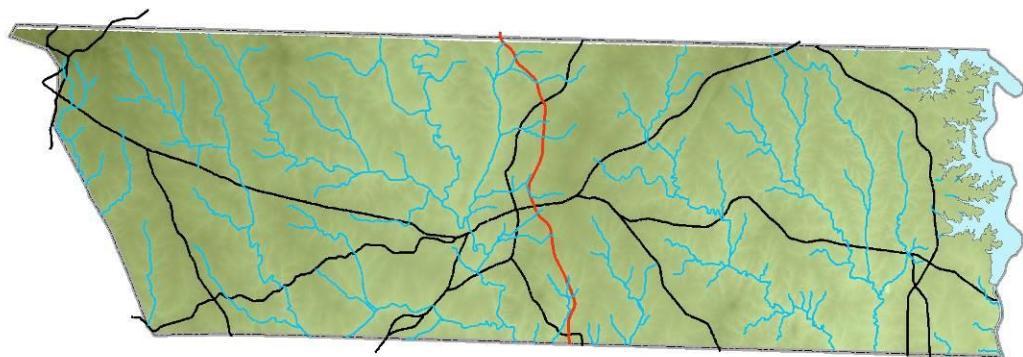


Lincoln County, North Carolina



Unified Development Ordinance



Effective August 31, 2009

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HOW TO USE THIS CODE

IF YOU OWN PROPERTY AND WANT TO KNOW WHAT RULES APPLY:

STEP 1: Find your zoning district and any overlay districts by looking at the Zoning Map (found in the Planning Department).

STEP 2: Go to §2.1, Districts Established, to review the intent of the district(s) applied to your property.

STEP 3: Go to §2.2, Permitted Land Uses, for details on uses permitted on your property. Find the row that lists the group of uses or specific use you've identified. Match this row to your district (across the top of the table) to determine if the use you want to establish is permitted. To determine if the use you've identified is part of group of uses go to §2.3, Use Interpretation.

STEP 4: If your use is permitted, before building the structure or establishing the use, you must get the appropriate permits approved (see Article 9). For details on minimum lot size and required yards (setbacks) see §2.4. For specific use standards see Article 4. The use may also be subject to the general standards in Article 3 and the natural resource protection standards in Article 7.

STEP 5: Don't forget that the overlay districts established in §2.5 may apply to your property. These requirements are intended to help you and the County ensure that your project is legally established and that it matches the development vision that Lincoln County, as a community, desires. You should also review any applicable design guidelines for other applicable development information.

IF YOU WANT TO BUILD OR ESTABLISH A PARTICULAR USE:

Follow Steps 1 through 5 above, to identify your zoning district and the permitted uses. You can find the specific details for the permitted uses in your zoning district in either Article 3 or Article 12. You can also find the various development standards that apply to your property in Article 3 and Article 5.

IF YOU WANT TO CHANGE YOUR ZONING DISTRICT:

Only the Board of Commissioners may rezone property – following public notice and hearings. See §9.4, Rezonings, for details on the procedure.

IF YOU WANT TO SUBDIVIDE YOUR PROPERTY:

Property can only be subdivided in accordance with §9.6, Subdivision Review.

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ARTICLE 1. GENERAL PROVISIONS

§1.1. Title

This UDO shall be known and may be cited as the “Lincoln County Unified Development Ordinance”, and may be referred to as “this UDO”.

§1.2. Authority and Enactment

The Board of Commissioners, pursuant to the authority conferred by the General Assembly of the State of North Carolina in G.S. § 160D, does hereby ordain and enact into laws these articles and sections.

§1.3. Purpose

§1.3.1. General

For the purpose of promoting the health, safety, morals, and general welfare, this UDO is adopted by the governing body to regulate and restrict the height, number of stories, and size of buildings and other structures; the percentage of lots that may be occupied; the size of yards, courts, and other recreation and open spaces; the density of population; and the location, general design, appearance and use of buildings, structures and land for trade, industry, residence, or other purposes.

§1.3.2. Zoning

The zoning regulations in this UDO are in accordance with a comprehensive plan and are designed to lessen congestion in the roads; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to preserve and improve the character of development in the County and its neighborhoods; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations have been made with reasonable consideration, among other things, as to the character of the jurisdiction and its areas and their peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdiction.

§1.3.3. Subdivision

The purpose of this UDO is also to provide for the orderly development of the County and its environs through the regulation of the subdivision of land. The regulations contained herein are intended to coordinate proposed development with existing development and with officially adopted plans for the future development of the County; to ensure the provision of adequate facilities for transportation, water, sewerage, and other public facilities in subdivisions; to ensure the proper legal description, monumentation, and recording of subdivided land; and to promote the public health, safety, and general welfare of the County.

§1.4. Right-to-Farm and Ranch Policy

In addition to the purposes set out in §1.3, Lincoln County has established, by ordinance, a “Right-to-Farm and Ranch” policy which is summarized in this section.

Subdivision

- A.** Any agricultural operation or practice that is historical, traditional, legitimate, and reasonable shall be protected. Any new or expanded agricultural operation or practice that is legitimate and reasonable shall be encouraged.
- B.** Agriculture, as a way of life, benefits all residents of Lincoln County. It is an important part of the economy and adds intrinsic value to life in Lincoln County. Agriculture, as a business, brings with it noise, odors, dust, mud, smoke and other inconveniences, such as equipment and livestock on public roads, odors from manure and feeds, odors from chemical applications, lights and noises at all hours of the day and night, and on-farm processing and marketing of crops and livestock. To maintain this way of life, Lincoln County intends to protect agricultural operators from unnecessary, intrusive litigation. Therefore, no inconvenience shall be considered a nuisance so long as it occurs as a part of non-negligent and legal agricultural practice, as stated in G.S. § 106-735 through 106-744, Agricultural Development and Preservation of Farmland, and Chapter 160D.

§1.5. Effective Date

This UDO was adopted on November 17, 2008 and revised on August 17, 2009, becoming effective August 31, 2009.

§1.6. Jurisdiction

This UDO shall be effective everywhere throughout the County outside corporate municipalities and except for any areas that lie within the extraterritorial planning jurisdiction now or hereafter established by any such municipality. No building shall be erected or structurally altered nor shall any land development activity take place, unless it conforms to the provisions of this UDO. Uses of property shall be limited by the provisions of this UDO.

§1.7. Severability

This UDO and various parts, sections, subsections, and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this UDO shall not be affected thereby.

§1.8. Conditions, Limitations and Representatives

Whenever any condition or limitation is included in an order authorizing a special use permit, variance, certificate of occupancy, or site plan approval or is offered by an applicant in an application or public hearing for such permit or approval, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this UDO or the requirements of some provisions hereof, and to protect the public health, safety, and welfare, and that the officer or body would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful. Any and all representations made by the applicant to the County on the record during the application process, whether written or verbal, shall be deemed a part of the application and may be relied upon in good faith by the County.

§1.9. Repeal of Conflicting Ordinance

All County ordinances or parts of ordinances which are in conflict or inconsistent with this UDO are repealed and superseded to the extent necessary to give this UDO full force and effect.

§1.10. Director

The Director, or his/her designee, is appointed to serve as administrator of this UDO. (For more information, see §8.6)

§1.11. Application of Regulations

The regulations set forth in this UDO shall affect all land, every structure, and every use of land or structure, and shall apply as follows:

§1.11.1. Compliance Required

No structure or land shall hereafter be used or occupied, and no structure or part thereof shall be erected, moved onto, or structurally altered, except in compliance with the regulations of this UDO, for the district in which it is located.

§1.11.2. Zoning Permit Required

No building, sign, or structure or any part thereof shall be erected, structurally altered or moved or changed in use until a Zoning Permit has been issued by the Director as set forth in §9.9.

§1.12. Interpretation of Regulations

The regulations in this UDO shall be enforced and interpreted according to the following rules:

§1.12.1. Minimum Requirements

Regulations set forth by this UDO shall be minimum regulations. If the requirements set forth in this UDO are at variance with the requirements of any other lawfully adopted uses, regulations, or ordinances, the more restrictive or higher standard shall govern.

§1.12.2. Restrictive Covenants

Unless restrictions established by covenants with the land are prohibited by or contrary to the provisions of this UDO, nothing contained within this UDO shall be construed to render such covenants inoperative.

§1.13. Compliance with Plans

§1.13.1. Approved Plans

Permits or certificates issued on the basis of plans and applications shall authorize only the use, arrangement, and construction as set forth in such approved plans and applications and no other use, arrangement, or construction.

§1.13.2. Adopted Plans and Policies

All proposed subdivisions shall be placed and designed in a manner consistent with the adopted plans and policies of the County.

§1.14. Transitional Provisions

§1.14.1. Conforming Uses and Structures

- A.** Any use or structure existing prior to the effective date of this UDO that conforms to the regulations of this UDO for permitted uses, and satisfies the dimensional requirements and any other applicable regulations of the district in which it is located, may be continued, provided any use, structural, or other changes shall comply with the provisions of this UDO.
- B.** Any use or structure existing prior to the effective date of this UDO that would be permitted by this UDO as a special use in the district in which it is located, may be continued as if a special use permit had been issued, provided that any use, structural, or other changes shall comply with the provisions of this UDO.

§1.14.2. Effect of Amendment

If subsequent amendments to this UDO or the Zoning Map result in the creation of additional nonconformities or conformities, such nonconformities or conformities shall be governed by the provisions of this UDO, unless otherwise stated in the amendment.

§1.14.3. Applications and Prior Approvals

A. Projects under Construction Prior to Effective Date

- 1.** Any building or development for which a permit was issued before the effective date of this UDO may be completed in conformance with the issued permit and other applicable permits and conditions, even if such building or development does not fully comply with provisions of this UDO.

2. Nothing in this UDO shall require a change to a phasing plan approved prior to the effective date of this UDO, provided construction is consistent with the terms and conditions of the phasing plan and proceeds to completion in a timely manner. The applicant shall ensure that a period of no more than two years without an active building permit occurs in order to continue a project under a previous phasing plan.
3. If construction is not completed according to the applicable permit terms, the Board of Commissioners may, for good cause shown, grant an extension of up to one year for such construction. If the building is not completed within the time allowed under the original permit or any extension granted, then the building may be constructed, completed or occupied only in compliance with this UDO.

B. Applications Submitted Prior to Effective Date

1. Any complete application submitted before the effective date of this UDO may be completed in conformance with applicable permits and conditions of the regulations in effect at the time of submission of the application, even if such application does not fully comply with provisions of this UDO.
2. If construction is not commenced or completed according to the applicable terms of the application, the Board of Commissioners may, for good cause shown, grant an extension of up to one year for such construction. If the building is not completed within the time allowed under the original application or any extension granted, then the building may be constructed, completed or occupied only in compliance with this UDO.

C. Prior Approvals

Where a planned development, conditional zoning district, or special use was approved prior to the effective date of this UDO, the provisions of this UDO shall apply to the extent that they do not conflict with the original conditions of approval.

District Conversion

§1.14.4. District Conversion

The zoning district names in effect prior to the effective date of this UDO are converted as shown below.

Previous District		New District	
General Districts			
R-R	Rural Residential	R-R	Rural Residential
R-T	Transitional Residential	R-T	Transitional Residential
R-S	Residential Suburban	R-S	Residential Suburban
R-SF	Residential Single-Family	R-SF	Residential Single-Family
R-CR	Residential and Commercial Recreational	R-CR	Residential and Commercial Recreational
R-20	Single-Family-20	R-20	Single-Family-20
R-14	Single-Family-14	R-14	Single-Family-14
RL-ZO	Zero Lot Line	R-MR	Mixed Residential
R-MF	Multi-family Residential	R-MF	Multi-Family Residential
--	NEW	O-R	Office Residential
B-N	Neighborhood Business	B-N	Neighborhood Business
B-G	General Business	B-G	General Business
--	NEW	B-C	Corporate Business
I-L	Industrial Light	I-L	Industrial Light
I-G	Industrial General	I-G	Industrial General
PD-R	Planned Development-Residential	PD-R	Planned Development-Residential
--	NEW	PD-C	Planned Development-Commercial
PD-I	Planned Development-Industrial	PD-I	Planned Development-Industrial
PD-O and PD-MU	Planned Development-Office Planned Development-Mixed Use	PD-MU	Planned Development-Mixed Use
Overlay Districts			
DH	DH Corridor Highway Overlay District	--	DELETED
WS	Water Supply Watershed Protection Overlay	-WPO	Water Supply Watershed Protection Overlay
HO	Historic Overlay	-HO	Historic Overlay
AO	Airport Overlay	-AO	Airport Overlay
--	NEW	-LCCO	Little Creek Cove Overlay

Commentary: The table above translates existing zoning districts to the new zoning districts in this UDO.

§1.15. Graphics and Illustrations

Where graphics or illustrations included in this UDO conflict with the text of the regulations, the text shall control.

ARTICLE 2. ZONING DISTRICTS

§2.1. Districts Established

To carry out the provisions of this UDO, within the jurisdiction of Lincoln County, the following zoning districts are established:

§2.1.1. General Use Districts

A. Residential

1. R-R | Rural Residential

This district is composed of low density residential and related development and selected nonresidential uses, which are typically found in a rural residential area. The established regulations for this district are designed to maintain and promote a rural and semi-rural atmosphere in portions of the County in which public utilities are not available and will likely not be available in the foreseeable future.

2. R-T | Transitional Residential

Established to accommodate a wide variety of residential oriented uses in portions of the County which to date have not experienced significant amounts of growth. Areas zoned R-T should be viewed as development "holding zones". In general, such areas do not have public water and sewer facilities.

3. R-S | Residential Suburban

Established to encourage residential type development in portions of the County where one or more public utilities are currently in service or are anticipated to be installed in the future, residential subdivision development is somewhat more likely in this district than in the R-R or R-T districts. Given that residential will be the major use of land in this area, careful attention must be given to the list of nonresidential uses which can take place in order to maximize aesthetics and the overall quality of life in such areas.

4. R-SF | Residential Single Family

Established to provide for traditional single-family subdivisions and/or maintain areas in the County for traditional single-family residential uses, such areas, in general, do not presently contain mobile or manufactured homes, duplexes or multi-family dwelling developments. Since manufactured homes and other types of residential dwelling units are accommodated in many of the other residential districts, certain areas of the County can be set aside exclusively for single-family purposes. Unlike the R-S district where public utilities are currently in place or expected to be in the near future, the provision of public utilities is not a factor in the location of the R-SF district. Thus, the R-SF district may be applied to areas which have received both suburban and more rural types of development in the past.

5. R-CR | Residential and Commercial Recreational

Established to provide for a combination of residential uses and outdoor recreation uses and activities, the R-CR district is appropriate for application to larger sites adjacent to Lake Norman and other streams and bodies of water

General Use Districts

which lend themselves to the development of outdoor recreational areas and communities.

6. R-20 | Single-family-20

Established as a single-family residential district, the R-20 district is intended to provide a quality residential environment and protect the quality of life for its residents and other selected uses which are permitted by special use permit.

7. R-14 | Single-family-14

Established primarily as a single-family residential district. Since the purpose of this district is to maintain a quality residential atmosphere, uses permitted other than single-family are limited.

8. R-MR | Mixed Residential

Established to provide for higher density residential development in harmony with surrounding uses, the R-MR district allows zero lot line homes, duplexes, townhouse development and other selected uses compatible with such development. Density levels within the R-MR district may be allowed up to six units per acre.

9. R-MF | Multi-family Residential

Established to provide for higher density, multi-family residential development in harmony with surrounding uses and other selected uses compatible with such development, density levels within the R-MF district may be allowed up to six units per acre.

B. Nonresidential**1. O-R | Office Residential**

The O-R district is intended to accommodate modest-scale professional occupations, along with mixed residential units, to serve as a neighborhood activity center and as a transition between residential and more intense commercial uses.

2. B-N | Neighborhood Business

The B-N district provides for small-scale commercial uses offering primarily convenience shopping and services for adjacent residential areas. Proximity to residences requires that commercial operations are low intensity, unobtrusive and conducted at a scale and density compatible with the surrounding neighborhood. There is a relatively low demand on public services, transportation and utilities.

3. B-G | General Business

The B-G district provides locations of offices, service uses, and businesses retailing durable and convenience goods for the community as a whole. Located on arterials or collectors, such uses are accessible to and serve the entire community. Such uses shall be designed in such a manner so as to promote aesthetics, the safe and efficient movement of traffic and not unduly burden adjacent thoroughfares. Site design and buffering mitigate impacts of traffic, operations and scale on adjacent businesses and residential neighborhoods.

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5. I-L | Industrial Light

The I-L district promotes the retention and growth of employment opportunities by providing areas where a broad range of industrial uses may locate and where options for complementary uses exist. Industries should be operated in a relatively clean and quiet manner, and should not be obnoxious to nearby residential or business districts, warehousing and wholesaling activities, and research facilities. The regulations of this district are intended to prohibit the use of land for industries that by their nature may create some nuisance to surrounding properties.

6. I-G | Industrial General

The I-G district promotes the retention and growth of employment opportunities by providing areas where a broad range of industrial uses may locate and where options for complementary uses exist. Intended for heavy industries that, by their nature, may create some nuisance, and which are not properly associated with or are compatible with nearby residential or business districts, warehousing and wholesaling activities, and research facilities.

C. Planned**1. PD-R | Planned Development-Residential**

The PD-R district is intended to provide for master-planned residential communities containing a mix of housing types, including associated amenities with appropriate perimeter buffering and recreation and open space. This district is primarily intended for large-scale residential projects that require either additional flexibility not available in the residential districts or greater scrutiny by the County due to their scale.

2. PD-C | Planned Development-Commercial

The PD-C district is intended to enhance the design of a commercial development by allowing for additional flexibility not available in the nonresidential districts. The district allows for innovations and special features in site development, including the location and type of structures, the conservation of natural features, the conservation of energy, and the efficient use of recreation and open space.

3. PD-I | Planned Development-Industrial

The PD-I district is intended to provide a means of achieving unified industrial complexes of high quality to promote amenities beyond those expected under conventional techniques, to achieve greater flexibility in design, to encourage well-planned industrial developments that provide for community needs, to provide for appropriate use of land which is significantly unique in its physical characteristics, location or other circumstances to warrant special methods of development, and to allow the expansion of existing industrial areas while safeguarding and maintaining the integrity of surrounding uses, especially those of a residential nature.

