	R S 5	R M 8	R M 12	R M 18	R M 26	L O	G O M		G O H	N B *	L B *	G B *	H B *	S C	C P *	L I *	H I	P I		
<b>AGRICULTURAL USES</b>																													
Agricultural Production (Crops)	0100	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Agricultural Production (Livestock)	0200	P	D	D	D	D																							
Animal Feeder/Breeder	0210	D																											
Animal Services (livestock)	0751	P																											
Animal Services (other)	0752	P																											
Fish Hatchery	0920	P																											
Forestry	0810	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Horticultural Specialities	0180	P																											
Veterinary Service (livestock)	0741	P																											
Veterinary Service (other)	0742	P																											
<b>MINING USES</b>																													
Mining and Quarrying	1000																												
<b>RESIDENTIAL USES</b>																													
Boarding and Rooming House, less than 9 residents	7021	S																											
Boarding and Rooming House, 9 or more residents	7021																												
Common Recreation and Service Facilities	0000	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Congregate Care Facility	0000																												
Family Care Facility	0000	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Group Care Facility	0000																												
Manufactured Dwelling (Class AA)	0000	P	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	
Manufactured Dwelling (Class A & B)	0000																												
Manufactured Dwelling Park	0000																												
Multifamily Dwelling (including Condominium)	0000																												

WCA = Prohibited in the WCA, See Section 7-3.5(A) WS-III = Newlandfills which require a NPDES Permit for disposing of treated leachate are prohibited in WS\_III (GWA) Watersheds P = Use by Right D = Development Standards S = Special Use Permit Required Z = Overlay Zoning Required \* = Indicates Additional District Requirements, See Section 4-4.3(B).

TABLE 4-3-1 PERMITTED USE SCHEDULE

Zoning Districts

Use Type	Ref. SIC	A G	R S 40	R S 30	R S 20	R S 15	R S 12	R S 9	R S 7	R S 5	R M 8	R M 12	R M 18	R M 26	L O	G O M	G O H	N B *	L B *	G B *	H B *	S C	C P *	L I *	H I	P I	L U C
Private Dormitory	0000																										
Shelter for the Homeless	0000																										
Single Family Detached Dwelling	0000	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P									
Single Room Occupancy (SRO) Residence	0000										S	S	S	S													
Subdivision, Major - Residential	0000		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P									
Subdivision, Minor - Residential	0000	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P									
Temporary Shelter	0000											S	P	P													
Townhouse Dwelling	0000										P	P	P	P		P	P										
Two Family Dwelling (Twin Home or Duplex)	0000	P									P	P	P	P	P	P	P	P									

ACCESSORY USES AND STRUCTURES

Accessory Dwelling Unit	0000	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D										
Accessory Uses and Structures (customary) - See Sect. 4-5	0000	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P										
Caretaker Dwelling	0000	D													D	D	D	D										
Emergency Shelter	0000	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P										
Home Occupation (including renting of rooms)	0000	D	D	D	D	D	D	D	D	D	D	D	D	D														
Flying Field, Private	0000	D																										
Junked Motor Vehicle	0000	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D										
Migrant Labor Housing	0000	D																										
Recycling Collection Point	0000	P									P	P	P	P	P	P	P	P										
Rural Family Occupation	0000	S																										
Satellite Dish / Communication Tower	0000	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D										
Swimming Pool	0000	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D										
Yard Sale (no more than 3 per year)	0000	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P										

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Use Type	Ref. SIC	Zoning Districts																LUC									
		AG	RS40	RS30	RS20	RS15	RS12	RS9	RS7	RS5	RM8	RM12	RM18	RM26	LO	GO	GOH		NB*	LB*	GB*	HB*	SC	CP*	LI*	HI	PI
RECREATIONAL USES																											
Amusement or Water Parks, Fairgrounds	7996																										
Athletic Fields	0000	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Auditorium, Coliseum or Stadium	0000																										
Batting Cages	7999																										
Billiard Parlors	7999																										
Bingo Games	7999																										
Bowling Center	7933																										
Club or Lodge	8640	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Coin Operated Amusement	7993																										
Country Club with Golf Course	7997	D	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Dance School	7911																										
Equestrian Facility	7999	S	S																								
Fortune Tellers, Astrologers	7999																										
Go-cart Raceway	7999																										
Golf Course, Miniature	7999																										
Golf Course	7992	P	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Golf Driving Range	7999	S																									
Marital Arts Instructional Schools	7999																										
Physical Fitness Center	7991																										
Private Club or Recreation Facility, Other	7997	S																									
Public Park	7990	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Public Recreation Facility	7990	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Shooting Range, Indoor	7999																										

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Shooting Range, Outdoor	7999	S																		P	P	P				S	5
Skating Rink	7999																							P			3
Sport Instructional Schools	7999																			P	P	D				P	3
Sports and Recreation Clubs, Indoor	7997																			P	P	P	P			P	3
Swim and Tennis Club	7997	D	S	S	S	S	S	S	S	S	S	S	S	S		D	D				D		D	D		D	3

EDUCATIONAL AND INSTITUTIONAL USES

Ambulance Service	4119															P	P			P	P	P	P	P	P	P	P	3
Cemetery or Mausoleum	0000	D	D	D	D	D	D	D	D	D	D	D	D	D		D	D	D	D	D	D	D	D	D	D	D	D	2
Church	8661	P	D	D	D	D	D	D	D	D	D	D	D	D		P	P											3
College or University	8220																											3
Correctional Institution	9223																								S	S	S	4
Day Care Center, Adult (5 or less, Home Occupation)	8322	D	D	D	D	D	D	D	D	D	D	D	D	D		D	D	D	D	D	D	D	D	D	D	D	D	1
Day Care Center, Adult (6 or more)	8322	S																										3
Day Care Center, Child (5 or less, Home Occupation)	8351	D	D	D	D	D	D	D	D	D	D	D	D	D		D	D	D	D	D	D	D	D	D	D	D	D	1
Day Care Center, Child (6 or more)	8351	S																										3
Elementary or Secondary School	8211	D	D	D	D	D	D	D	D	D	D	D	D	D														3
Fire Station	9224	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	3
Fraternity or Sorority (University or College Related)	0000																											3
Government Office	9000																											3
Hospital	8062																											3
Library	8231																											3
Museum or Art Gallery	8412																											3
Nursing and Convalescent Home	8050												S	S		P	P											3

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Orphanage	8361																										
Police Station, Neighborhood	9221	P	P	P	P	P	P			P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	3
Post Office	0000																										3
Psychiatric Hospital	8063																										3
Retreat Center	0000	S																									3
School Administration Facility	9411																										3
Specialty Hospital	8069																										3

BUSINESS, PROFESSIONAL and PERSONAL SERVICES

Accounting, Auditing or Bookkeeping	8721																											3
Administrative or Management Services	8740																											3
Advertising Agency or Representative	7310																											3
Advertising, Outdoor Services	7312																											4
Automobile Rental or Leasing	7510																											4
Automobile Repair Services, Major	0000																											4
Automobile Repair Services, Minor	0000																											3
Automobile Parking (commercial)	7521																											3
Automotive Towing and Storage Services	7549																											3
Bank, Savings and Loan, or Credit Union	6000																											3
Barber Shop	7241																											3
Beauty Shop	7431																											3
Boat Repair	3730																											3
Building Maintenance Services	7349																											4
Car Wash	7542																											3
Clothing Alteration or Repair	0000																											3

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Computer Maintenance and Repair	7378																													
Computer Services	7370																													
Economic, Sociological or Educational Research	8732																													
Employment Agency, Personnel Agency	7360																													
Engineering, Architect or Survey Service	8710																													
Equipment Rental and Leasing (no outside storage) WCA	7350																													
Equipment Rental and Leasing (with outside storage) WCA	7350																													
Equipment Repair, Heavy WCA	7690																													
Equipment Repair, Light WCA	7690																													
Finance or Loan Office	6100																													
Funeral Home or Crematorium	7261																													
Furniture Repair Shop WCA	7641																													
Hotel or Motel	7011																													
Insurance Agency (no on-site claims inspections)	6411																													
Insurance Agency (carriers and on-site claims inspections)	6300																													
Kennels or Pet Grooming	0752	P																												
Landscape and Horticultural Services WCA	0780	S																												
Laundromat, Coin-Operated WCA	7215																													
Laundry or Dry Cleaning Plant WCA	7211																													
Laundry or Dry Cleaning Substation	7212																													
Law Office	8111																													
Massage Parlor, Adult	7299																													
Medical, Dental or Related Office	8000																													
Medical or Dental Laboratory	8071																													