4. PD-MU | Planned Development-Mixed Use

The PD-MU district is intended to provide for coordinated mixed use developments which include light industrial, commercial, office, educational, civic, institutional, residential and service uses within a planned development with appropriate perimeter buffering and recreation and open space. The

variety of land uses available in this district allows flexibility to respond to market demands and the needs of tenants, which provides for a variety of physically and functionally integrated land uses.

§2.1.2. Reserved

§2.1.3. Conditional Zoning Districts

A. Authority

Pursuant to G.S. § 160D-703(b), the Board of Commissioners may establish by ordinance various conditional zoning districts. Property may be placed in a conditional zoning district only in response to a petition by all owners of the property to be included.

B. Purpose

Conditional zoning is a legislative process in which an applicant proposes, and the local government considers, a map amendment that includes additional conditions. A site plan is required and will include within the entitlement process, any mutually agreed upon conditions by the applicant and the Board of County Commissioners.

C. Procedure

See Article 9.21

§2.1.4. Overlay Districts

A. Eastern Lincoln Development District (ELDD)

The ELDD is established to address the growth opportunities in eastern Lincoln County, primarily along the NC 16 Business and NC 16 Bypass corridors. Due to the importance and special nature of these corridors and the development pressures in these areas, additional standards are needed beyond those applicable countywide and described in the general development standards of Article 3. The standards established in §2.5.1 apply to nonresidential, mixed-use, multi-family and planned development.

B. Watershed Protection Overlay (-WPO)

The -WPO district is established to protect the following designated watersheds: WS-II-CA (Critical Area); WS-II-BW (Balance of Watershed); WS-III-BW (Balance of Watershed); WS-IV-CA (Critical Area); WS-IV-PA (Protected Area). The designated watersheds under this district are defined and established by the overlay district “-WPO Watershed Protection Overlay” on the Zoning Map. Land use and development within the -WPO district must comply with all the requirements of both the underlying zoning district and the respective watersheds. The -WPO district is intended for application to lands designated as a Public Water Supply Watershed by the North Carolina Environmental Management Commission and as defined and established on the map entitled, "Watershed Protection Map of Lincoln County, North Carolina" (the Watershed Map"). See §7.3 for watershed protection standards.

C. Historic Overlay (-HO)

The -HO district is established to protect, enhance, and perpetuate landmarks or areas of historical and cultural importance and significance. Designation of historic overlay areas is necessary to promote the economic, cultural, educational, and

general welfare of the public, because such areas represent the unique confluence of time and place that shaped the identity of generations of citizens, both collectively and individually, and produced significant historic, architectural, and cultural resources that constitute their heritage.

D. Airport Overlay (-AO)

The -AO district is established to prevent the creation or establishment of obstructions that are hazards to air navigation. Prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation. The prevention of the creation or establishment of hazards to air navigation or obstructions and the elimination, removal, alteration or mitigation of air hazards to air navigation or obstructions, or the marking and lighting of obstructions, are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

E. Reserved

§2.1.5. Interpretation of District Boundaries

A. Defined

District boundaries as are shown upon the Zoning Map of the County, and the provisions of this UDO are hereby established and declared to be in effect upon all land included within the boundaries of each and every district shown on the map.

B. Rules for Interpretation

1. The Director is authorized to interpret the Zoning Map and to pass upon disputed questions of lot lines or district boundary lines and similar questions. If such questions arise in the context of an appeal from a decision of the Director, they shall be handled as provided in §9.19, Administrative Appeals.
2. An application for a Zoning Map interpretation shall be submitted by filing the application with the Director. The application shall contain sufficient information to enable the Director to make the necessary interpretation.
3. Where uncertainty exists as to the boundaries of any district shown on the Zoning Map, the following rules shall apply:
 - (a) Boundaries indicated as approximately following the centerlines of roads, alleys, highways, streams or railroads shall be construed to follow such centerlines.
 - (b) Boundaries indicated as approximately following lot lines, any municipal boundaries or extraterritorial jurisdiction boundary lines, shall be construed as following such lines, limits or boundaries; and
 - (c) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such changed shorelines.
4. Where a district boundary divides a lot or where distances are not specifically indicated on the Zoning Map, the boundary shall be determined by measurement, using the scale of the Zoning Map.
5. Where any road or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that

Interpretation of District Boundaries

portion of such road or alley added thereto by virtue of such vacation or abandonment.

§2.2. Permitted Land Uses

§2.2.1. Use Table

The use table is subject to the explanation as set forth below.

A. Key to Types of Use

1. Permitted

A "P" indicates that a use is permitted in the respective district subject to the specific use standards in Article 4. Such uses are also subject to all other applicable requirements of this UDO.

2. Reserved

3. Special

An "S" indicates a use that may be permitted in the respective general use district only where approved by the Board of Commissioners in accordance with §9.11. Special uses are subject to all other applicable requirements of this UDO, including the specific use standards contained in Article 4.

4. Use Standard

The "Use Standard" column on the table is a cross-reference to any specific use standard listed in Article 4. Where no cross-reference is shown, no additional use standard shall apply.

5. Uses Not Permitted

A blank cell in the use table indicates that a use is not permitted in the respective district.

B. Permitted Use Table

The following table lists the principal uses permitted by this UDO for general use districts. For conditional zoning districts, see §2.1.3; for overlay districts, see §2.5; for planned development districts, see §2.4.9, and for accessory structures and uses, see §4.6.

Use Table

	R-R	R-T	R-S	R-SF	R-CR	R-14	R-20	R-MR	R-MF	O-R	B-N	B-G	I-L	I-G	Use Standard
Residential Uses ¹	R-R	R-T	R-S	R-SF	R-CR	R-14	R-20	R-MR	R-MF	O-R	B-N	B-G	I-L	I-G	Use Standard
Single-family detached	P	P	P	P	P	P	P	P	P						
Modular (CABO)	P	P	P	P	P	P	P	P	P						
Alley-loaded house		P	P	P		P	P								§4.2.1
Zero lot line house								P	P						§4.2.2
Two-family house	P	P	P			P		P	P						§4.2.3
Townhouse				S	S			P	P	S	S				§4.2.4
Multi-family			S	S				P							§4.2.5
Upper-story residential										P	S	S			§4.2.6
Boarding house	P	P	P					P	P						§4.2.7
Manufactured home, Class A	P	P	P												§4.2.8
Manufactured home, Class B	P	P	P												§4.2.9
Manufactured home, Class C	P	P	S												§4.2.10
Manufactured home, Class D	S	S													§4.2.11
Manufactured home, Class E	P	P	S												§4.2.12
Manufactured home, Class F															§4.2.13
Manufactured home park (<20 units)	S	S													§4.2.14
Manufactured home park (>20 units)	S	S													§4.2.14
Storage, private (on <2 ac.)	S	S	S	S	S										
Storage, private (on >2 ac.)	P	P	P	P	P										
Civic Uses	R-R	R-T	R-S	R-SF	R-CR	R-14	R-20	R-MR	R-MF	O-R	B-N	B-G	I-L	I-G	Use Standard
Airport, public or private	S	S													S
Adult care home	S	S	S						S	S	S				
Bus terminal, public	S	S									P	P	P		
Cemetery	P	P	S	S	S					S					§4.3.1
Civic club or community center	S	S	S	S	S				P	P	P		P		
Coliseums 1000+ seats										S					
College									P	S	S				
Correctional facility												S			
County facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§4.3.5
Child care center, small group (1-6)	P	P	P	P	P			P	P	P	P	P			
Child care center (6+)	S	S	S	S	S			S	S	P	P	P	P	S	§4.3.2
Child care center (6+) as accessory use											P	P			
Family care home	P	P	P	P	P	P	P	P	P	P	P	P			§4.3.3
Hospital									S	P	P				
Museum (privately owned)									P	P	P				
Nursing home	S	S	S						S	S	S				
Place of worship, seating capacity <500	P	P	P	P	P				P	P	P				§4.3.4
Place of worship, seating capacity 500 to 1000	P	P	S	S	S					P	P				§4.3.4
Place of worship, seating capacity >1000										P	P				§4.3.4
State or federal facility not listed as S use									P	P	P	P	P	P	§4.3.5
Public safety facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§4.3.5
Railroad terminal and yard													P		
School, elementary and secondary	P	P	P	P	P					S	S				§4.3.6
Solar farm	S	S								S	S	S			4.3.7
Technical, trade, business school	S	S							S		P	P			
Utility, minor *	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Utility, major *	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Wireless facility and tower (up to 60 ft)	P	P	P	P	P	P			P	P	P	P	P	P	4.3.8

¹ Some residential uses listed in this table may only be allowed in cluster subdivisions (See §2.4.5 and §2.4.6)

	R-R	R-T	R-S	R-SF	R-CR	R-14	R-20	R-MR	R-MF	O-R	B-N	B-G	I-L	I-G	Use Standard
Recreational Uses	R-R	R-T	R-S	R-SF	R-CR	R-14	R-20	R-MR	R-MF	O-R	B-N	B-G	I-L	I-G	
Wireless facility and tower (61-100 ft)	S	S	S	S	S	S				S	S	S	P	P	4.3.8
Wireless facility and tower (101-325 ft.)	S	S	S	S							S	S	S		4.2.0
Amusement Center - Indoor											P	P			
Amusement Center - Outdoor											S	P			
Amusement Center Indoor and Outdoor											S	P			
Fitness Gym											P	P			
Golf Course/Golf Club	S	S	S	S							P	P			
Recreational Club, Private					S						P				§4.4.15
Gymnasium											P				
Outdoor Recreation Fields	S	S	S	S							P	P			
Outdoor Private Swimming Pool	P	P	P	P	P						P				
Public Recreation facilities and Parks	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Recreational Fishing Lake	S	S									S				
Event Venue	S	S									S	P			
Commercial Uses	R-R	R-T	R-S	R-SF	R-CR	R-14	R-20	R-MR	R-MF	O-R	B-N	B-G	I-L	I-G	Use Standard
Adult establishment														S	§4.4.1
Agriculture*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Agriculture (sales, processing) *	S	S												P	
Agricultural supply/equipment sales	S										P		P		
Animal shelter											S		S		
Artist studio, gallery										P	P	P			
Auctions, livestock or outdoor	S										S		S		
Bank or financial institution										P	P	P	S		
Bar or nightclub											S				§4.4.2
Bed & breakfast	S	S	S	S	S				P	P	P	P			§4.4.3
Cabinet shop											S	P			
Campground	S			S							S				
Catering, food										P	P	P			
Club, private	P	P	S	S	S	S	S	S			P				§4.4.4
Contractor's office										P	P	P			§4.4.5
Contractor's yard										P	P				
Convenience store without fuel sales										P	P	P	P		
Electronic gaming operation										S	S				§4.4.6
Farm stand	P	P	P	P						P	P	P	P		§4.4.7
Flea market										S	S	S			§4.4.8
Florist, wholesale										S	S	S			
Freezer lockers											P				
Funeral home										P	P	S			
Gas station with convenience retail										S	P	S	S		§4.4.9
Hotel, motel					S					P					§4.4.10
Kennel	S	S								S	S		S		§4.4.11
Marina				S											
Microbrewery										P	P				§4.4.12
Microbrewery combined with restaurant										P	P				§4.4.13
Newspaper publisher										S	P	P	P		
Office, general *									P	P	P	P	P		
Office, professional									P	P	P	P	P		

Use Table

	R-R	R-T	R-S	R-SF	R-CR	R-I4	R-20	R-MR	R-MF	O-R	B-N	B-G	I-L	I-G	Use Standard
Office, medical *										P	P	P	P	P	
Parking lot, commercial															P
Photo finishing laboratory											P	P	P		
Post office										S	P	P	P	P	
Postal/parcel processing													P	P	
Racetrack	S													S	§4.4.14
Radio or television studio											P	P			
Restaurant, general						S				P	P	S			§4.4.16
Restaurant, fast food											P	S			
Retail, neighborhood *										P	P				§4.4.17
Retail, general *										P	P				§4.4.17
Self-storage facility											S	S	P		§4.4.19
Service, neighborhood *										P	P	P			§4.4.20
Service, general *										P	P	P	P		§4.4.20
Shooting range, indoor										S	S				§4.4.21
Shooting range, outdoor	S										S				
Tattoo parlor/body piercing establishment											S				
Vehicle repair *													P		§4.4.22
Vehicle sales *											S	S	S		§4.4.23
Vehicle service *										S	P	P	P		§4.4.24
Vending supply													P		
Veterinarian, animal hospital										P	P	S			§4.4.25
Industrial Uses	R-R	R-T	R-S	R-SF	R-CR	R-I4	R-20	R-MR	R-MF	O-R	B-N	B-G	I-L	I-G	Use Standard
2022 NAICS Classifications															
Mining, oil and gas extraction															
2111 Oil and gas extraction													S		§4.5.1
2121 Coal mining													S		§4.5.1
2122 Metal ore mining													S		§4.5.1
2123 Nonmetallic mineral mining													S		§4.5.1
2124 Support activities for mining													S		§4.5.1
Manufacturing															
3111 Animal food													S		
3112 Grain and oilseed milling													S		
3113 Sugar and confectionery product													P		
3114 Fruit and vegetable preserving, etc.													P		
3115 Dairy product													P		
3116 Animal slaughtering and processing													S		
3117 Seafood product preparation													S		
3118 Bakeries and tortilla													P	P	
3119 Other food													S		
3121 Beverage													P		
3122 Tobacco													S		
3131 Fiber, yarn and thread													P	P	
3132 Fabric													P	P	
3133 Textile and fabric finishing													S		
3141 Textile furnishings													P	P	
3149 Other textile product													P	P	
3151 Apparel knitting													P	P	
3152 Cut and sew apparel													P	P	
3159 Apparel accessories, other apparel													P	P	
3161 Leather and hide tanning													S		
3162 Footwear													P		
3169 Other leather and allied product													P		
3211 Sawmills and wood preservation													S		

	R-R	R-T	R-S	R-SF	R-CR	R-I4	R-20	R-MR	R-MF	O-R	B-N	B-G	I-L	I-G	Use Standard
3212 Veneer, plywood, etc.															P
3219 Other wood product															P
3221 Pulp, paper and paperboard															
3222 Converted paper product													S	S	
3231 Printing, related support activities													P	P	
3241 Petroleum and coal products															S
3251 Basic chemical															S
3252 Resin, synthetic rubber, etc.															S
3253 Pesticides, fertilizer, etc.															S
3254 Pharmaceutical and medicine													P	P	
3255 Paint, coating and adhesive															S
3256 Soap, cleaning compound, etc.															S
3259 Other chemical product															S
3261 Plastics product															P
3262 Rubber product															S
3271 Clay product and refractory													S	S	
3272 Glass and glass product															S
3273 Cement and concrete product															S
3274 Lime and gypsum product															S
3279 Other nonmetallic mineral product															S
3311 Iron and steel mills															S
3312 Steel product manufacturing															P
3313 Alumina and aluminum production															S
3314 Other nonferrous metal production															S
3315 Foundries															S
3321 Forging and stamping															P
3322 Cutlery and handtool													P	P	
3323 Architectural and structural metals															P
3324 Boiler, tank and shipping container															P
3325 Hardware manufacturing													P	P	
3326 Spring and wire product													P	P	
3327 Machine shops; turned product													P	P	
3328 Coating, engraving, heat treating													S	S	
3329 Other fabricated metal product															S
3331 Agriculture, construction machinery															P
3332 Industrial machinery															P
3333 Commercial and service machinery													P	P	
3334 HVAC and commercial refrigeration													P	P	
3335 Metalworking machinery													P	P	
3336 Engine, turbine equipment															P
3339 Other general purpose machinery															S
3341 Computer and peripheral equipment													P	P	
3342 Communications equipment													P	P	
3343 Audio and video equipment													P	P	
3344 Semiconductor, other component													S	S	
3345 Measuring and control instruments													P	P	
3346 Magnetic and optical media													P	P	
3351 Electric lighting equipment													P	P	
3352 Household appliances													P	P	

Use Table

	R-R	R-T	R-S	R-SF	R-CR	R-I4	R-20	R-MR	R-MF	O-R	B-N	B-G	I-L	I-G	Use Standard
3353 Electrical equipment															P
3359 Other electrical component															S
3361 Motor vehicle manufacturing															S
3362 Motor vehicle body and trailer															S P
3363 Motor vehicle parts															S P
3364 Aerospace product and parts															S P
3365 Railroad rolling stock															S
3366 Ship and boat building															S
3369 Other transportation equipment															S
3371 Household and institutional															P
3372 Office furniture (including fixtures)															P
3379 Other furniture-related product															P
3391 Medical equipment and supplies															P P
3399 Other miscellaneous manufacturing															S S
Wholesale trade															
4231 Motor vehicle, parts and supplies															S P
4232 Furniture and home furnishing															S P
4233 Lumber, construction materials															S P
4234 Profession, commercial equipment															S P
4235 Metal and mineral															S P
4236 Electrical and electronic goods															S P
4237 Hardware, plumbing and heating															S P
4238 Machinery, equipment and supplies															S P
4239 Miscellaneous durable goods															S P
4241 Paper and paper product															S P
4242 Drugs and druggists sundries															S P
4243 Apparel, piece goods and notions															S P
4244 Grocery and related product															S P
4245 Farm product raw material															S P
4246 Chemical and allied products															S S
4247 Petroleum, petroleum products															S S
4248 Alcoholic beverage															S P
4249 Miscellaneous nondurable goods															S P
4251 Wholesale electronic markets															S P
Transportation and warehousing															
4841 General freight trucking															P
4842 Specialized freight trucking															S
4855 Charter bus															P
4931 Warehousing and storage															P
Other uses															
Battery storage															S
Bulk storage of flammable liquids															S
Building material sales, lumberyards															S P P
Crematorium															P P P
Data center															P P P
Process of Dry cleaning and laundry															S P
Junkyard/salvage															S
Laboratories															P P
Motor sports/team racing															S P
Product distributing plant															S P
Recycling facility, indoor															S P
Repair and servicing of machinery, equipment or products															P P

	R-R	R-T	R-S	R-SF	R-CR	R-I4	R-20	R-MR	R-MF	O-R	B-N	B-G	I-L	I-G	Use Standard
Retail sales as an accessory use to a manufacturing or distribution plant													P	P	
Research and development *													P	P	
Sawmill Only (no wood preservation)	S	S	S										P	P	
Septic service													P		
Supply houses													P	P	
Tire recapping shop													P		
Vehicle storage													P		
Waste service*													S	§4.5.1	

§2.3. Use Interpretation

§2.3.1. Grouping of Uses

As set forth in the Permitted Land Use Table (see §2.2.1), certain uses are grouped together based on common functional, product, or physical characteristics.

Characteristics include the type and amount of activity, the type of customers, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions. Grouping uses provides a systematic basis for assigning uses to appropriate general use districts. Any use not specifically set forth in this UDO is expressly prohibited, unless determined otherwise as set forth in paragraph §2.3.6 below.

§2.3.2. Uses Not Grouped

As set forth in the Permitted Land Use Table (see §2.2.1), due to their specific nature and characteristics, certain uses have not been grouped. Individual uses may be defined in Article 12, Definitions.

§2.3.3. Civic Use Groups

Airport and Bus Terminals: Transportation services and facilities for the landing and takeoff of airplanes and helicopters, fixed base operations, flying schools, air shipment warehouses, passenger terminals for bus service, and associated loading and unloading areas.

Parks and Open Areas: Uses focusing on natural areas consisting mostly of open vegetation, passive or active outdoor recreation areas, or community gardens, and having few structures. Parks and open areas shall include the following: tot lot and playgrounds; mini-parks; plazas; squares; greens; neighborhood parks; botanical gardens; nature preserves and recreation trails; or any similar use.

Utility, Major: A large-scale utility such as water or wastewater treatment plant, water tower, electrical generation plant, or transmission facility or any similar use. “Solar farm” is specifically excluded from the definition of “Major Utility.”

Utility, Minor: All utility facilities not considered major, including, but not limited to neighborhood-serving facilities such as utility distribution lines, sewage collection lines, pump stations, telephone exchanges, lift stations, and stormwater detention facilities, or any similar use.

Commercial Use Groups**§2.3.4. Commercial Use Groups**

Agriculture: Bona fide farm purposes as defined by N.C. General Statutes 160D-903(a), including the production and activities relating to or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry and all other forms of agricultural products having a domestic or foreign market.

Amusement Center, Indoor: Amusement or recreational activities carried on wholly within a building, including dance hall, theater, bowling alley, miniature golf, laser tag, paintball, go-carts, ropes courses, golf driving range, batting cages, billiards, skating rink, coin operated games, trampoline parks, rock climbing and activities of a similar nature. This does not include an adult-oriented business.

Amusement Center, Outdoor: Any recreational facility where activity takes place primarily outdoors, including miniature golf courses, batting cages, swimming pool, driving range or a similar facility. This definition does not include riding stables, racetracks or shooting ranges.

Office, General: A facility generally focusing on business, government, professional or financial services. General office shall include the following: advertising office; bank; business management consulting; data processing; financial business such as lender, investment or brokerage house; collection agency; real estate or insurance agent; professional service such as lawyer, accountant, bookkeeper, engineer, or architect; sales office, travel agency or any similar use.

Office, Medical: A medical facility in which a doctor, dentist, psychiatrist, physician's assistant, nurse practitioner or similar medical provider treats or counsels patients.

Retail, General: A facility involved in the wholesale or retail sale, lease, or rental of new or used products to through traffic as well as the surrounding neighborhood. General retail shall include the selling, leasing or renting of the following goods: antiques; art; art supplies; bicycles; building supplies; cameras; carpet and floor coverings; crafts; clothing; computers; dry goods; electronic equipment; fabric; furniture; garden supplies; hardware; household products; jewelry; medical supplies; musical instruments; music; pets; pet supplies; printed materials; sporting goods; or any similar use. The retail sale of automobile parts shall be considered retail general provided no on-site automobile service or repair is provided. This definition does not include any adult entertainment establishment.

Retail, Neighborhood: A facility involved in the sale, lease, or rental of new or used products primarily to local traffic in the surrounding neighborhood. Neighborhood retail shall include the selling, leasing or renting of the following goods: books; health and beauty products; photo finishing; crafts; flowers; gifts or souvenirs; groceries; plants; picture frames; produce; stationery; tobacco; videos or any similar use. Also includes preparation and sale of baked goods, coffee, ice cream, fountain drinks, confections and similar products whose preparation does not require installation of an exhaust hood.

Service, General: A facility involved in providing personal or repair services to through traffic as well as the surrounding neighborhood. General services shall include the following personal services: animal grooming; dance, martial arts, photographic, music studio or classroom; photocopy, blueprint, quick-sign service; psychic or medium;

security service; taxidermist; catering service or any similar use. General services shall also include the following repair services: bicycles; mopeds, canvas products; clocks; computers; jewelry; musical instruments; office equipment; radios; shoes; televisions; furniture; watches or any similar use. Also includes a tailor, milliner, upholsterer or locksmith. This definition does not include any adult entertainment establishment.

Service, Neighborhood: A facility involved in providing limited personal services to local traffic in the surrounding neighborhood. Neighborhood services shall include the following: personal care services such as hair, nail, tanning, massage therapy; laundromat; dry cleaning and laundry pickup station; pack and ship facility; or any similar use.

Vehicle Sales: A facility involved in providing direct sales, renting or leasing of motor vehicles, light and medium trucks, tractor trailers, recreational vehicles; construction equipment; motorcycles and boats, or any similar use.

Vehicle Service: A facility involved in providing limited service to passenger vehicles and other small consumer vehicles. Such minor operations are primarily provided while customers wait for their vehicles. Limited vehicle service shall include the following: alignment shop; quick lubrication facilities; brake service, battery sales and installation; outdoor car wash; auto detailing and tire sales and mounting; or any similar use.

Vehicle Repair: A facility involved in providing repair services to passenger vehicles, light and medium trucks, tractor trailers, recreational vehicles, earthmoving equipment; construction equipment; vehicle painting; upholstery repair; farming equipment; and other consumer motor vehicles such as motorcycles and boats, or any similar use.

§2.3.5. Industrial Use Groups

Research and Development: A facility focused primarily on the research and development of new products. Research and development shall include: laboratories, offices, and other facilities used for research and development by or for any individual, organization, or concern, whether public or private; prototype production facilities that manufacture a limited amount of a product in order to fully investigate the merits of such a product; pilot plants used to test manufacturing processes planned for use in production elsewhere; production facilities and operations with a high degree of scientific input; facilities and operations in which the input of science, technology, research, and other forms of concepts or ideas constitute a major element of the value added by manufacture per unit of product.

Waste Service: A facility that generally receives solid or liquid wastes from others for transfer to another location, collects sanitary waste or manufactures a product from the composting of organic material. Waste-related service shall include the following: animal waste processing; landfill, incinerator; manufacture and production of goods from composting organic material; outdoor recycle processing center; outdoor storage of recyclable material, including construction material; transfer station; or any similar use.

§2.3.6. Uses Not Specifically Listed

- A. Any use not specifically listed in this UDO is expressly prohibited, unless the Director determines in accordance with §9.17, Written Interpretation, that the use is

Developments with Multiple Principal Uses

similar to a permitted individual use or permitted group of uses as listed in this UDO. Where such similar permitted individual use or permitted group of uses is subject to a use standard contained in this article or special use review, the proposed use shall also be subject to such standard or approval. The Director shall not amend this UDO by adding to or eliminating any use standard for the proposed use.

- B.** Where a use not listed is found by the Director not to be similar to any other permitted individual use or permitted group of uses, the use shall be permitted only following a text amendment in accordance with §9.3. The decision of the Director may be appealed to the Board of Adjustment.
- C.** When considering the appropriate districts for a use not listed in the Permitted Land Use Table, the district intent statements (see §2.1) shall be taken into consideration.
- D.** Determination of an appropriate group of uses for a proposed use not currently listed shall be made by applying the following criteria.
 - 1.** The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category.
 - 2.** The relative amount of site area or floor space and equipment devoted to the activity.
 - 3.** Relative amounts of sales from each activity.
 - 4.** The customer type for each activity.
 - 5.** The relative number of employees in each activity.
 - 6.** Hours of operation.
 - 7.** Building and site arrangement.
 - 8.** Types of vehicles used and their parking requirements.
 - 9.** The relative number of vehicle trips generated.
 - 10.** Signs.
 - 11.** How the use is advertised.
 - 12.** The likely impact on surrounding properties.
 - 13.** Whether the activity is likely to be found independent of the other activities on the site.

§2.3.7. Developments with Multiple Principal Uses

- A.** Except as set forth in §4.1, Complexes, no more than one principal building or use may be erected on a single lot of record.
- B.** When all principal uses of a development fall within one use category, the entire development shall be assigned to that use category.
- C.** When the principal uses of a development fall within different groups of uses or no group of uses, each principal use shall be classified in the applicable group of uses or treated as an individual use and each use shall be subject to all applicable regulations for that group of uses or individual use.

- D.** A development comprised of uses regulated by separate rows on the Permitted Land Use Table shall be reviewed using the most restrictive process from among the proposed uses.
- E.** Where a use requiring approval as a special use lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to review, not the entire project. However, where the separate legal parcel is an outparcel, the applicant shall describe the relationship of the outparcel to the remaining site.

§2.4. General Use District Standards

§2.4.1. Intent

The general use district development standards establish lot sizes and certain restrictions for residential and nonresidential development. These standards allow for variety in housing types while maintaining the overall character of neighborhoods and commercial areas of the County. Separate standards are established to regulate development in each general use district. This approach to district development standards has several public benefits:

- A. It allows for development that is more sensitive to the environment and allows for the preservation of open and natural areas.
- B. It promotes quality site layout and energy-efficient development.
- C. It promotes affordable and life-cycle housing.
- D. It promotes development intensities that match existing and proposed infrastructure investments.

§2.4.2. Resource Conservation Areas

- A. No resource conservation area (see §7.2) shall be counted towards lot area required by this article. This shall not preclude the platting of lots in such areas, provided that adequate lot area outside the resource conservation area is provided to meet the minimum lot area requirements of this article.
- B. Resource conservation area shall be counted towards the recreation and open space requirements to the extent specified in §3.3.

§2.4.3. How to Use this Section

This section is divided into the following:

PART I. RESIDENTIAL DISTRICTS.

This Part sets forth specific standards for development in residential districts.

§2.4.4 through §2.4.7

PART 2. NONRESIDENTIAL DISTRICTS.

This Part sets forth specific standards for development in nonresidential districts.

§2.4.8

PART 3. PLANNED DEVELOPMENT DISTRICTS.

This Part sets forth specific standards for development in planned development districts.

§2.4.9

PART I. RESIDENTIAL DISTRICTS

§2.4.4. Residential Subdivision Types

Development within the residential districts allows a variety of subdivision types. Two types of residential subdivisions are permitted, as follows.

A. Conventional Residential Subdivision

Conventional residential subdivision is a pattern of residential development that provides a majority of property owners with substantial yards on their own property.



B. Conservation Residential Subdivision

Conservation residential subdivisions trade conventional minimum lot size and dimensions for additional common recreation and open space. A conservation residential subdivision shall be a sufficient size to ensure adequate common recreation and open space can be incorporated into the subdivision design. A conservation residential subdivision may allow additional density provided certain enhancements are incorporated into the design of the subdivision.

Figure 1. Conventional Residential Subdivision

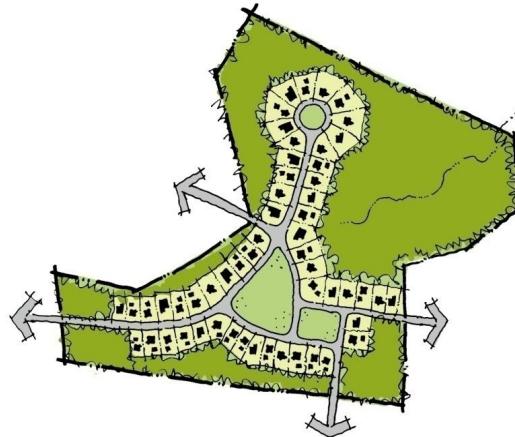


Figure 2. Conservation Residential Subdivision

§2.4.5. Conventional Subdivision Standards

A. Applicability

A conventional residential subdivision is permitted in all residential districts subject to the following standards.

B. Development Standards

Applicants utilizing the conventional residential subdivision option shall meet all applicable development standards as set forth in Article 3, General Development Standards and Article 7, Natural Resource Protection. Applicants shall comply with all other provisions in this UDO and all other applicable laws.

C. Dimensional Standards

Applicants utilizing the conventional residential subdivision option shall meet the following standards. Applicants shall comply with all other provisions in this UDO

Conventional Subdivision Standards

and all other applicable laws. Dimensional standards for manufactured homes shall be the same as for single-family detached in the applicable district.

Conventional Residential Subdivision

R-R	Single-family Detached	Zero Lot Line	Alley-loaded	Two-family	Townhouse	Multi-family
Use	Permitted	Not Permitted	Not Permitted	Permitted	Not Permitted	Not Permitted
Site (min.) Area (acres)	None			None		
Recreation/open space (sq. ft.)	N/A			N/A		
Lot (without public water/sewer) Lot area (min. sq. ft.)	1ac. (43,560)			43,560		
Lot width (min. ft.)	100			100		
Lot (with public water/sewer) Lot area (min. sq. ft.)	1ac. (43,560)			43,560		
Lot width (min. ft.)	100			100		
Yards (min. ft.) Road yard	30			30		
Side yard (interior)	10			10		
Side yard (total)	20			20		
Side yard (road)	20			20		
Rear yard	40			40		
Bulk (max.) Height (ft.)	35			35		
Building coverage	35%			35%		
Impervious surface	50%			50%		

R-T	Single-family Detached	Zero Lot Line	Alley-loaded	Two-family	Townhouse	Multi-family
Use	Permitted	Not Permitted	Not Permitted	Permitted	Not Permitted	Not Permitted
Site (min.) Area (acres)	None			None		
Recreation/open space (sq. ft.)	N/A			N/A		
Lot (without public water/sewer) Lot area (min. sq. ft.)	0.75 ac. (32,670)			0.75 ac. (32,670)		
Lot width (min. ft.)	100			100		
Lot (with public water/sewer) Lot area (min. sq. ft.)	0.75 ac. (32,670)			0.75 ac. (32,670)		
Lot width (min. ft.)	100			100		
Yards (min. ft.) Road yard	30			30		
Side yard (interior)	10			10		
Side yard (total)	20			20		
Side yard (road)	20			20		
Rear yard	40			40		
Bulk (max.) Height (ft.)	35			35		
Building coverage	35%			35%		
Impervious surface	50%			50%		

Conventional Residential Subdivision

R-S	Single-family Detached	Zero Lot Line	Alley-loaded	Two-family	Townhouse	Multi-family⁽¹⁾
Use	Permitted	Not Permitted	Not Permitted	Permitted	Special Use	Special Use
Density (max. units/acre)						
Without public water/sewer	--			--	3	3
With public water or sewer	--			--	3	3
With public water/sewer	--			--	4	4
Site (min.)						
Area (acres)	None			None	None	None
Recreation/open space (sq. ft.)	N/A			N/A	N/A	N/A
Parcel (min.)						
Area per building	--			43,560	43,560	43,560
Lot (without public water/sewer)	0.75 ac. (32,670)			0.75 ac. (32,670)		
Lot area (min. sq. ft.)	100			100	43,560	43,560
Lot width (min. ft.)						100
Lot (with public water/sewer)	0.75 ac. (32,670)			0.75 ac. (32,670)		
Lot area (min. sq. ft.)	100			100	43,560	43,560
Lot width (min. ft.)						100
Yards (min. ft.)						
Road yard	30			30	30	30
Side yard (interior)	10			10	10	10
Side yard (total)	20			20	20	20
Side yard (road)	20			20	40	40
Rear yard	40			40	40	40
Bulk (max.)						
Height (ft.)	35			35	35	35
Building coverage	35%			35%	35%	35%
Impervious surface	50%			50%	50%	50%

R-SF	Single-family Detached	Zero Lot Line	Alley-loaded	Two-family	Townhouse	Multi-family
	Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Site (min.)						
Area (acres)	None					
Recreation/open space (sq. ft.)	N/A					
Lot (without public water/sewer)	0.75 ac. (32,670)					
Lot area (min. sq. ft.)	100					
Lot width (min. ft.)						
Lot (with public water/sewer)	0.75 ac. (32,670)					
Lot area (min. sq. ft.)	80					
Lot width (min. ft.)						
Yards (min. ft.)						
Road yard	30					
Side yard (interior)	10					
Side yard (total)	20					
Side yard (road)	20					
Rear yard	40					
Bulk (max.)						
Height (ft.)	35					
Building coverage	35%					
Impervious surface	50%					

⁽¹⁾ More than one building may be established on a single lot (see §4.1, Complexes)

Conventional Subdivision Standards

Conventional Residential Subdivision

R-CR	Single-family Detached	Zero Lot Line	Alley-loaded	Two-family	Townhouse⁽¹⁾	Multi-family⁽¹⁾
Use	Permitted	Not Permitted	Not Permitted	Not Permitted	Special Use	Special Use
Density (max. units/acre)	--				4	4
Site (min.)						
Area (acres)	None				43,560	43,560
Recreation/open space (sq. ft.)	N/A				N/A	N/A
Parcel (min. sq. ft.)					43,560	43,560
Area per building	--					
Lot (without public water/sewer)	0.75 ac.				Set by Special Use Process	Set by Special Use Process
Lot area (min. sq. ft.)	(32,670)					
Lot width (min. ft.)	100					
Lot (with public water or sewer)	0.75 ac.				Set by Special Use Process	Set by Special Use Process
Lot area (min. acres)	(32,670)					
Lot width (min. ft.)	100					
Lot (with public water/sewer)	0.50 ac.				Set by Special Use Process	Set by Special Use Process
Lot area (min. sq. ft.)	(21,780)					
Lot width (min. ft.)	100					
Yards (min. ft.)						
Road yard	30					
Side yard (interior)	10				Set by Special Use Process	Set by Special Use Process
Side yard (total)	20					
Side yard (road)	20					
Rear yard	40					
Bulk (max.)						
Height (ft.)	35				Set by Special Use Process	Set by Special Use Process
Building coverage	35%					
Impervious surface	50%					