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Motion Picture Production	7810																			P	P		P	P			3
Noncommercial Research Organization	8733														P	P	P		P	P	P	P					3
Office Uses Not Otherwise Classified	0000															P	P		P	P	P	P					3
Pest or Termite Control Services	7342																										3
Photocopying and Duplicating Services	7334															P	P		P	P	P	P					3
Photofinishing Laboratory	7384																										3
Photography, Commercial	7335																										3
Photography Studio	7221																										3
Real Estate Office	6500															P	P		P	P	P	P					3
Recreational Vehicle Park or Campsite	7033														P	P	P		P	P	P	P					3
Refrigerator or Large Appliance Repair	7623																										3
Rehabilitation or Counseling Services	8300																										3
Research, Development or Testing Services	8730														P	P	P		P	P	P	P					3
Septic Tank Services	7699																										4
Shoe Repair or Shoeshine Shop	7251																										3
Stock, Security or Commodity Broker	6200														P	P	P		P	P	P	P					3
Taxidermist	7699																										3
Television, Radio or Electronics Repair	7620																										3
Theater, Adult	0000																										3
Theater (outdoor)	7833																										4
Theater (indoor)	7832																										3
Tire Recapping	7534																										4
Tourist Home (Bed and Breakfast)	7011		S	S	S	S	S	S	S	S	S	S	S	S													2
Travel Agency	4720														P	P	P		P	P	P	P					3

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Truck Driving School	8249																											
Truck and Utility Trailer Rental and Leasing, Light WCA	0000																				P							
Truck Tractor and Semi Rental and Leasing, Heavy WCA	0000																											
Truck Washing WCA	7542																											
Vocational, Business or Secretarial School	8240																											
Watch or Jewelry Repair Shop	7631																											
Welding Shops WCA	7692																											
<b>RETAIL TRADE</b>																												
A B C Store (liquor)	5921																											
Antique Store	5932																											
Appliance Store	5722																											
Arts and Crafts	0000																											
Auto Supply Sales	5531																											
Bakery	5461																											
Bar	5813																											
Boat Sales	5551																											
Bookstore	5942																											
Bookstore, Adult	0000																											
Building Supply Sales (no storage yard)	5211																											
Building Supply Sales (with storage yard)	5211																											
Camera Store	5946																											
Candy Store	5441																											
Clothing, Shoe and Accessory Store	5600																											
Computer Sales	5734																											

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Newsstand	5994																		P	P	P	P	P	D				3	
Office Machine Sales	5999																		P	P	P	P	P	P				3	
Optical Goods Sales	5995																	D	P	P	P	P	P					3	
Paint and Wallpaper Sales	5231																				P	P	P					3	
Pawnshop or Used Merchandise Store	5932																				P	P	P					3	
Pet Store	5999																					P	P					3	
Record and Tape Store	5735																				P	P	P					3	
Recreational Vehicle Sales	5561																				P	P	P					3	
Restaurant (with drive-thru)	5812																				P	P	P					3	
Restaurant (without drive-thru)	5812																				P	P	P					3	
Service Station, Gasoline	5541																				P	P	P					3	
Sporting Goods Store	5941																				P	P	P					4	
Stationery Store	5943																					P	P					3	
Television, Radio or Electronics Sales	5731																				P	P	P					3	
Tire Sales	5531																				P	P	P					3	
Tobacco Store	5993																				P	P	P					3	
Truck Stop	5541																				P	P	P					3	
Video Tape Rental and Sales	7841																					D						4	
<b>WHOLESALE TRADE</b>																													
Agricultural Chemicals, Pesticides or Fertilizers	5191	D																											5
Agricultural Products, Other	5159	D																											4
Ammunition	5099																												4
Animals and Animal Products, Other	5159	D																											5
Apparel, Piece Goods and Notions	5130																												4

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Motor Vehicles, Parts and Supplies	5010																						P	P	P	P		4
Motor Vehicles, Tires and Tubes	5014																							P	P	P		4
Paints and Varnishes	5198																								P	P		4
Paper and Paper Products	5110																								P	P		4
Petroleum and Petroleum Products	5170																							P	P	P		4
Plastics Materials	5162																									D		5
Plumbing and Heating Equipment	5070																							P	P	P		4
Professional and Commercial Equipment and Supplies	5040																							P	P	P		4
Resins	5162																							P	P	P		4
Scrap and Waste Materials	5093																									P		5
Sporting and Recreational Goods and Supplies	5091																								P	P		5
Tobacco and Tobacco Products	5194																							P	P	P		4
Toys and Hobby Goods and Supplies	5092																							P	P	P		4
Wallpaper and Paint Brushes	5198																							P	P	P		4
<b>TRANSPORTATION, WAREHOUSING AND UTILITIES</b>																												
Airport and Flying Field, Commercial	4500																											5
Beneficial Fill Area	0000		D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	
Bulk Mail and Packaging	4212																											
Bus Terminal	4100																											
Communication or Broadcasting Facility	4800																											
Construction or Demolition Debris(C-D) Landfill, Major	0000																											
Construction or Demolition Debris(C-D) Landfill, Minor	0000		D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	
Courier Service, Central Facility	4215																											
Courier Service Substation	4215																											