R-20	Single-family Detached	Zero Lot Line	Alley-loaded	Two-family	Townhouse	Multi-family
Use	Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Site (min.)						
Area (acres)	None					
Recreation/open space (sq. ft.)	N/A					
Parcel (min. sq. ft.)						
Area per building	--					
Lot (min.)	0.75 ac.					
Lot area (sq. ft.)	(32,670)					
Lot width (ft.)	100					
Water/sewer, public	Required					
Yards (min. ft.)						
Road yard	30					
Side yard (interior)	10					
Side yard (total)	20					
Side yard (road)	20					
Rear yard	30					
Bulk (max.)						
Height (ft.)	35					
Building coverage	35%					
Impervious surface	55%					

Conventional Residential Subdivision

R-14	Single-family Detached	Zero Lot Line	Alley-loaded	Two-family	Townhouse	Multi-family
Use	Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Site (min.) Area (acres)	None					
Recreation/open space (sq. ft.)	N/A					
Parcel (min. sq. ft.) Area per building	--					
Lot (min.) Lot area (sq. ft.) Lot width (ft.)	0.75 ac. (32,670) 100					
Water/sewer, public	Required					
Yards (min. ft.) Road yard Side yard (interior) Side yard (total) Side yard (road) Rear yard	30 10 20 20 30					
Bulk (max.) Height (ft.) Building coverage Impervious surface	35 35% 55%					

R-MR	Single-family Detached	Zero Lot Line	Alley-loaded	Two-family	Townhouse⁽¹⁾	Multi-family⁽¹⁾
Use	Permitted	Permitted	Not Permitted	Permitted	Special Use	Not Permitted
Density (max. units/acre)	--	--			4	
Site (min.) Area (sq. ft.)	None	None		None	43,560	
Recreation/open space (sq. ft.)	N/A	N/A		N/A	N/A	
Parcel (min. sq. ft.) Area per building	--	--		--	43,560	
Lot (min.) Lot area (sq. ft.) Lot width (ft.)	0.75 ac. (32,670) 100	0.75 ac. (32,670) 100		0.75 ac. (32,670) 100	Set by Special Use Process	
Water/sewer, public	Required	Required		Required		
Yards (min. ft.) Road yard Side yard (interior) Side yard (total) Side yard (road) Rear yard	15 6 12 10 20	15 0 10 10 20		15 6 12 10 20	Set by Special Use Process	
Bulk (max.) Height (ft.) Building coverage Impervious surface	35 35% 50%	35 35% 50%		35 35% 50%	Set by Special Use Process	

⁽¹⁾ More than one building may be established on a single lot (see §4.1, Complexes)

Conservation Subdivision Standards

Conventional Residential Subdivision

R-MF	Single-family Detached	Zero Lot Line	Alley-loaded	Two-family	Townhouse ⁽¹⁾	Multi-family ⁽¹⁾
Use	Not Permitted	Permitted	Not Permitted	Permitted	Permitted	Permitted
Density (max. units/acre)					6	8
Site (min.)						
Area (acres)	None	None		None	4	4
Recreation/open space (sq. ft.)	N/A	N/A		N/A	N/A	N/A
Parcel (min. sq. ft.)					43,560	43,560
Area per building	--	--		--		
Lot (min.)	0.75 ac. (32,670)	0.75 ac (32,670)		0.75 ac. (32,670)		
Lot area (sq. ft.)	100	100		100	43,560	43,560
Lot width (ft.)					100	100
Water/sewer, public	Required	Required		Required		
Yards (min. ft.)						
Road yard	20	15		30	30	30
Side yard (interior)	6	0		10	10	10
Side yard (total)	12	10		20	20	20
Side yard (road)	10	10		40	40	40
Rear yard	20	20		40	40	40
Bulk (max.)						
Height (ft.)	35	35		35	35	35
Building coverage	35%	35%		35%	35%	35%
Impervious surface	60%	50%		50%	50%	50%

⁽¹⁾ More than one building may be established on a single lot (see §4.1, Complexes)

§2.4.6. Conservation Subdivision Standards**A. Intent**

The intent of a conservation residential subdivision is to provide a development alternative to a conventional subdivision. A conservation residential subdivision involves placing a cluster of home sites within a portion of the development site, allowing housing units on smaller lots than those permitted in a conventional residential subdivision to promote environmental sensitivity, make more efficient use of the land and provide additional common recreation and open space.

Conservation subdivision development is encouraged by Lincoln County in the form of these flexible design and maximum density provisions. Other purposes of a conservation residential subdivision include the following:

1. To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.
2. To preserve important historic and archaeological sites.
3. To permit clustering of houses and structures in a manner that will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
4. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.
5. To promote interconnected greenways and corridors throughout the community, and create contiguous green space within and adjacent to development sites.
6. To protect scenic views.

7. To protect prime agricultural land and preserve farming as an economic activity.

B. Applicability

A conservation residential subdivision is permitted in the R-R, R-T, R-S, R-SF, R-20 and R-14 districts subject to the following standards.

C. Subdivision Design

Process

Conservation option subdivisions shall be designed around recreation and open space. The design process should be “land-based”, and commence with the delineation of all potential open space, after which potential building sites are located. Following that, road alignments are identified, with lot lines being drawn as the final step. This “four-step” design process is further described below:

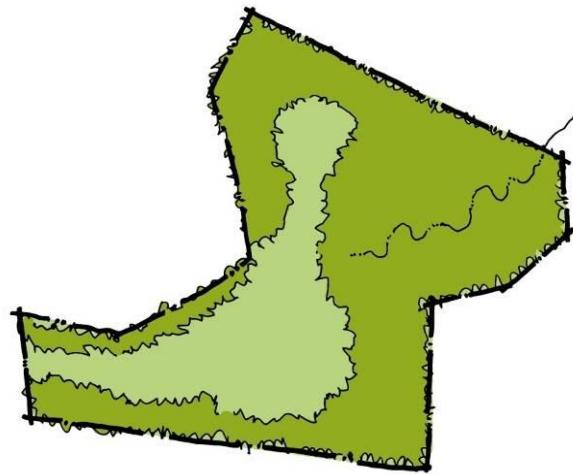


Figure 3. Subdivision Design Process

STEP 1: OPEN SPACE DESIGNATION

All potential conservation areas shall be identified using a Site Analysis Map. See §3.3.3 for using conservation areas to meet minimum open space requirements.

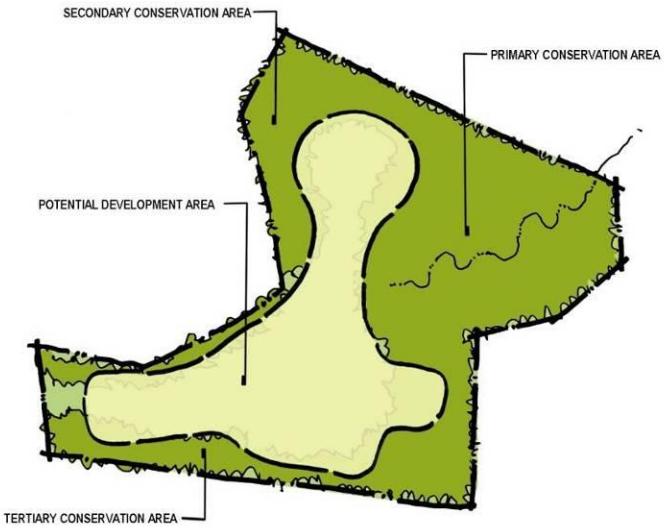


Figure 4. Step 1: Open Space Designation

STEP 2: BUILDING SITE LOCATION

During the second step, potential building sites are tentatively located, taking into consideration the locations of existing cleared areas, slope, etc.

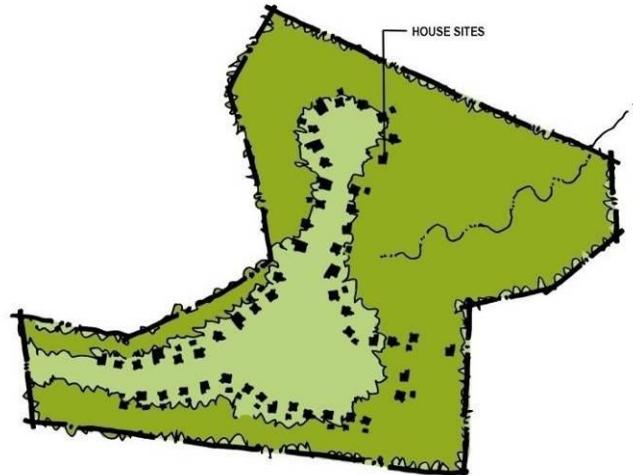


Figure 5. Step 2: Building Site Location

STEP 3: ROAD AND LOT LAYOUT

The third step consists of aligning proposed roads to provide vehicular access to each building in the most reasonable and economical manner. When access roads are laid out, they shall be located in such a way that avoids or at least minimizes impacts on the Primary, Secondary, and Tertiary Conservation Areas.

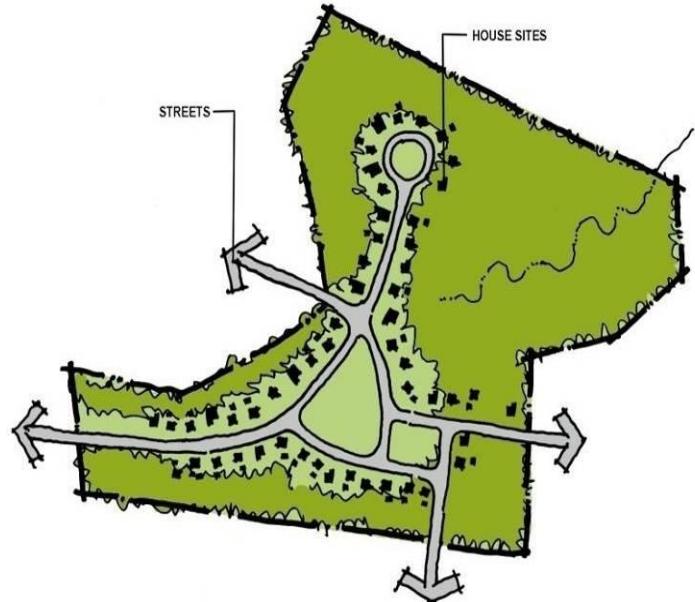


Figure 6. Step 3: Road and Lot Layout

STEP 4: DRAWING IN LOT LINES

The fourth step consists of drawing in lot lines around potential building sites. Each lot must meet the requirements of §2.4.6.H, Dimensional Standards, and shall contain a buildable area of sufficient size to accommodate intended structures (i.e. Dwelling units and customary accessory uses including but not limited to, storage buildings and garages, patios and decks, and driveways.)

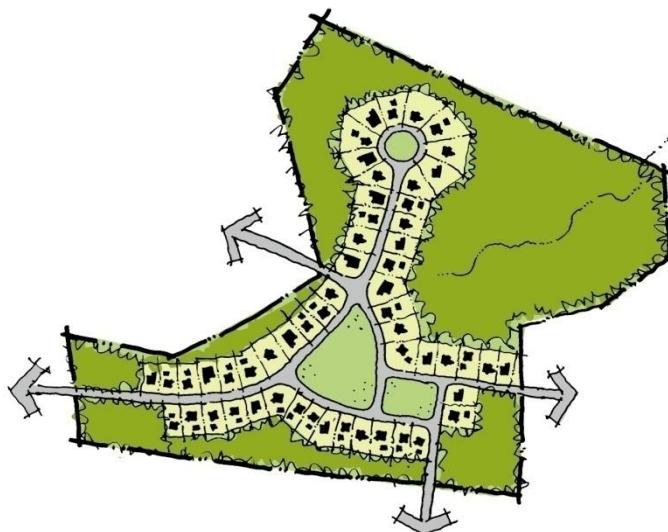


Figure 7. Step 4: Drawing in Lot Lines

Conservation Subdivision Standards

D. Mix of Housing Types

Two-family residential units may comprise no more than 50 percent of the total dwelling units of a proposed conservation residential subdivision.

E. Density

In no case shall the district density be exceeded for the overall site. (See §2.4)

F. Public Water/Sewer

Public water and sewer is required, unless otherwise approved by the County Health Department.

G. Development Standards

Applicants utilizing the conservation residential subdivision option shall meet all applicable development standards as set forth in Article 3, General Development Standards, and Article 7, Natural Resource Protection. Applicants shall comply with all other provisions in this UDO and all other applicable laws.

H. Dimensional Standards

Applicants utilizing the conservation residential subdivision option shall meet the following standards. Applicants shall comply with all other provisions of this UDO and all other applicable laws. Dimensional standards for manufactured homes shall be the same as for single-family detached in the applicable district.

Conservation Residential Subdivision

R-R	Single-family Detached	Zero Lot Line	Alley-loaded	Two-family	Townhouse	Multi-family
Use	Permitted	Not Permitted	Not Permitted	Permitted	Not Permitted	Not Permitted
Site (min.) Area (acres) Recreation/open space (sq. ft.)	10 50%			5 50%		
Lot (min.) Lot area (min. sq. ft.) Lot width (min. ft.)	0.25 ac. (10,980) 75			0.25 ac. (10,980) 100		
Yards (min. ft.) Road yard Side yard (interior) Side yard (total) Side yard (road) Rear yard	30 10 20 20 30			30 10 20 20 30		
Bulk (max.) Height (ft.) Building coverage Impervious surface	35 30% 35%			35 30% 35%		

Conservation Residential Subdivision

R-T	Single-family Detached	Zero Lot Line	Alley-loaded	Two-family	Townhouse	Multi-family
Use	Permitted	Not Permitted	Permitted	Permitted	Not Permitted	Not Permitted
Site (min.)						
Area (acres)	10		10	10		
Recreation/open space (sq. ft.)	50%		50%	50%		
Lot (min.)	0.25 ac. (10,980)		0.25 ac. (10,980)	0.25 ac. (10,980)		
Lot area (min. sq. ft.)			75	75		
Lot width (min. ft.)	75					
Yards (min. ft.)						
Road yard	30		15	30		
Side yard (interior)	10		10	10		
Side yard (total)	20		20	20		
Side yard (road)	20		20	20		
Rear yard	20		20	20		
Bulk (max.)						
Height (ft.)	35		35	35		
Building coverage	30%		30%	30%		
Impervious surface	35%		35%	35%		

R-S	Single-family Detached	Zero Lot Line	Alley-loaded	Two-family	Townhouse (I)	Multi-family (I)
Use	Permitted	Not Permitted	Permitted	Permitted	Not Permitted	Not Permitted
Site (min.)						
Area (acres)	10		10	10		
Recreation/open space (sq. ft.)	50%		50%	50%		
Parcel (min. sq. ft.)						
Area per building	--	--	--	--		
Lot						
Lot area (min. sq. ft.)	0.25 ac. (10,980)		0.25 ac. (10,980)	0.25 ac. (10,980)		
Lot width (min. ft.)			75	75		
Water/sewer, public	75					
Yards (min. ft.)						
Road yard	30		15	30		
Side yard (interior)	10		10	10		
Side yard (total)	20		20	20		
Side yard (road)	20		20	20		
Rear yard	30		30	30		
Garage setback from R.O.W.	30		--	30		
Bulk (max.)						
Height (ft.)	35		35	35		
Building coverage	35%		35%	35%		
Impervious surface	50%		50%	50%		

(1) More than one building may be established on a single lot (see §4.1, Complexes)

Conservation Subdivision Standards

Conservation Residential Subdivision

R-SF	Single-family Detached	Zero Lot Line	Alley-loaded	Two-family	Townhouse	Multi-family
Use	Permitted	Not Permitted	Permitted	Not Permitted	Not Permitted	Not Permitted
Site (min.)						
Area (acres)	10		10			
Recreation/open space (sq. ft.)	50%		50%			
Parcel (min. sq. ft.)						
Area per building	--		--			
Lot	0.25 ac. (10,980)		0.25 ac. (10,980)			
Lot area (min. sq. ft.)	75		75			
Yards (min. ft.)						
Road yard	30		15			
Side yard (interior)	10		10			
Side yard (total)	20		20			
Side yard (road)	20		20			
Rear yard	30		30			
Garage setback from R.O.W.	20		--			
Bulk (max.)						
Height (ft.)	35		35			
Building coverage	35%		35%			
Impervious surface	50%		50%			

R-20	Single-family Detached	Zero Lot Line	Alley-loaded	Two-family	Townhouse	Multi-family
Use	Permitted	Not Permitted	Permitted	Not Permitted	Not Permitted	Not Permitted
Site (min.)						
Area (acres)	10		10			
Recreation/open space (sq. ft.)	50%		50%			
Parcel (min. sq. ft.)						
Area per building	--		--			
Lot (min.)	0.25 ac. (10,980)		0.25 ac. (10,980)			
Lot area (sq. ft.)	75		75			
Lot width (ft.)						
Yards (min. ft.)						
Road yard	15		10			
Side yard (interior)	5		5			
Side yard (total)	10		10			
Side yard (road)	10		10			
Rear yard	15		15			
Bulk (max.)						
Height (ft.)	35		35			
Building coverage	35%		35%			
Impervious surface	50%		50%			

Conservation Residential Subdivision

R-14	Single-family Detached	Zero Lot Line	Alley-loaded	Two-family	Townhouse	Multi-family
Use	Permitted	Not Permitted	Permitted	Not Permitted	Not Permitted	Not Permitted
Site (min.)						
Area (acres)	10		10			
Recreation/open space (sq. ft.)	50%		50%			
Parcel (min. sq. ft.)			--			
Area per building	--		--			
Lot (min.)	0.25 ac.		0.25 ac.			
Lot area (sq. ft.)	(10,980)		(10,980)			
Lot width (ft.)	75		75			
Yards (min. ft.)						
Road yard	30		30			
Side yard (interior)	10		10			
Side yard (total)	20		20			
Side yard (road)	20		20			
Rear yard	30		30			
Bulk (max.)						
Height (ft.)	35		35			
Building coverage	35%		35%			
Impervious surface	50%		50%			

I. Project Boundary Buffer

1. No buffer is required where the width of the project's perimeter lots is equal to or greater than the minimum lot width of the adjoining development or the minimum lot width required by the zoning district applied to any adjoining undeveloped parcel.
2. Where narrower lot widths are provided, a Class C buffer shall be provided (see §3.4, Landscaping, Screening and Buffering) along all project boundaries of a conservation subdivision.