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Contractors, General Building	1500																							P	P		4	
Contractors, Heavy Construction	1600	WCA																										5
Contractors, Special Trade	1700	WCA																						P	P		4	
Costume Jewelry and Notions	3960																						P	P	P		4	
Dairy Products	2020	WCA																					P	P	P		4	
Drugs	2830	WCA																					P	P	P		5	
Electrical Industrial Apparatus, Assembly	3620																						P	P	P		4	
Electrical Industrial Apparatus, Manufacturing	3620																						P	P	P		5	
Electrical Components	3670																						P	P	P		5	
Electrical Equipment	3600																						P	P	P		5	
Explosives	2892	WCA																					P	P	S		5	
Fabricated Metal Products	3400																						P	P	P		5	
Fabricated Valve and Wire Products	3490																						P	P	P		5	
Fats and Oils, Animal	2077	WCA																							P		5	
Fats and Oils, Plant	2070	WCA																					P	P	P		4	
Fish, Canned, Cured or Frozen	2091	WCA																							S		5	
Floor Coverings (excluding carpet)	3996																								P		5	
Food and Related Products, Miscellaneous	2090																						P	P	P		4	
Furniture Framing	2426																						P	P	P		4	
Furniture and Fixtures Assembly	0000																						P	P	P		4	
Furniture and Fixtures	2500																						P	P	P		4	
Glass	3200																								P		5	
Glass Products from Purchased Glass	3231																						P	P	P		4	
Grain Mill Products	2040																							P	P		4	

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Heating, Equipment and Plumbing Fixtures	3430																								P	P		4		
Household Appliances	3630																									P	P		4	
Ice	2097																									P	P		4	
Industrial and Commercial Machinery	3500																				P								4	
Jewelry and Silverware (no plating)	3910																												4	
Leather and Leather Products (no tanning)	3100																							P	P				4	
Leather and Leather Products (tanning)	3100																							P	P				4	
Lighting and Wiring Equipment	3640																												5	
Logging and Wood, Raw Materials	2411	S																											4	
Manufactured Housing and Wood Buildings	2450																												1	
Measurement, Analysis and Control Instruments	3800																												4	
Meat & Poultry, Packing & Processing (no rendering)	2010																							P	P				4	
Medical, Dental and Surgical Equipment	3840																												5	
Metal Coating and Engraving	3470																							P	P				4	
Metal Fasteners (screws, bolts etc.)	3450																												5	
Metal Processing	3350																												4	
Millwork, Plywood and Veneer	2430																												4	
Motor Vehicle Assembly	3710																													4
Motor Vehicle Parts and Accessories	3714																													5
Motorcycle Assembly	3751																													4
Musical Instruments	3930																													4
Paper Products (no coating or laminating)	2670																													4
Paper Products (coating and laminating)	2670																													4
Paperboard Containers and Boxes	2650																													4

WCA = Prohibited in the WCA, See Section 7-3.5(A) WS-III = New landfills which require a NPDES Permit for disposing of treated effluent are prohibited in WS-III (GWA) Watersheds P = Use by Right D = Development Standards S = Special Use Permit Required \* = Overlay Zoning Required \* = Indicates Additional District Requirements; See Section 4-4.3(B).

TABLE 4-3-1 PERMITTED USE SCHEDULE

Zoning Districts

Use Type	Ref. SIC	A G	R S 40	R S 30	R S 20	R S 15	R S 12	R S 9	R S 7	R S 5	R M 5	R M 8	R M 12	R M 18	R M 26	L O	G O M	G O H	N B *	L B *	G B *	H B *	S C	C P *	L I *	H I	P I	L U C
Pens and Art supplies	3950																							P	P	P		4
Petroleum and Related Products	2900																											5
Pharmaceutical Preparations	2834																							P	P	P		4
Photographic Equipment	3861																											4
Photographic Supplies	3861																											5
Pottery and Related Products	3260																											4
Preserved Fruits and Vegetables (no can manufacture)	2030																											4
Primary Metal Products and Foundries	3300																											4
Printing and Publishing	2700																											5
Pulp and Paper Mills	2610																											4
Rubber and Plastics, Miscellaneous	3000																											5
Rubber and Plastics, Raw	3000																											4
Salvage Yards, Auto Parts	5015																											5
Salvage Yards, Scrap Processing	5903																											4
Sawmill or Planing Mills	2420	P																										5
Signs	3993																											4
Soaps and Cosmetics	2840																											4
Sporting Goods and Toys	3940																											4
Stone Cutting, Shaping and Finishing (for interior use only)	3281																											4
Sugar and Confectionery Products	2060																											4
Surface Active Agents	2843																											4
Textile Products (no dyeing and finishing)	2200																											5
Textile Products (with dyeing and finishing)	2260																											4
Tires and Inner Tubes	3011																											5

WCA = Prohibited in the WCA, See Section 7-3.5(A) WS-III = New landfills which require a NPDS Permit for disposing of treated leachate are prohibited in WS\_III (GWA) Watersheds P= Use by Right D=Development Standards S=Special Use Permit Required Z=Overlay Zoning Required \* =Indicates Additional District Requirements, See Section 4-4.3(B).

TABLE 4-3-1 PERMITTED USE SCHEDULE

Zoning Districts

Use Type	Ref. SIC	A G	R S 40	R S 30	R S 20	R S 15	R S 12	R S 9	R S 7	R S 5	R M 8	R M 12	R M 18	R M 26	L O	G O M	G O H	N B *	L B *	G B *	H B *	S C	C P *	L I *	H I	P I	L U C	
Tobacco Products	2110																								P		5	
Wood Containers	2440																								P		4	
Wood Products, Miscellaneous	2490																								P		5	
<b>OTHER USES</b>																												
Automotive Parking (subject to Sect. 6-2 - Off-Street Parking, Stacking and Loading Areas)	0000	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3
Billboards	0000																											1
Mixed Development	0000																											3
Temporary Construction, Storage or Office; Real Estate Sales or Rental Office (with concurrent building permit for permanent building)	0000	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Temporary Events (refer to Sect 3-3.3 - Event Permit) including but not limited to ...																												
Arts and Crafts Shows	0000																											
Carnivals and Fairs	7999	P																										
Christmas Tree Sales	0000	P																										
Concerts, Stage Shows	7920	P																										
Conventions, Trade Shows	0000																											
Outdoor Retail Sales	5000																											
Outdoor Religious Events	0000	P																										
Turkey Shoots	0000	D																										

WCA = Prohibited in the WCA, See Section 7-3.5(A) WS-III = New landfills which require a NPDES Permit for disposing of treated leachate are prohibited in WS\_III (GWA) Watersheds P=Use by Right D=Development Standards S=Special Use Permit Required Z=Overlay Zoning Required \* =Indicates Additional District Requirements, See Section 4-4.3(B).

**4-4 DIMENSIONAL REQUIREMENTS**

Within the zoning districts as shown on the Official Zoning Map, all the following dimensional requirements shall be complied with.

**4-4.1 Agricultural and Single-Family Districts**

(A) Dimensional Requirements for Agricultural and Single Family Districts: Dimensional Requirements for Agricultural and Single Family Districts are found in Table 4-4-1.

**TABLE 4-4-1  
Agricultural and Single Family District Dimensional Requirements**

	AG	RS-40	RS-30	RS-20	RS-15	RS-12	RS-9	RS-7	RS-5
Min. Lot Size (ft. <sup>2</sup> )	40,000	40,000	30,000	20,000	15,000	12,000	9,000	7,000	5,000
Min. Lot Width (ft.)									
Interior Lot	150	150	100	90	80	75	60	50	50
Corner Lot	150	150	100	100	90	85	75	70	70
Min. Street Frontage (ft.)	50	50	50	45	45	45	30	30	30
Min. Street Setback (ft.) <sup>a</sup>									
Local, Subcollector, Collector - Front	40/65	40/65	40/65	35/60	30/55	30/55	30/55	25/50	20/45
Local, Subcollector, Collector - Side	40/65	40/65	20/45	20/40	15/40	15/40	15/40	15/40	15/40
Minor Thoroughfare	45/80	45/80	45/80	40/75	40/75	40/75	40/75	35/70	35/70
Major Thoroughfare	50/95	50/95	50/95	50/95	50/95	50/95	50/95	45/90	45/90
Min. Interior Setbacks (ft.)									
Side Yard	15	15	10	10	10	10	5	5	5
Rear Yard	30	30	30	30	30	30	25	20	15
Max. Building Height (ft.) <sup>b</sup>	50	50	50	50	50	50	50	50	50
Max. Building Coverage (% of lot)	30	30	30	30	30	30	35	40	45

<sup>a</sup> Setback from right-of-way line or property line/setback from street centerline, whichever is greater

<sup>b</sup> No more than three (3) full or partial stories entirely above grade.