Nonresidential Dimensional Standards in Residential Districts

§2.4.7. Nonresidential Dimensional Standards in Residential Districts

As set forth in the Permitted Land Use Table (see §2.2.1), certain nonresidential uses are permitted in residential districts. Permitted nonresidential uses shall meet the following dimensional standards. Applicants shall comply with all other provisions of this UDO and all other applicable laws. More restrictive standards may apply to specific uses (See Article 4, Specific Use Standards)

	R-R	R-T	R-S	R-SF	R-CR	R-20	R-14	R-MR	R-MF
Lot (with public water/sewer)									
Lot area (min. sq. ft.)	43,560 100	32,500 100	22,500 100	22,500 100	14,000 100	20,000 100	14,000 100	14,000 100	14,000 100
Lot (without public water or sewer)									
Lot area (min. sq. ft.)	43,560 100	32,500 100	32,500 100	32,500 100	20,000 100	20,000 100	14,000 100	14,000 100	14,000 100
Lot (without water/sewer)									
Lot area (min. sq. ft.)	43,560 100	32,500 100	32,500 100	32,500 100	22,500 100	20,000 100	14,000 100	14,000 100	14,000 100
Yards (min. ft.)									
Road yard	30	30	30	30	30	30	30	30	30
Side yard (interior)	25	20	10	10	10	10	10	10	10
Side yard (total)	50	40	20	20	20	20	20	20	20
Side yard (road)	40	40	40	40	40	40	40	40	40
Rear yard	40	40	40	40	40	40	40	40	40
Bulk (max.)									
Height (ft.)	35	35	35	35	35	35	35	35	35
Building coverage	35%	35%	35%	35%	35%	35%	35%	35%	35%
Impervious surface	50%	50%	55%	55%	55%	55%	55%	55%	55%

PART 2. NONRESIDENTIAL DISTRICTS**§2.4.8. Nonresidential District Standards****A. Development Standards**

Applicants shall meet all applicable development standards as set forth in Article 3, General Development Standards and Article 7, Natural Resource Protection.

Applicants shall comply with all other provisions in this UDO and all other applicable laws.

B. Nonresidential Dimensional Standards in Nonresidential Districts

- As set forth in the Permitted Land Use Table (see §2.2.1) certain nonresidential uses are permitted in nonresidential districts. Permitted nonresidential uses shall meet the following dimensional standards. Applicants shall comply with all other provisions of this UDO and all other applicable laws.

	O-R	B-N	B-G	B-C	I-L	I-G
Parcel (min.)						
Parcel area (sq. ft.)	10,000	22,500	32,500	32,500	1 acre	1 acre
Parcel width (ft.)	50	70	70	70	100	100
Water/sewer	Required	Required	Required	Required	Required	Required
Yards (min. ft.)						
Road yard (min.)	20	20	30	30	50	50
Road yard (max.)	30	90	150	N/A	N/A	N/A
Side yard (interior)	10	10	15	15	20	20
Abutting residential district	30	20	30	30	50	50
Side yard (road)	20	20	30	30	30	30
Rear yard	20	20	25	25	30	30
Abutting residential district	30	30	30	30	50	50
Building Separation	20	20	20	20	20	20
Bulk (max.)						
Height (ft.)	35	35	60	60	60	60
Gross floor area (sq. ft.)	10,000	10,000	50,000	50,000	N/A	N/A
Building coverage	50%	50%	50%	50%	50%	50%
Impervious surface	75%	75%	75%	75%	75%	75%

- More than one building may be permitted on a single lot (see §4.1, Complexes). Interior side yards for attached buildings may be reduced to zero as part of a planned development, provided that where buildings are not attached, the minimum building spacing requirements of §4.1.7 shall apply. (See §9.5 and §2.4.9 for more information).
- The Board of Commissioners may approve greater maximum floor area than above via Planned Development procedures of §9.5.
- Public water and sewer services are required to be used for all nonresidential (commercial, office and industrial) projects where services are available.

C. Residential Dimensional Standards in Nonresidential Districts

- As set forth in the Permitted Land Use Table (see §2.2.1) certain residential uses are permitted in nonresidential districts. Dimensional standards for townhouses and multi-family are established through the special use process (see §9.11). No townhouse or multi-family shall be established on a parcel less than 20,000 square feet in area; lots may be as small as 2,500 square feet.
- Upper-story residential is permitted on the upper floors of a nonresidential building and shall conform to all lot, yard and bulk requirements of the principal building.
- Townhouse and multi-family parcels and upper-story residential units shall not exceed a density of ten units per acre.

PART 3. PLANNED DEVELOPMENT DISTRICTS

§2.4.9. Planned Development District Standards

A. General Provisions for all Planned Developments (PD-R Conventional, PD-R Conservation, PD-C, PD-I, PD-MU)

1. Rezoning Criteria

In approving a rezoning for a planned development, the Board of Commissioners shall find the district designation and planned development master plan comply with the general standards for all planned development in this section and the specific standards for the proposed planned development listed in paragraphs B through E below, respectively.

2. Planned Development Master Plan

The development proposed in the master plan is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties. The master plan shall be prepared by a design professional as defined in Article 12.

3. Design Guidelines and Dimensional Standards

Each planned development shall provide a comprehensive set of design guidelines that demonstrate the project will be appropriate within the context of the surrounding properties and the larger community. All bulk, area and dimensional standards shall be established by the Board of Commissioners at the time of approval.

4. Development Standards

Unless specifically waived by the Board of Commissioners, all standards specified in Article 3, General Development Standards, and Article 7, Natural Resource Protection, shall apply.

5. Recreation and Open Space

The planned development master plan shall include a minimum of 12.5 percent recreation and open space for non-residential projects, 25 percent for conventional projects, and 50 percent for conservation projects. (See §3.3).

6. Stormwater Management

When determined necessary by the Board of Commissioners, the planned development master plan shall contain a comprehensive stormwater management plan prepared by a professional engineer, geologist and land surveyor licensed in the State of North Carolina.

7. Phasing

If development is proposed to occur in phases, the planned development master plan shall include a phasing plan for the development, and if appropriate, with specific build-out dates. Unless waived by the Board of Commissioners, site improvements or amenities that are part of the master plan shall be constructed with the first phase of the project or by the platting of 25% of the lots proposed in the development, whichever comes first. Any monetary contributions in lieu of constructing off-site improvements or donations of land that are included in the master plan shall be made prior to platting the first phase of the development.

B. Planned Development-Residential (PD-R) District

1. Minimum Requirements

The Planned Development-Residential District is an option provided to encourage a mix of housing options within a comprehensively planned development. As required by §5.1.8, developments containing 50 or more dwelling units or lots have a mandatory requirement to rezone to Planned Development. Two options are available for PD-R district:

(a) PD-R Conventional

The Planned Development Conventional subdivision is a method that allows builders to develop master planned communities with smaller lot sizes where access to appropriate utility infrastructure is available. The dimensional table below outlines the provisions that govern development in the conventional option.

	Single-family Detached	Zero Lot Line	Alley-loaded	Two-family	Townhouse	Multi-family
Density (max. units/acre)						
Without public water/sewer					4	4
With public water or sewer					6	6
With public water/sewer					10	16
Site (min.) Area (acres)	None		None	None	None	None
Recreation/open space (sq. ft.)	25%		25%	25%	25%	25%
Lot (without public water/sewer)	0.75 ac. (32,670)		0.75 ac. (32,670)	0.75 ac. (32,670)	--	--
Lot area (min. sq. ft.)	100		100	100	--	--
Lot (with public water/sewer)	0.5 ac. (21,780)		0.5 ac. 21,780	0.5 ac. (21,780)	--	--
Lot area (min. sq. ft.)	100		100	100	--	--
Yards (min. ft.)						
Road yard	40		15	40	15	30
Side yard (interior)	10		0	10	--	10
Side yard (total)	20		10	20	--	20
Side yard (road)	20		10	20	10	30
Rear yard	40		40	40	20	30
Bulk (max.)						
Height (ft.)	35		35	35	35	50
Building coverage	35%		35%	35%	35%	35%
Impervious surface	50%		50%	50%	50%	50%

(b) PD-R Conservation

The Planned Development Conservation subdivision is a method that allows builders to develop master planned communities with a clustering of smaller lot sizes, lot widths, and higher density in return for greater amounts of open space serving to offset development impacts while preserving a higher quality of life in the community. The dimensional table below outlines the provisions that govern development in the conservation option.

Planned Development District Standards

	Single-family Detached	Zero Lot Line	Alley- loaded	Two-family	Townhouse	Multi-family
Density (max. units/acre)						
Without public water/sewer				6	6	
With public water or sewer				10	10	
With public water/sewer				14	20	
Site (min.) Area (acres)	None		None	None	None	None
Recreation/open space (sq. ft.)	50%		50%	50%	50%	50%
Lot (with public water/sewer or Community well/septic)	Required		Required	Required		
Lot area (min. sq. ft.)	0.25 ac. (10,890)		0.25 ac. (10,890)	0.25 ac. (10,890)	--	--
Lot width (min. ft.)	70		70	70	--	--
Yards (min. ft.)						
Road yard	30		15	30	15	30
Side yard (interior)	10		0	10	--	10
Side yard (total)	20		10	20	--	20
Side yard (road)	20		10	20	10	30
Rear yard	30		30	30	20	30
Bulk (max.)						
Height (ft.)	35		35	35	35	50
Building coverage	35%		35%	35%	35%	35%
Impervious surface	50%		50%	50%	50%	50%

2. Permitted Uses

All uses permitted by right and as special uses in residential districts are permitted in a PD-R District (§2.2.1), subject to approval by the Board of Commissioners.

3. Project Boundary Buffer

An undisturbed buffer at least 50 feet in width and meeting the standards for a Class B buffer (see §3.4, Landscaping, Screening and Buffering) shall be maintained along all project boundaries.

4. Exterior Sidewalks

In addition to the requirements of §5.5, sidewalks shall be installed along all existing roads that abut and provide access to the project. All required sidewalks shall be a minimum five feet in width.

C. Planned Development-Commercial (PD-C) District**1. Minimum Requirements**

The Planned Development-Commercial District is an option provided to enhance the design of a commercial development within a comprehensively planned development by allowing for additional flexibility not available in nonresidential districts.

2. Permitted Uses

All uses permitted by right and as special uses in the O-R, B-N, and B-G districts are permitted in a PD-C District (§2.2.1), subject to approval by the Board of Commissioners.

3. Project Boundary Buffer

- (a)** Unless waived by the Board of Commissioners, a Class B buffer (see §3.4, Landscaping, Screening and Buffering) shall be provided along all project boundaries abutting a nonresidential district.
- (b)** Unless waived by the Board of Commissioners, a Class C buffer (see §3.4, Landscaping, Screening and Buffering) shall be provided along all project boundaries abutting a residential district.

4. Exterior Sidewalks

In addition to the requirements of §5.5, sidewalks shall be installed along all existing roads that abut and provide access to the project. All required sidewalks shall be a minimum five feet in width.

D. Planned Development-Industrial (PD-I) District**1. Minimum Requirements**

The Planned Development-Industrial District is an option provided to encourage unified industrial complexes of high quality by allowing for additional flexibility not available in nonresidential districts.

2. Permitted Uses

- (a)** All uses permitted by right and as special uses in the B-N, B-G, I-L, and I-G districts are permitted in a PD-I District (§2.2.1), subject to approval by the Board of Commissioners.
- (b)** Non-industrial or non-manufacturing uses located in a PD-I District are intended to serve the needs of the development and not the needs of a surrounding area. Areas designated for non-industrial and non-manufacturing activities shall be oriented towards the interior of the project and shall not be located on exterior or perimeter roads or property boundaries, but shall be centrally located within the project to serve the employees of the district.

3. Project Boundary Buffer

A Class C buffer shall be provided (see §3.4, Landscaping, Screening and Buffering) along all project boundaries.

4. Landscape Area and Tree Canopy

Landscaping area and tree canopy requirements shall be in accordance with §3.4, unless otherwise approved by the Board of Commissioners.

5. Building Design

Building design shall be in accordance with §3.2, unless otherwise approved by the Board of Commissioners.

E. Planned Development-Mixed Use (PD-MU) District**1. Minimum Requirements**

The Planned Development-Mixed Use District is an option provided to encourage coordinated mixed use developments. For the purposes of any residential components within this development type, the densities must not exceed those of the community type designation of the subject property within the Lincoln County Land Use Plan. All PD-MU districts shall be accompanied by a Development Agreement pursuant to N.C.G.S. 160D-1001.

2. Permitted Uses

- (a)** All uses permitted by right and as special uses in the Permitted Use Table are permitted in a PD-MU District (§2.2.1), subject to approval by the Board of Commissioners.
- (b)** The mix of uses shall be established by the Board of Commissioners at the time of approval.

3. Project Boundary Buffer

Unless waived by the Board of Commissioners, a Class C buffer shall be provided (see §3.4, Landscaping, Screening and Buffering) along all project boundaries.

4. Exterior Sidewalks

In addition to the requirements of §5.5, sidewalks shall be installed along all existing roads that abut and provide access to the project. All required sidewalks shall be a minimum five feet in width.

§2.5. Overlay District Standards

§2.5.1. Eastern Lincoln Development District

A. Purpose and Intent

1. The purpose of Development Districts is to address the growth opportunities in the rapidly developing areas of Lincoln County in a more adequate manner than addressed by the Unified Development Ordinance base document. This is in keeping with the Lincoln County Land Use Plan.

2. The Eastern Lincoln Development District is established to provide additional development standards in eastern Lincoln County, primarily along the NC16 Business and NC16 Bypass corridors, and will address the building, site, traffic and other development needs of the growing community.

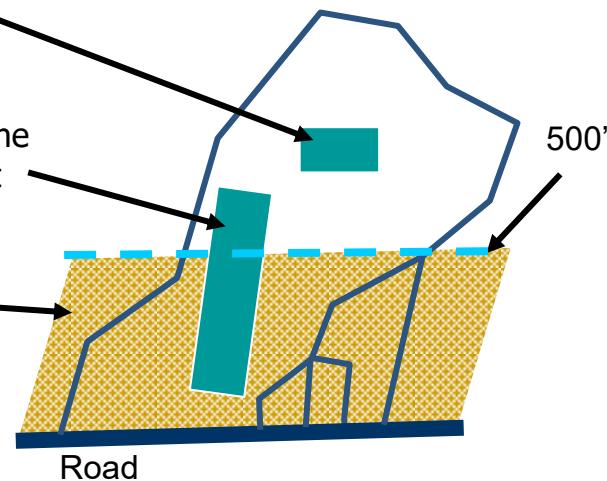
B. Applicability

This section applies to all land designated in the Eastern Lincoln Development District on the Zoning Map (Boundaries are generally limited to the first 500 feet of the property from the edge of the presumed road right-of-way and any properties or portions thereof beyond the 500 feet are not subject to the ELDD standards. However, any buildings split by district boundaries are considered to be wholly within the district.) Below is an example:

Buildings which lie wholly outside the boundary are not subject to the ELDD standards.

Buildings wholly within or split by the 500' District boundaries are subject to the ELDD standards.

Only the shaded area of the properties are subject to the ELDD standards.



This section also applies to activity on developed or undeveloped land as of the effective date of this section:

1. Development of land, including multi-family, mixed-use, commercial or industrial subdivisions, and all planned developments
2. This section does not apply to single family homes, duplexes or manufactured homes that are used for residential purposes as of the date of this ordinance. Existing homes as listed above may be rebuilt or repaired as a matter of right as permitted by the underlying zoning and standards of the UDO

C. Reserved

D. Alternative Means of Compliance

Strict interpretation and application of the standards may create particular difficulties in areas of unusual topographic condition, or in retrofitting existing developed properties which are expanded. The Planning Board may approve a site plan for any proposed development which does not meet any specific standard of this section as an alternate means of compliance, subject to making the following findings:

1. The proposed development attempts to meet the intent of the Eastern Lincoln Development District.
2. There are physical conditions, not only economic considerations, which prevent the proposed development from meeting the specific standards of this Eastern Lincoln Development District.
3. The proposed development will be designed to meet the standards of this section to the fullest extent possible.

In determining alternative means of compliance, the Planning Board may consider various features such as width in relation to opacity of landscaping in road yard, number of required parking spaces, and driveway locations and/or distances from nearby intersections.

E. Permitted Uses

Land uses in the Eastern Lincoln Development District shall be subject to the Use Table contained in Section 2.2.1 and to the following table. In addition, any use which has an anticipated peak hour trip generation of 100 trips or greater, based on the latest edition of the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, shall be considered a special use and shall be subject to the review requirements of Section 9.11.

F. Permitted Use Chart

Eastern Lincoln Development District Uses		ELDD
P = PERMITTED	S = SPECIAL (9.11)	
Residential Uses ²		
Single family detached		P
Modular (CAPO)		P
Alley-loaded house		P
Zero lot line house		S
Two-family house		S
Townhouse		S
Multi-family		S
Upper-story residential		S
Boarding house		S
Manufactured home, Class A		P

Manufactured home, Class B	P
Manufactured home, Class C	P
Manufactured home, Class D	P
Manufactured home, Class E	P
Manufactured home, Class F	P
Manufactured home park (<20 units)	
Manufactured home park (>20 units)	

Civic Uses	
Airport, public or private	
Adult care home	S
Bus terminal, public	S
Cemetery	P
Civic club or community center	S
Coliseums 1000+ seats	S
College	S
Correctional facility	
Child care center, small group (1-6)	P
Child care center (6+)	S
Family care home	P
Hospital	S
Museum, library	P
Nursing home	S
Place of worship, seating capacity<500	P
Place of worship, seating capacity 500 to 1000	S
Place of worship, seating capacity >1000	S
Public facility	P
Railroad terminal and yard	
School, elementary and secondary	P
Solar farm	S
Technical, trade, business school	S
Utility, minor *	P
Utility, major *	S
Wireless facility and tower (up to 60 ft)	P
Wireless facility and tower (60-100 ft)	S
Wireless facility and tower (101-325 ft.)	