Notes:

- 1) A corner lot has two street setbacks. The setback of lower setback category shall be considered the side street. If both streets are of the same setback category, the property owner shall designate the side street for his lot.
- 2) A through lot has two street setbacks but no rear setback.
- 3) On a corner lot of record, the side street setback may be reduced, if necessary, to yield a buildable width equal to sixty (60%) percent of the lot width.
- 4) For any lot of record, the street setback and the rear setback may be reduced, if necessary, to yield a buildable depth equal to forty (40%) percent of the lot depth. The rear setback shall be reduced first, but not below fifteen (15) feet and the street setback shall not be reduced by greater than ten (10) feet.

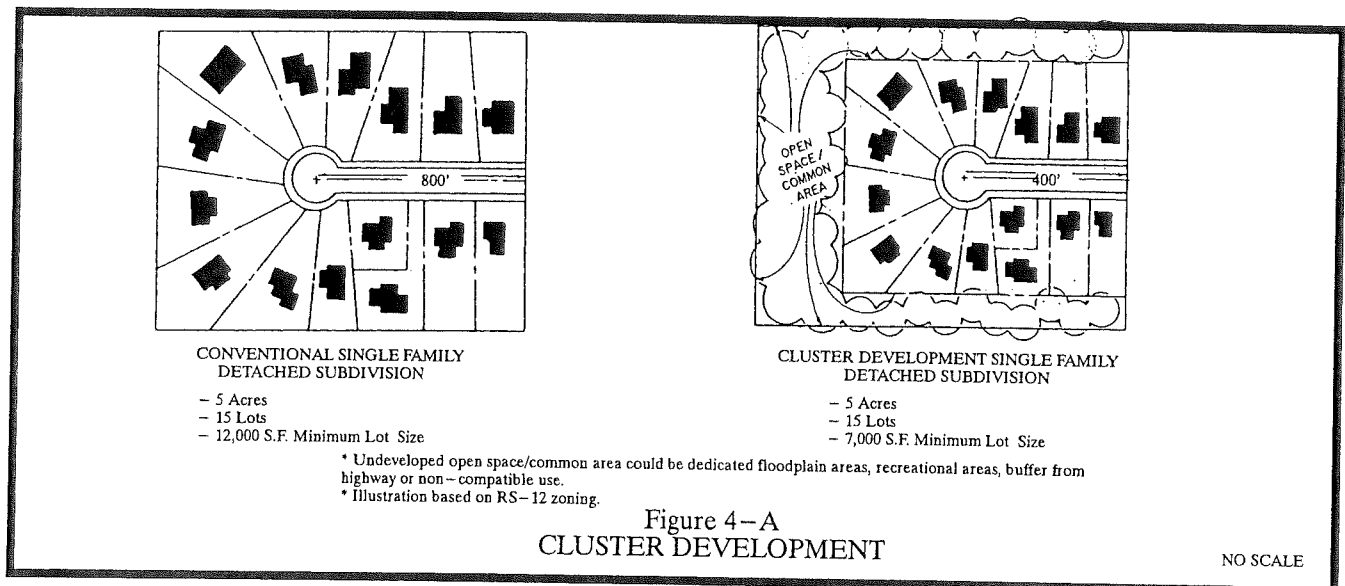
(B) Cluster Development

- 1) Cluster Option
  - a) Cluster development may be used in any district which permits single-family uses if the tract is ten (10) acres or more and is served by municipal sanitary sewer.
  - b) Cluster development may be used on tracts smaller than ten acres if street right-of-way in a street or highway corridor pursuant to NCGS 136-66.10 is dedicated and the development will be served by municipal sanitary sewer.
  - c) Cluster development is allowed in WCA and GWA areas of WS-III and WS-IV water supply watersheds under the performance requirement listed in Section 7-1.7(B). For all WCA and GWA areas, the total number of lots shall not exceed the number of units allowed for single family detached developments under the low density option as listed in Table 2-1-1.
- 2) Cluster Required: The Planning Board or Town Council may require that cluster development be used if right-of-way dedication is required pursuant to NCGS 136-66.10 or the development lies partially or wholly within a Watershed Critical Area.
- 3) Development Standards: The objective of the cluster option is to place the houses in a development closer together and on smaller lots than would normally be permitted by the zoning district in which the development is located, and to place land which would otherwise have been included in private lots into public dedication or common area.
  - a) When cluster development is employed, all lot size and other dimensional requirements for single-family dwellings are decreased to comply with all requirements of a smaller-lot RS zone.
  - b) The sum of those areas placed into common area as open space, those areas dedicated as public open space in excess of any required dedication for such purposes, and those areas dedicated as street right-of-way pursuant to NCGS 136-66.10 (a) shall not be less than fifteen (15%) percent of the total area of the development.
  - c) The maximum number of lots shall be determined as follows:
    - i) Calculate the gross acreage of the tract, excluding any existing street right-of-way;
    - ii) Subtract three-fourths (3/4) of the area of any drainageway and/or open space required to be dedicated by this Ordinance.
    - iii) Multiply by the density factor from Table 4-4-2.

**TABLE 4-4-2  
CLUSTER DEVELOPMENT LOT AND DENSITY  
REQUIREMENTS FOR SINGLE FAMILY DEVELOPMENT**

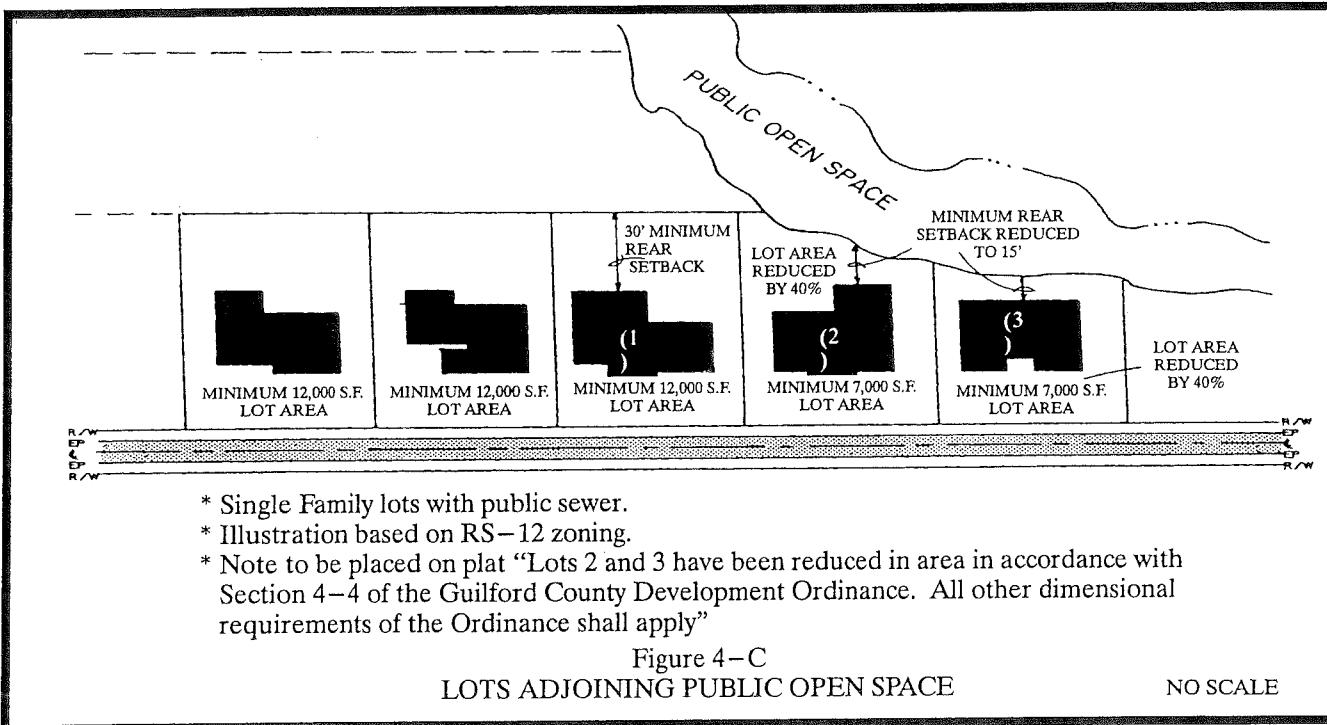
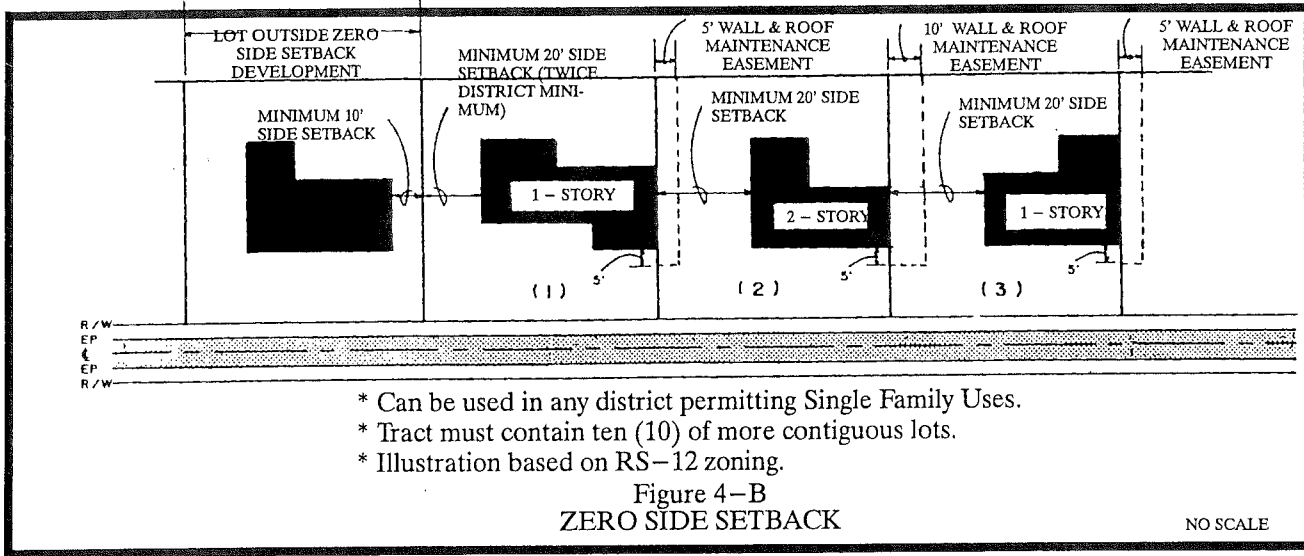
DEVELOPMENT ZONED	LOTS AND BUILDINGS MUST MEET REQUIREMENTS OF	DENISTY FACTOR PER ACRE
RS-40 (WCA Tier 2)	RS-40	0.20
RS-40 (WCA Tier 3)	RS-40	0.33
RS-40	RS-20	1.0
RS-30	RS-15	1.3
RS-20	RS-12	1.9
RS-15	RS-9	2.5
RS-12	RS-7	3.0
RS-9, RM-5	RS-5	4.0
RS-7, RM-8	RS-5	5.0
RM-12, RM-18, RM-26, GO-M, & GO-H	RS-5	6.0