Recreational Uses	
Amusement Center - Indoor	P
Amusement Center – Outdoor*	S
Amusement Center – Outdoor & Indoor	S
Fitness Gym	P
Golf Course / Golf Club	S
Recreational Club, Private	S
Outdoor Recreation Fields	S
Outdoor Private Swimming Pool	S
Public Recreation Facilities & Parks	P
Recreational Fishing Lake	S
Riding Stables	P
Event Venue	S
Commercial Uses	
Adult establishment	S
Agriculture (involving livestock) *	
Agriculture (sales, processing) *	

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Agricultural supply/equipment sales	S
Animal shelter	
Artist studio, gallery	S
Auctions, live stock or outdoor	
Bank or financial institution	P
Bar or nightclub	S
Bed & breakfast	S
Cabinet shop	S
Campground	
Catering, food	S
Club, private	S
Contractor's office	S
Contractor's yard	S
Convenience store without fuel sales	P/S**
Commercial fishing lake	
Farm stand	S
Flea market	S
Florist, wholesale	S
Freezer lockers	
Funeral home	P/S**
Gas station with convenience retail	S
Hotel, motel	S
Kennel	S
Machinery repair	S
Marina	
Microbrewery	P
Microbrewery combined with restaurant	P
Newspaper publisher	S
Office, general *	P
Office, professional	P
Office, medical *	P
Outdoor recreation, private *	S
Outdoor recreation, public *	S
Parking lot, commercial	
Photo finishing laboratory	S
Post office	P
Postal/parcel processing	S
Racetrack	
Radio or television studio	S
Restaurant, fast food	P/S**
Restaurant, general	P/S**
Retail, neighborhood *	P
Retail, general *	P/S**
Riding stable	S
Self-storage facility	S
Service, neighborhood *	S
Service, general *	P/S**
Shooting range, indoor	S
Shooting range, outdoor	
Storage, private (on <2 ac.)	
Storage, private (on 2+ ac.)	
Vehicle repair *	S
Vehicle sales *	S
Vehicle service *	S
Vending supply	S
Veterinarian, animal hospital	P/S**
Warehouse/freight movement *	S
Winery	

Industrial Uses (NAICS Codes)	
Oil & Gas Extraction (2111)	S
Nonmetallic Mineral Mining & Quarrying (2123)	S
Support Activities for Mining (2131)	S
Animal Foods (3111)	
Grain & Oilseed Milling Products (3112)	
Sugar & Confectionery Products (3113)	P
Sugar Manufacturing (311311)	S
Fruit & Vegetable Preserves & Specialty Foods (3114)	P
Fruit & Vegetable Canning (311421)	S
Dairy Products (3115)	P
Meat Products & Meat Packaging Products (3116)	
Seafood Products Prepared, Canned & Packaged (3117)	
Bakery & Tortilla Products (3118)	P
Foods, NESOI (3119)	S
Beverages (3121)	P
Ice Production (312113)	S
Breweries (31212)	S
Wineries (31213)	S
Distilleries (31214)	S
Tobacco Products (3122)	S
Fibers, Yarns & Threads (3131)	P
Fabrics (3132)	P
Finished & Coated Textile Fabrics (3133)	S
Textile Furnishings (3141)	P
Other Textile Products (3149)	P
Knit Apparel (3151)	P
Apparel (3152)	P
Apparel Accessories (3159)	P
Leather & Hide Tanning (3161)	
Footwear (3162)	P
Other Leather Products (3169)	P
Sawmill & Wood Products (3211)	S
Veneer, Plywood & Engineered Wood Products (3212)	S
Other Wood Products (3219)	S
Pulp, Paper & Paperboard Mill Products (3221)	
Converted Paper Products (3222)	P
Printed Matter & Related Products, NESOI (3231)	P
Petroleum & Coal Products (3241)	
Basic Chemicals (3251)	S
Resin, Synthetic Rubber & Artificial & Synthetic Fibers & Filament (3252)	S
Pesticides, Fertilizers & Other Agricultural Chemicals (3253)	
Pharmaceuticals & Medicines (3254)	P
Paints, Coatings & Adhesives (3255)	S
Soaps, Cleaning Compounds & Toilet Preparations (3256)	S
Other Chemical Products & Preparations (3259)	S
Plastic Products (3261)	S
Rubber Products (3262)	S
Clay & Refractory Products (3271)	S
Glass & Glass Products (3272)	S
Cement & Concrete Products (3273)	S
Lime & Gypsum Products (3274)	
Other Nonmetallic Mineral Products (3279)	S
Iron & Steel & Ferroalloy (3311)	
Steel Products From Purchased Steel (3312)	P
Alumina & Aluminum & Processing (3313)	S

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Nonferrous Metal (Except Aluminum) & Processing (3314)	S
Foundries (3315)	
Crowns, Closures, Seals & Other Packing Accessories (3321)	
Crowns & Closures (bottle caps, Jar lids, etc.) (332115)	P
Metal Stamping (332116)	S
Research & Development Cutlery & Hand Tools (3322)	P
Architectural & Structural Metals (3323)	S
Boilers, Tanks & Shipping Containers (3324)	
Metal Can, Box, & Other Metal Containers (Light Gauge) Manufacturing (33243)	S
Hardware (3325)	P
Springs & Wire Products (3326)	P
Bolts, Nuts, Screws, Rivets, Washers & Other Turned Products (3327)	P
Coating, Engraving, Heat Treating, and Allied Activities (3328)	S
Other Fabricated Metal Products (3329)	P
Small Arms Ammunition (332992)	S
Ammunition (except Small Arms) (332993)	S
Small Arms (332994)	S
Other Ordnance & Accessories (332995)	S
Agricultural & Construction Machinery (3331)	S
Industrial Machinery (3332)	S
Commercial & Service Industry Machinery (3333)	P
Ventilation, Heating, Air-conditioning & Commercial Refrigeration Equipment (3334)	P
Metalworking Machinery (3335)	P
Engines, Turbines & Power Transmission Equipment (3336)	S
Other General Purpose Machinery (3339)	S
Power-Driven Handtool (333991)	P
Computer Equipment (3341)	P
Communications Equipment (3342)	P
Audio & Video Equipment (3343)	P
Semiconductors & Other Electronic Components (3344)	P
Navigational, Measuring, Electronic Components (3345)	P
Magnetic & Optical Media (3346)	P
Electric Lighting Equipment (3351)	P
Household Appliances & Miscellaneous Machines, NESOI (3352)	P
Electrical Equipment (3353)	S
Switchgear & Switchboard (335313)	P
Relays (335314)	P
Electrical Equipment & Components, NESOI (3359)	S
Motor Vehicles (3361)	S
Motor Vehicle Bodies & Trailers (3362)	S
Motor Vehicle Parts (3363)	P
Other Motor Vehicle Manufacturing (336399)	P
Motor Vehicle Brake System (33634)	S
Motor Vehicle Metal Stamping (33637)	S
Motor Vehicle Air Conditioning (336391)	S
Aerospace Products & Parts (3364)	S
Railroad Rolling Stock (3365)	
Ships & Boats (3366)	S
Transportation Equipment, NESOI (3369)	S
Household & Institutional Furniture & Kitchen Cabinets (3371)	P

Office Furniture (Including Fixtures) (3372)	P
Furniture Related Products, NESOI (3379)	S
Medical Equipment & Supplies (3391)	P
Miscellaneous Manufactured Commodities (3399)	P
Signs (33995)	S
Bookbinding	S
Building Materials Sales & Lumberyards	S
Crematorium	S
Dry Cleaning & Laundry Facilities/Plants	S
Junkyard / Salvage & Vehicle Storage	
Motor Sports / Team Racing	P
Laboratories	S
Product Distribution Centers/Plants	S
Recycling & Waste Services Facilities	
Research & Development	S
Septic Services	
Storage of Materials (batteries, flammables, etc.)	
Supply House	S
Tire Recapping	

*Refers to Groups of Uses as defined in Section 2.3

** These uses shall be Special if located adjacent to or within 100 feet of a residential zoning district.

G. Building Standards

1. Articulation

(a) General

Facades greater than 80 feet in length, measured horizontally, that face public or private rights-of-way or parking areas shall incorporate wall plane projections or recesses having a minimum depth of three percent of the length of the facade and extending a minimum of 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 30 horizontal feet.

1. Ground floor facades that face public or private rights-of-way or parking areas shall have arcades, display windows, entry areas, awnings or other such features along a minimum of 75 percent of their horizontal length and a corner wrap of the same facade treatment for a distance equal to five percent of the ground floor façade extending from all front building corners.
2. No horizontal wall section shall extend for a distance greater than three times its height without a change in elevation of a

minimum of 15 percent of such height. This height change shall continue for a minimum of 25 percent of the length of either adjacent plane.

(b) Industrial Districts

The standards of this subsection shall not apply to facades in the I-L, IG and PD-I districts.

2. Blank Wall Area

Blank wall areas on building facades of nonresidential buildings facing a public road shall extend a maximum of 15 feet in the vertical direction or 40 feet in the horizontal direction.

The standards of this subsection shall not apply to the facades in the I-L, I-G, and PD-I districts.

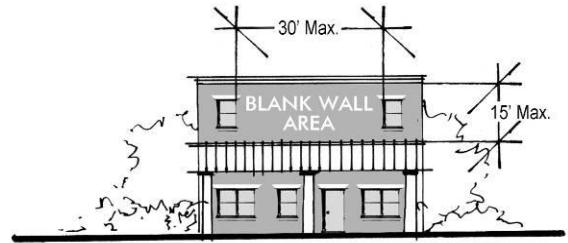


Figure 8. Blank Wall Area

3. Façade Materials

(a) General

All nonresidential road facades may be constructed of the following materials:

1. Masonry including brick, stucco, architectural concrete, hardiplank or similar siding or stone;
2. Wood;
3. Non-corrugated metal (for beams, lintels, trim elements and ornaments); or
4. Glass (no less than 10 percent).

The provisions of this subsection shall not apply to lots in the I-G district in subdivisions recorded prior to August 31, 2009, that do not front on an arterial or collector road.

(b) Commercial Uses

In addition to complying with the general requirements of subsection (a), above, nonresidential facades outside of industrial districts may be constructed of the following materials:

1. Any side or rear wall within 100 feet of a residential zoning district or public or semi-public area shall consist of the same facing materials as the building front.
2. Corrugated metal shall not be used on any façade visible from a public road or facing a parking area or residential zoning district. Vinyl panels or unpainted smooth-faced cinder blocks shall not be used on any façade facing a road, parking area or residential zoning district.
3. These provisions shall not apply to the enlargement of a nonconforming building in regard to side and rear facades provided

the existing building is being enlarged by 25 percent or less of its gross floor area.

(c) Industrial Uses

Corrugated metal shall not be used on any façade facing a road.
Vinyl panels shall not be used on any façade facing a road.
Unpainted smooth faced cinder blocks shall not be used on any façade facing a road, parking area or residential zoning district.

(d) Use of “Green Walls” or “Vertical Gardens” and similar innovative wall designs incorporating Leadership in Energy and Environmental Design (LEED) construction or equivalent standards is permitted.

3. Historic Structures

Buildings listed in the National Register of Historic Places are exempt from the standards within the Eastern Lincoln Development District where they are in conflict with the Secretary of Interior guidelines.

4. Roof Pitch

Roof pitches less than 3 ½ to 12 will require a parapet wall which must be of sufficient height to screen any mechanisms or mechanical equipment placed on the roof. A pitched roof must be profiled by eaves that extend a minimum of 8 inches from the building façade. Convenience store, gas/fuel, drive-through and other such canopies shall not have a consistently flat roof. The pitch of the canopy and exterior materials must resemble / replicate the roof design of the principal structure

5. Primary entrances

The main or primary entrance(s) for the building must face the road, except for developments built in a courtyard or similar design. All primary entrances shall have architectural elements which identify the entrance as such. Acceptable elements include canopies, arcade, columns, porticos, recess or projections, corniced parapet, gables, arches and similar treatments which accentuate the entrance. These elements may be used to meet the articulation standards in Section 2.5.1 G 1.

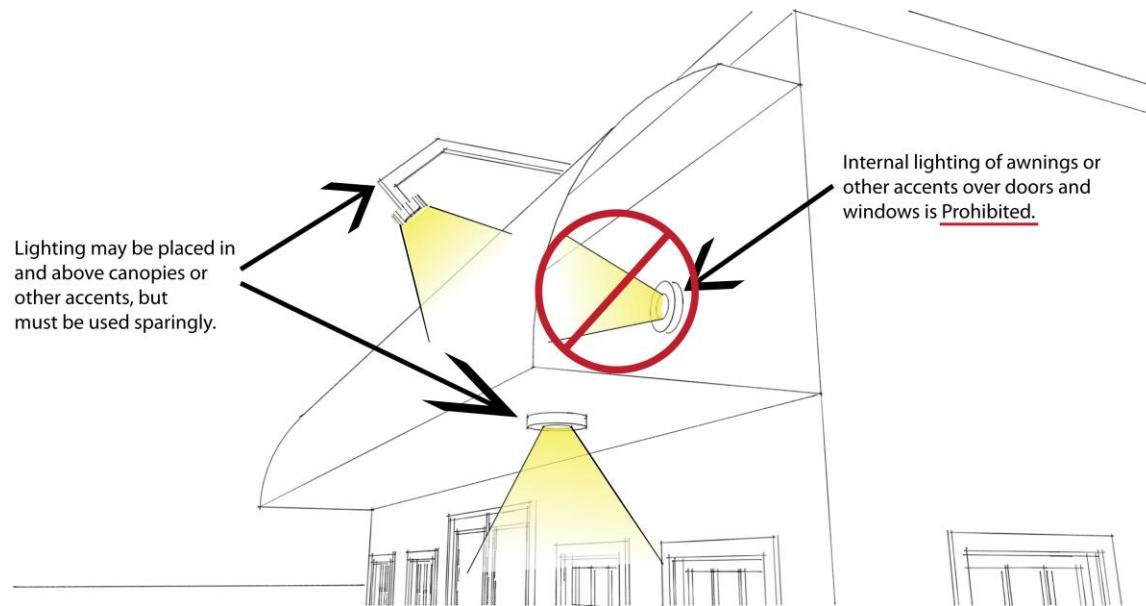
This requirement may be modified by the Director where topography or special building placement requires the entrance face a different direction. In such case the building side facing the road shall be treated with the same façade standards as if the primary entrance faced the road.

6. Secondary entrances and other openings

- (a) Any building façade that directly faces a road and includes an entrance must include elements with similar architectural features of the primary entrance.
- (b) Service entrances primarily used for shipping, receiving and similar distribution shall not front the road unless no other access is feasible as determined by the Director.

7. Accent Lighting

- (a) In addition to the accent lighting standards found in Section 3.11.4.B and 3.11.5, lights that flash, move, revolve, rotate, blink, flicker, vary in intensity or color, or strobe are prohibited.
- (b) Awnings and canopies used for building accents over doors, windows and other areas shall not be internally lit (i.e. from underneath or behind). If lit from above, the lighting must be spaced sparingly so that only limited portions of the awnings and canopies are accented.



H. Site Development Standards

1. Right-of-way Preservation

- (a) Any future road rights-of-way or roadway improvements or widening plans designated by an adopted state Transportation Improvement Plan or adopted local transportation plans shall be reserved with no building constructed within the designated area.
- (b) Any future sidewalks, trails, greenways, utility, access, park and/or open space designated by adopted local plans shall be reserved as part of a development. These areas will be

counted as part of the required open space in all planned developments as per the requirements of Section 2.5.1.L and Section 2.4.9.A.5.

(c) Additionally, these improvements may not necessarily be an integral part of the proposed development but could otherwise be required by studies including, but not limited to traffic impact analysis or development standards within the UDO, and acquired for future development.

2. Access

Any lot with less than 100 feet of roadway frontage must be accessed by a shared driveway from a designated roadway or a driveway from a side street. Full-access driveways must have a minimum of 300 feet in separation. Where practical, any driveway not meeting these standards will be closed at the time of building expansion or site redevelopment. All driveways shall be a minimum of 150 feet from a road intersection and meeting NCDOT and AASHTO standards.

3. Dimensional Standards

(a) The dimensional requirements in the Eastern Lincoln Development District for parcels, except for those industrially zoned, fronting roads shall be the same as the underlying zoning district, provided that road yards shall be as follows.

- (1) Minimum Road Yard: 15 feet
- (2) Maximum Road Yard: 90 feet

(b) Multi-family planned developments which meet the standards of Section 2.5.1. L.3 (Open Space, reserved frontage) are exempt from the Maximum Road Yard setback.

4. Pedestrian Facilities

Pedestrian facilities shall be provided in the Eastern Lincoln Development District in accordance with the following requirements:

(a) Sidewalks shall be provided along all sides of lots that abut roads where curb and gutter is required or provided. If difficulties exist, a review shall follow the standards in Section 2.5.1 D Alternative Means of Compliance and the Planning Board shall determine if a sidewalk is not warranted. Sidewalks shall not be required on any portions of a lot which abuts a local access road, as referenced in Sections 5.4.9, within industrially zoned areas or along NC 16 Bypass.

(b) Continuous internal pedestrian walkways, no less than four feet in width, shall be provided from the sidewalk or right-of-way to the principal public entrance for nonresidential establishments

and pads on the site. At a minimum, walkways shall connect areas of pedestrian activity such as, but not limited to, road crossings, and building entry points.

- (c) Nonresidential developments sharing a common lot line with another nonresidential district parcel shall provide a pedestrian walkway to the common property boundary.
- (d) Sidewalks shall be provided along any facade featuring a public entrance, and along any facade abutting public parking areas. Additional sidewalk width shall be provided as needed to accommodate outdoor seating areas adjacent to restaurants to maintain a four foot wide clear pedestrian circulation area.
- (e) Pedestrian walkways provided in conformance with subsection (d), above, shall provide weather protection features such as awnings or arcades over the door of all public entrances; provided that, in no case shall the width of such awning or arcade be less than the width of the door.
- (f) Pedestrian walkways and crosswalks in parking areas shall be distinguished from asphalt or concrete driving surfaces through the use of durable, low-maintenance, surface materials such as pavers, bricks, or scored or colored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
- (g) Industrial zoned properties are exempt from meeting subsection (b), (c) and (f) within this Section.

5. Utilities

All utilities directly serving subject property, shall be placed underground unless technical restrictions exist and prohibit from such. Provisions must be made to significantly reduce the visual blight of any above-ground utilities. This applies to service laterals and lines to an individual property and / or planned development.

6. Service Equipment

Dumpster pads shall be constructed of at least 8" reinforced concrete which must include the area for the dumpster and an apron extending no less than 10 feet in front.

Dumpster screening shall match the materials and architecture of the primary building

Mechanical equipment (if ground mounted) must be screened with materials matching the primary building or opaque landscaping.

7. Low Impact Design

The intent of this section is to require the use of environmentally sound and diverse methods to control soil erosion and storm water

runoff. All site development that requires an erosion control plan shall include methods used in Low Impact Design “LID” practices. These include the use of rain gardens, cisterns, bioswale retention and similar methods for controlling stormwater runoff and erosion. The use of retention/detention ponds are not permitted to be the singular means of detention. All such features shall be designed by a professional engineer or landscape architect and meet or exceed the standards contained in the State of North Carolina best management practices manual.

8. Natural grades and topography

Site development shall utilize the prevailing contours and grades of the existing site topography. Development practices, such as terraced parking areas, stepped building pads and drainage patterns, are strongly encouraged for commercial and multi-family projects.

I. Signs

1. Freestanding signage

- (a)** For freestanding signs (as defined in Section 3.9.3.A.3), only on-site ground mounted and monument signs are permitted within the district. Maximum height shall be no greater than 8 feet above grade elevation. The maximum surface area of the sign shall not exceed .20 square feet per linear foot of road frontage along the road toward which such sign is primarily oriented, with a maximum surface area of 40 square feet.
- (b)** For multi-tenant developments of four (4) to twelve (12) tenants, a 50% increase in sign area is permitted based on the formula used in (a) of this section, with a maximum of no greater than 60 square feet. For multi-tenant developments of thirteen (13) or more tenants, a 75% increase in sign area is permitted based on the formula used in (a) of this section, with a maximum of no greater than 70 square feet.
- (c)** The sign materials used for mounting must match the building materials and the use of columns, pillars and other similar architectural details that closely matches the materials used on the primary building.

2. Window Signs

The total sign area of window signs shall not exceed 50 percent of the window pane or glass door on which the signs are located. A permit is not required for window signs.

3. Other types of signage

For wall signs and any other type(s) of permanent signage the standards found in Section 3.9 of the UDO shall apply.

4. Illumination

No flashing or digital displays are permitted with the exception of time and temperature displays. Changing messages must not scroll. Any messages which change, including words or graphics must be static or continuously illuminated for a minimum of one hundred eighty (180) seconds. Although internal illumination is preferred, signage may be externally lit provided that the lighting source is directed only to the sign message and does not spill over onto adjacent properties or any roadway causing distraction or glare.

5. Sign Compliance

All building and site signs/signage must come into compliance of this section at the time the principal use of the building changes or the building square footage is increased or expanded. For multi-tenant buildings, this provision shall only apply when the building square footage is increased or expanded.

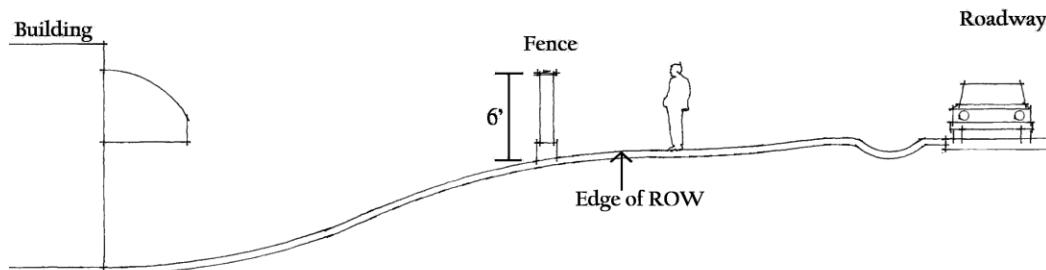
J. Fencing

1. Materials

Fencing along roads and shall be constructed of ornamental iron or other metal works, masonry columns of brick, decorative block or similar materials. Chain link, vinyl, or wood fencing is not permitted along roads.

2. Height

Maximum height shall not be greater than 6 feet above grade elevation.



K. Outdoor Storage & Sales

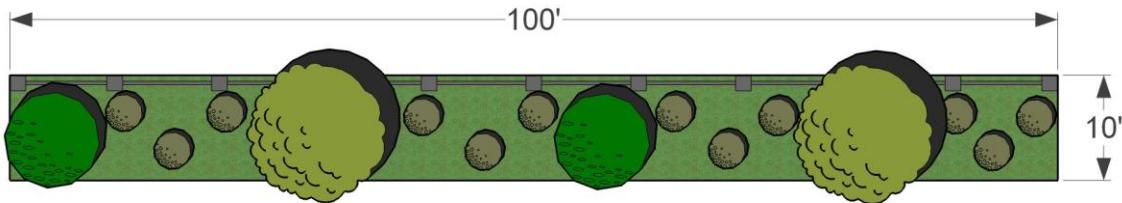
1. Screening

All outdoor storage, as defined in Section 3.10, must be screened from view of any roads by a minimum Class B buffer that meets the standards depicted in Section 3.4.6 C.

2. Vehicular Sales

All outdoor sales areas for vehicles, including but not limited to automobiles, boats, motorcycles, watercraft and all other means of powered modes of transportation, fronting any public or private right-of-way must be screened by a minimum Class A buffer that meets the standards depicted in Section 3.4.6 B and includes a fence meeting the standards in Section 2.5.1 J of the Eastern Lincoln Development District.

- 1 Wall or Fence (Minimum 3' in height, Maximum of 6')
- 2 Canopy Trees
- 2 Understory Trees
- 12 Shrubs



L. Open Space

1. All planned developments must incorporate area(s) for recreation and open space to meet the requirements of Sections 2.4.9.A.5 and 3.3. In these developments, open space includes, but not limited to, such areas as a playground, tree preserve, trails, plaza, formal garden or green,

Watershed Protection Overlay (-WPO)

and similar types of open space. These open space types can be divided provided the smallest type is no less than 20% in size of the total required amount or grouped into a single type.

2. If the Land Use Plan, Recreation Plan, or any other County adopted plan depicts or describes recommended open space, trail or other similar improvement on or adjacent to the planned development parcel, the developers of the project shall be required to reserve sufficient area for the recommended improvement as part of the planned development.
3. Multi-family developments which do not develop the frontage along the road for a certain depth and reserve such land as open space shall gain a density bonus as shown in the table below. This reserved frontage land can count towards up to 40% of the total required amount of open space.

Depth of open space	Density bonus for development
100 – 149 feet	5% increase
150 – 199 feet	8% increase
200 feet and above	12% increase

§2.5.2. Watershed Protection Overlay (-WPO)**A. Use and Development Standards**

The use and development standards for the Watershed Protection Overlay (-WPO) are found in §7.3.

§2.5.3. Historic Overlay District (-HO)**A. Designation**

1. No historic district or districts shall be designated until:
 - (a) An investigation and report describing the significance of the buildings, structures, features, sites or surroundings included in any such proposed district, and a description of the boundaries of such district has been prepared; and
 - (b) The State of North Carolina Department of Cultural Resources, acting through the State Historic Preservation Officer or his designee shall have made an analysis of and recommendations concerning such report and description of proposed boundaries.
2. Failure of the Department to submit its written analysis and recommendations to the Board of Commissioners within 30 calendar days after a written request for such analysis has been received by the Department of Cultural Resources shall relieve the County of any responsibility for awaiting such analysis, and the Board of Commissioners may at any time thereafter take any necessary action to adopt or amend the Zoning Ordinance.

B. Use and Development Standards

All permitted and special uses of the underlying zoning district are allowed subject to the specific requirements and procedures for each use.

C. Development Standards

[Reserved]

§2.5.4. Airport Overlay (-AO)**A. Airport Zones**

In order to carry out the provisions of this district, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Lincolnton-Lincoln County Regional Airport. Such zones are shown on the Lincolnton-Lincoln County Regional Airport Zoning Map consisting of one sheet, representing the current version on file in the Planning and Inspections Department, which is attached to this subsection and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. Runway Larger Than Utility with a Visibility Minimum Greater Than $\frac{3}{4}$ Mile Non-precision Instrument Approach Zone (Approach Zone)

The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

2. Transitional Zone

The transitional zone is the areas beneath the transitional surfaces.

3. Horizontal Zone

The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

4. Conical Zone

The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet. The conical zone does not include the transitional zone.

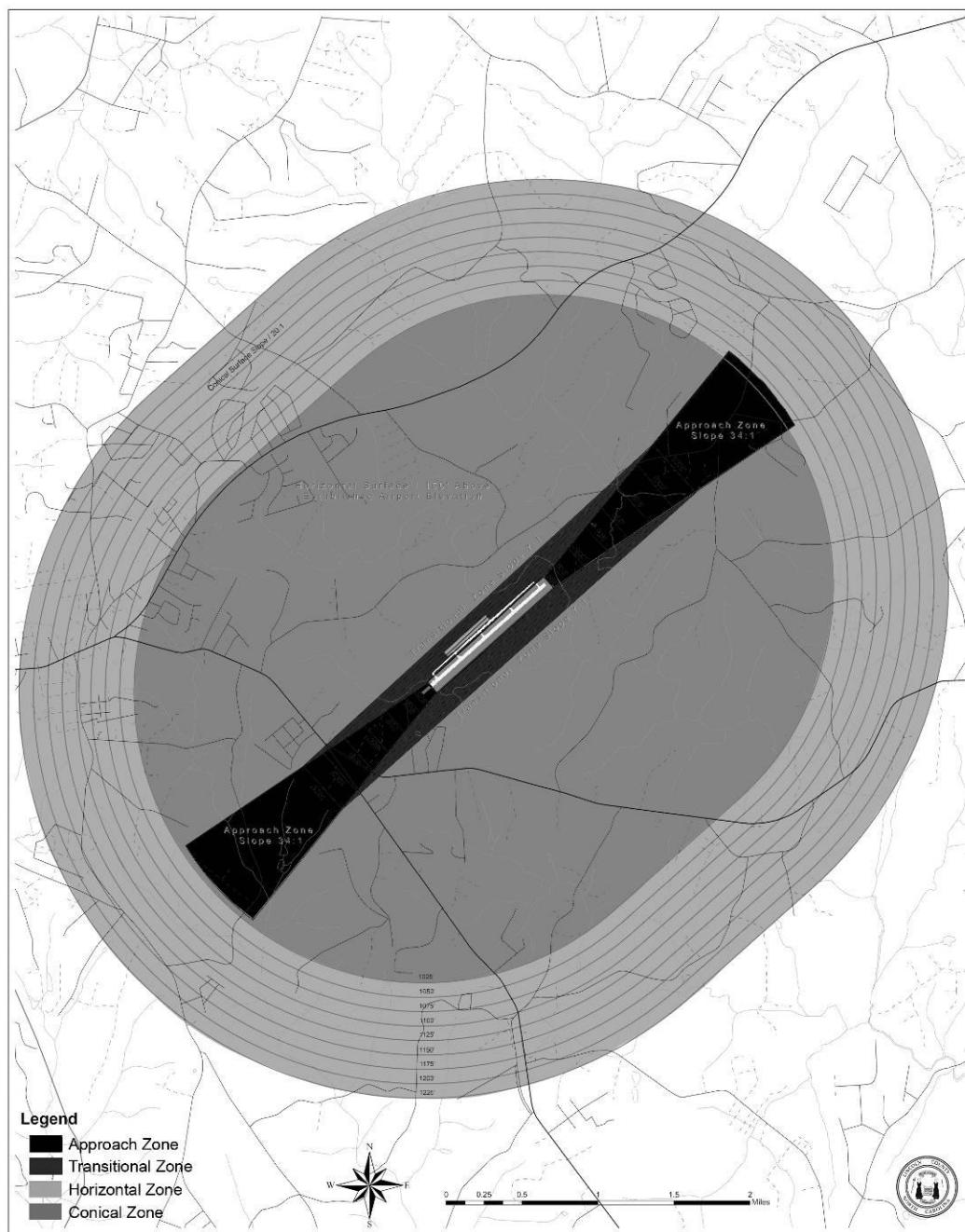


Figure 9. Conical Zone

B. Height Limitations

Except as otherwise provided in this subsection, no structure shall be erected, altered or maintained, and no tree shall be allowed to grow in any zone created by this subsection to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. Runway Larger Than Utility with A Visibility Minimum Greater Than $\frac{3}{4}$ Mile Non-precision Instrument Approach Zone (Approach Zone)

Such runway slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

2. Transitional Zone

The transition zone slopes seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 100 feet above the airport elevation which is 878 feet above mean sea level.

3. Horizontal Zone

The horizontal zone is established at 100 feet above the airport elevation or at a height of 978 feet above mean sea level.

4. Conical Zone

The conical zone slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 100 feet above the airport elevation and extending to a height of 300 feet above the airport elevation.

5. Excepted Height Limitations

(a) Nothing in this subsection shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land. Height shall be measured from the highest point on the ground along the periphery of the structure or tree to the highest point on the structure or tree.

(b) Nothing in this subsection shall be construed as prohibiting the construction of a wireless communication tower within the horizontal or conical zones provided the applicant is able to demonstrate compliance with all Federal Aviation Administration (FAA) standards and regulations and receive approval from the FAA for the construction of the proposed tower.

C. Use Regulations

No use may be made of land or water within any zone established by this subsection in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

D. Nonconforming Structures and Trees in -AO District

See §10.6.

E. Permits**1. Future Uses**

- (a)** Except as specifically provided in (b), (c), and (d), below, no material change shall be made in the use of land, and no structure or tree shall be erected, altered, planted or otherwise established in any zone of the -AO district prior to the approval of a zoning permit pursuant to §9.9. No permit for a use inconsistent with the provisions of this subsection shall be granted unless a variance has been approved in accordance with §2.5.4.E.3.
- (b)** In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 70 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
- (c)** In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 70 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
- (d)** In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 70 feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.
- (e)** Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this subsection except as set forth in §2.5.4.B.5. In the event a tree is allowed to grow in excess of the height limits established by this subsection, except as set forth in §2.5.4.B.5, said tree shall be removed, topped, trimmed, or otherwise modified to bring into compliance with this subsection. If the Director determines that the tree adversely affects the safe use of the airport, Lincoln County will pay for the direct cost to remove, top, trim, or otherwise modify said tree to bring into compliance with this subsection.

2. Existing Uses

No permit shall be granted that would allow the establishment or creation of an airport obstruction that is a hazard to air navigation or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this subsection or any amendments thereto or that it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

3. Variances

- (a) Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this subsection, may apply to the Board of Adjustment for a variance from such regulations in accordance with the requirements of §9.18.
- (b) The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace.
- (c) Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this subsection.

4. Obstruction Marking and Lighting

Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this subsection and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the Lincolnton-Lincoln County Regional Airport Authority at its own expense, to install, operate and maintain thereon such marking and lights as may be necessary.

5. Approval Required

The Director shall review all applications for development to ensure compliance with all regulations of this subsection. All applications shall be complete prior to review by the Director. The Director in his discretion may request that additional information be submitted as necessary to insure a thorough and complete review of the application. All applications shall be submitted with a non-refundable fee in accordance with a fee schedule adopted by the Board of Commissioners.

§2.5.5. Reserved

§2.6. Measurements and Exceptions

§2.6.1. General

No lot, even though it may consist of one or more adjacent lots of record in single ownership, shall be reduced in size so that the lot area per dwelling unit, lot width, yard and lot coverage requirements, and other requirements of this UDO are not maintained, unless otherwise allowed by law. This prohibition shall not be construed to prevent the purchase or condemnation of narrow strips of land for public utilities or road right-of-way purposes.

§2.6.2. Building Coverage

Building coverage is the maximum area of the lot that is permitted to be covered by buildings, including both principal structures and accessory buildings. Building coverage does not include paved areas such as driveways, uncovered porches or patios, decks, swimming pools or pool cages, or roof overhangs of less than three feet.

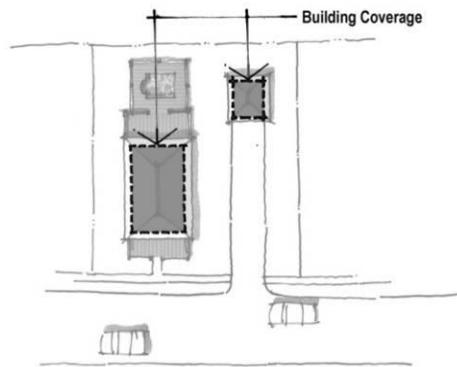


Figure 10. Building Coverage

§2.6.3. Impervious Surface

Impervious surface is the maximum area of the lot that is permitted to be covered by buildings, including both principal structures and accessory buildings, paved areas such as swimming pools, driveways, uncovered porches or patios, or solid decks.

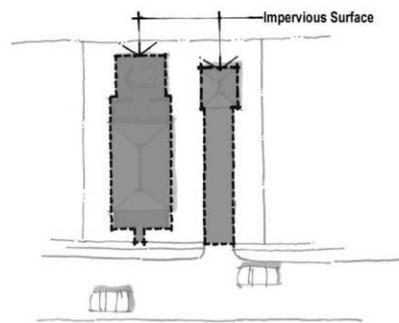


Figure 11. Impervious Surface

§2.6.4. Building Separation

The required separation between any two buildings located on the same lot or parcel of land.

§2.6.5. Gross Floor Area

The gross floor area of a building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings and shall include the following areas:

- A. The area of each floor of the structure;
- B. All attic space intended for human occupancy; and
- C. All outside storage areas as permitted in §3.10.