- d) Common areas shall be located within the development to:
  - i) Preserve stands of trees, lakes, steep slopes, historic sites or other significant features;
  - ii) Provide common green space in the development for aesthetic purposes and pedestrian use;
  - iii) Provide space for common recreation facilities and meeting places; or
  - iv) Provide buffering from adjacent land uses of higher intensity.
  - v) Minimize stormwater flow and runoff impacts to receiving waters in WCA and GWA areas.
- e) Common area for open space shall be of usable dimensions, including a minimum width of twenty-four (24) feet and shall be accessible to all homeowners in the development.
- f) If approved by the Governing Body, a site may be reserved for a school, church, civic club, public recreation center or public library within the area that would otherwise have been common area



(C) Zero Side Setback – See Figure 4-B.

- 1) **Zero Side Setback Option:** Zero side setback development may be used in any district which permits single-family uses if the development contains ten (10) or more contiguous lots and is served by municipal sanitary sewer.
- 2) **Development Standards**
  - a) Setbacks of zero (0) feet are permitted only where the lots on both of the affected lot line are part of a zero side setback development
  - b) A wall and roof maintenance easement (five (5) feet along one-story walls, ten (10) feet along two (2)-story walls) shall be provided on the opposite side of the zero setback lot line.
  - c) Whenever one side setback is zero, the minimum setback on the opposite side of the same lot shall be twice the minimum side setback required by this Ordinance for the zoning district in which the development is located.



(D) Lots Adjoining Public Open Space – See Figure 4-C.

- 1) Lot Area Reduction Option: Single-family lots with public sewer service which abut dedicated public drainageway and open space may be developed with less than the area required in Table 4-4-1, provided the following requirements are met.
- 2) Development Standards
  - a) No lot shall be less than sixty (60%) percent of the minimum lot area for the zoning district in which it is located, or five thousand (5,000) square feet, whichever is greater.
  - b) Rear setbacks may be reduced to fifteen (15) feet, if the rear property line(s) abut public drainageway and open space areas.
  - c) A note shall be placed on the plat stating: "Lots have been reduced in area in accordance with Section 4-4.1(D), and that all other dimensional requirements of this Ordinance apply."