§2.6.6. Height

A. Buildings

Height is the vertical distance above finished grade to the highest point of a flat roof, to the deck line of a mansard roof, or to the average height between the plate and the ridge of a gable or hip roof; or, of no roof, to highest point of any structure. Roof structures not intended for human occupancy and serving in an accessory capacity, such as skylights, housing for elevators, stairways, water tanks, ventilating fans, air conditioning equipment or similar equipment, steeples, spires, belfries, cupolas or chimneys, may exceed the maximum allowable heights.

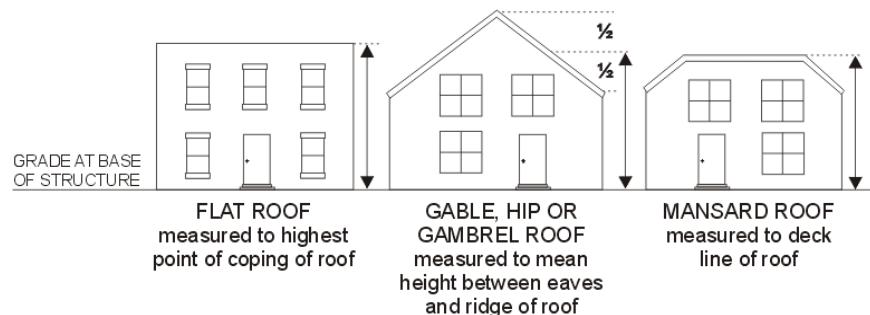


Figure 12. Buildings (Height)

B. Fences and Walls

The height of fences or walls shall be measured as the vertical distance between mean elevation of the finished grade on the highest side of the fence or wall to the top of the fence or wall.

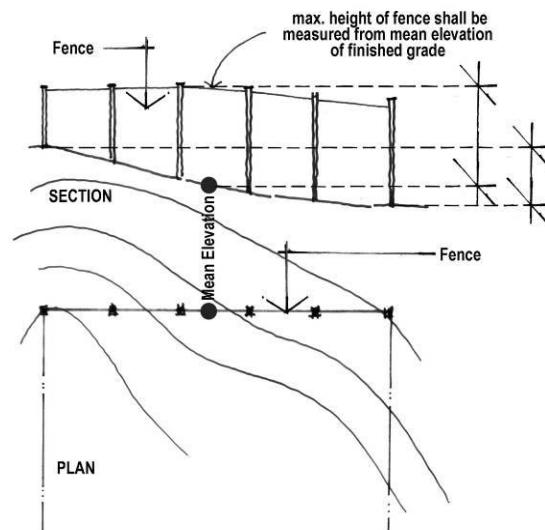


Figure 13. Fences and Walls (Height)

C. Telecommunications and Microwave Towers and Antennas

Height of telecommunications and microwave towers and antennas shall be determined by measuring the vertical distance from mean elevation of the finished grade to the highest point of the tower, including all antennas, other attachments, or structures, when towers are mounted upon other structures.

Area**D. Signs**

The height of a sign shall be measured from the highest point of the sign or supporting structure to the average grade of the ground surrounding the sign. For the purposes of this section, the height of a ground sign or monument sign may be measured from the highest point of the sign or supporting structure to the grade of a landscape berm not exceeding 24 inches above the average surrounding ground.

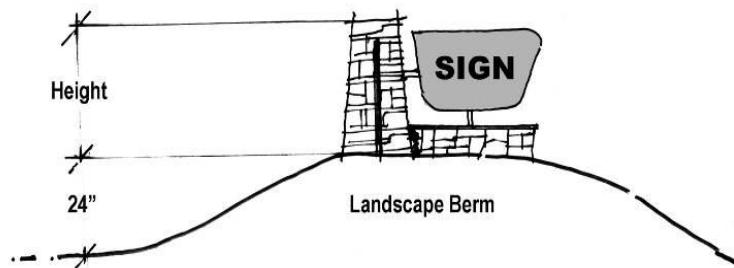


Figure 14. Signs (Height)

§2.6.7. Area

Area shall be measured in gross square feet or acres.

A. Lot

1. A single lot of record, or more than one contiguous lot of record in the same ownership where accumulation of such lots is required, which lot or lots of record are not divided by any road or public alley.
2. Lot area shall be that area included in a single, undivided piece of land.
3. Minimum lot areas shall be exclusive of existing or proposed public or private right-of-way, resource conservation areas (see §7.2), and required recreation and open space (see §3.3).

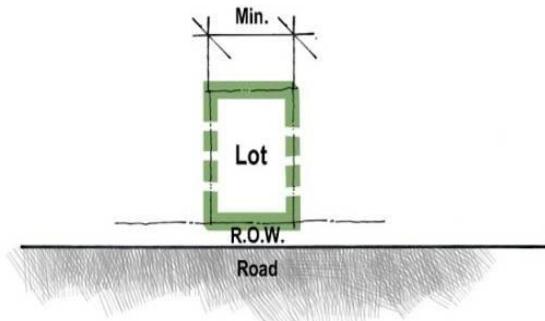
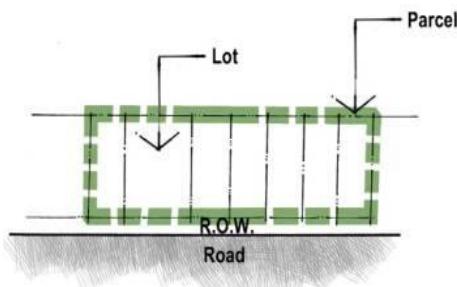


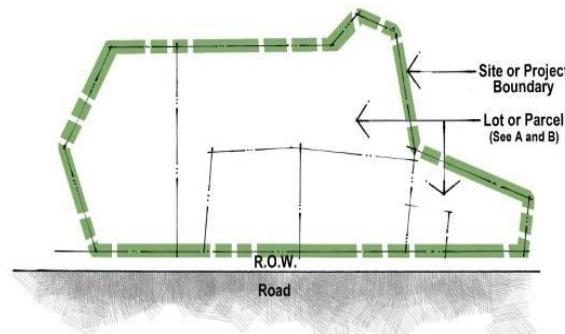
Figure 15. Lot (Area)

B. Parcel

1. A continuous quantity of land in the possession of or owned by, or recorded as property of the same person or persons. A parcel may contain multiple buildings or uses.
2. Parcel area shall be that area required for each individual building in a multi-building project. A parcel may include multiple lots.

**Figure 16. Parcel (Area)****C. Site**

1. A continuous quantity of land to be developed as a single project. A site may contain multiple parcels or lots.
2. Site area shall be the total land area of the proposed development. A site may include multiple parcels or lots.
3. Net site area shall mean the total gross area of the parcel, minus any resource conservation areas (see §7.2) located on the site.

**Figure 17. Site (Area)****D. Exceptions**

Minimum lot area requirements shall not apply to minor utilities, public facilities, and wireless facilities and towers.

Width**§2.6.8. Width****A. Building**

Building width shall be measured by the distance along the front plane of any building (as determined by the location of an entrance fronting on a road).

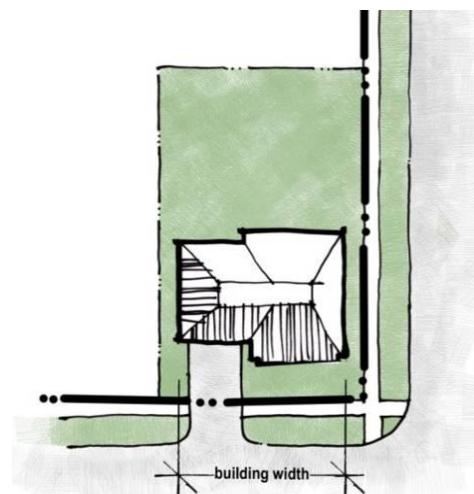


Figure 18. Building (Width)

B. Lot

Lot width shall be measured by the distance between the side lot lines (generally running perpendicular to a road), measured at the rear edge of the road yard along a straight line parallel to the front of the property line or along the chord of the front property line.

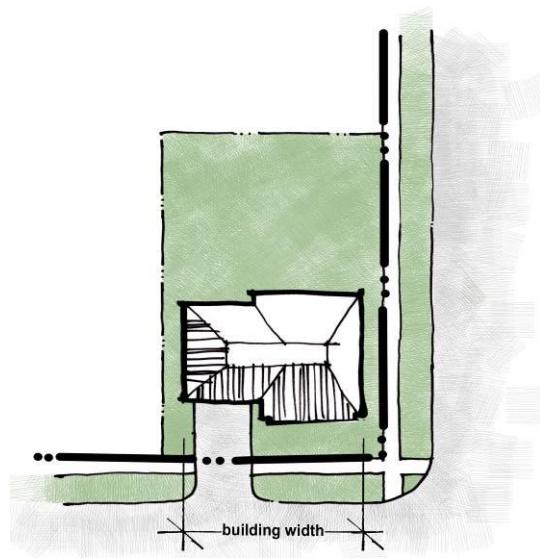


Figure 19. Lot (Width)

§2.6.9. Density**A. Density**

Density shall be allocated to each development parcel as follows:

1. One hundred percent of the district density for the area outside of resource conservation areas (see §7.2); and

2. None (0) of the district density for any resource conservation areas.

B.

Density for residential districts shall be calculated by dividing one acre of land (43,560 square feet) by the applicable minimum lot size for the district and housing type, minus any resource conservation areas (see §7.2) located on the site.

C.

Fractional units shall be rounded down to the next whole number.

§2.6.10. Yards and Setbacks

A. General

1. All road yard and side yard (road) setbacks shall be measured from the edge of the right-of-way, or planned, future right-of-way, where expansion of a roadway is planned by NCDOT or other appropriate authority.
2. The minimum road yard requirements of this article, for residential dwellings, shall not apply on any lot where the average road yard of existing dwellings located on either side of the lot in question within the same block and zoning district and fronting on the same side of the road is less than the minimum required road yard. In such cases, the road yard on such lots may be less than the required road yard, but not less than the adjacent dwelling with the greatest road yard depth.
3. Every part of every required yard shall be open and unobstructed above the general ground level of the graded lot upward to the sky except as provided or as otherwise permitted in this UDO.
4. No part of a yard or other open space required about any structure or use for the purpose of complying with the provisions of this UDO shall be included as a part of a yard or other recreation and open space similarly required for another structure or use.

B. Types of Yards

1. There are four types of yards – road, side (road), side (interior), and rear yards.
2. Double frontage lots shall be considered to have two road yards.
3. Total yard (side) shall be the total of the two side yards.

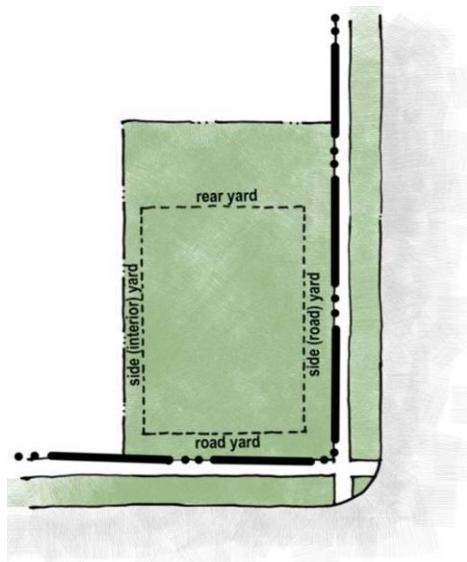


Figure 20. Types of Yards

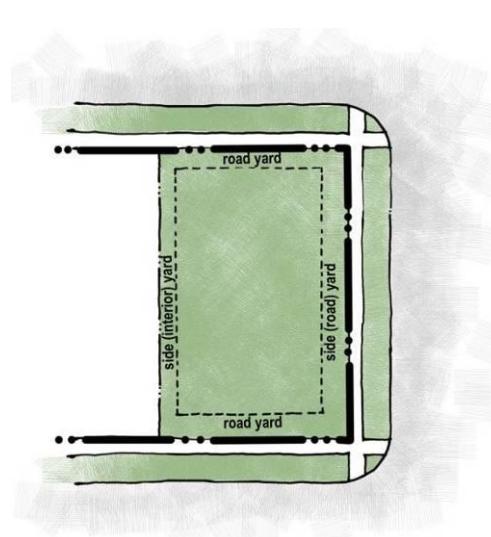


Figure 21. Types of Yards (Double Frontage)

C. Measurement of Yards

1. Depth of a required road yard shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot lines, in the case of rounded property corners at road intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding.
2. Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.
3. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

D. Yard Encroachments

The following encroachment standards shall apply to all required yards, so long as they do not extend into any easements or create hazards:

1. Mail boxes, newspaper boxes and school bus shelters may be located in any required yard. Water wells shall encroach to within ten feet.
2. Signs may extend into required yards in conformance with standards found in the §3.9.
3. Gates and guard stations may be located within any required yard.
4. Mechanical equipment for residential uses, such as HVAC units and security lighting, may extend into any required side yard but shall remain at least four feet from the property line.
5. Structures below and covered by the ground may extend into any required yard.
6. Driveways may extend into any required yard, provided that, to the extent practicable, they extend across rather than along the setback area.

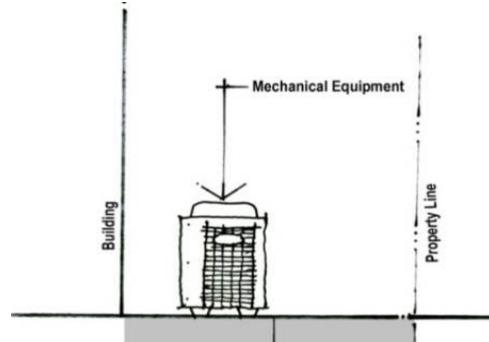


Figure 22. Mechanical Equipment

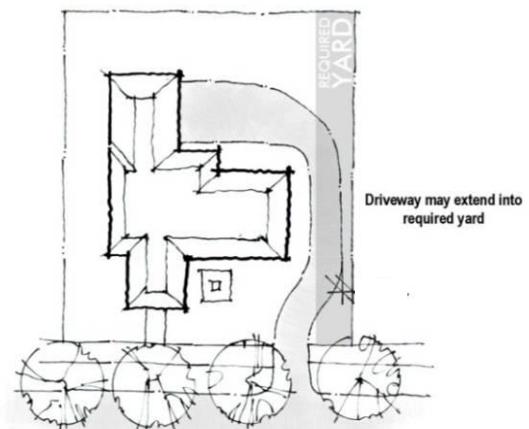


Figure 23. Driveways

7. Planters, retaining walls, fences, hedges, and other landscaping structures may encroach into any required yard subject to visibility restrictions and minimum pedestrian way width.

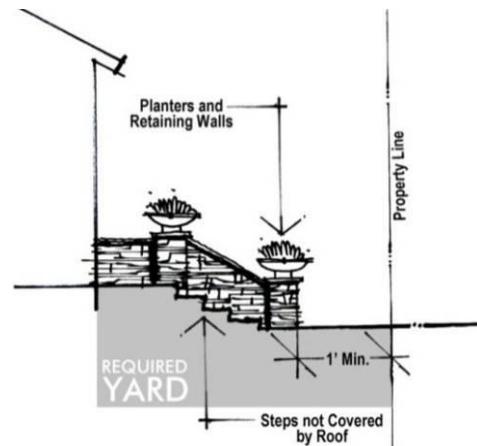


Figure 24. Planters, Retaining Walls, etc.

8. Utility lines located underground and minor structures accessory to utility lines (such as hydrants, manholes, and transformers and other cabinet structures) may encroach into any required yard.
9. Steps not covered by a roof.

ARTICLE 3. GENERAL DEVELOPMENT STANDARDS

§3.1. Construction Standards

The International Building Code; the North Carolina Department of Transportation (NCDOT) Subdivision Roads, Minimum Construction Standards; and the Lincoln County Fire Prevention and Protection Ordinance (LCFP&PO), as amended from time to time, are hereby adopted and incorporated herein by reference, and referred to in this UDO as “Lincoln County construction standards”, “County construction standards” or simply as the “construction standards”. Lincoln County construction standards shall apply to all public and private improvements. In the event of conflict between this UDO and the Lincoln County Fire Prevention and Protection Ordinance (LCFP&PO), the UDO shall prevail.

§3.2. Building Design

§3.2.1. Purpose

The purpose of this subsection is to provide interest in design, articulation and human scale to the façade of the building.

§3.2.2. Applicability

This subsection shall apply to the construction, renovation or redevelopment of:

- A. Nonresidential structures;
- B. Multi-family structures; and
- C. Residential and nonresidential multi-building complexes.

§3.2.3. General

Design for buildings within multi-building complexes shall exhibit a unity of design through the use of similar elements such as rooflines, materials, window arrangement, sign location, and details.

§3.2.4. Facades

All nonresidential road yard façades may be constructed of the following materials:

1. Masonry including brick, stucco, architectural concrete, hardiplank or similar siding or stone;
2. Wood;
3. Non-corrugated metal; or
4. Glass (no less than 10 percent).

The provisions of this subsection shall not apply to lots in the I-G district in subdivisions recorded prior to August 31, 2009, that do not front on an arterial or collector road. This does not exempt any parcel which is located within the Eastern Lincoln Development District (ELDD) from the provisions contained within §2.5.1.

Blank Wall Area**§3.2.5. Blank Wall Area**

Blank wall areas on road yard facades shall extend a maximum of 15 feet in the vertical direction or 40 feet in the horizontal direction.

The standards of this subsection §3.2.5 shall not apply to the facades in the I-L, I-G, and PD-I districts.

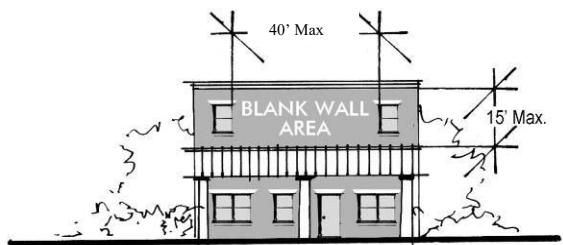


Figure 25. Blank Wall Area

§3.3. Recreation and Open Space Requirements

§3.3.1. Applicability

Recreation and open space is an integral part of conservation residential subdivisions and planned developments. The minimum recreation and open space requirement for conservation subdivisions is set forth in §3.3.2 and planned developments as set forth in §2.4.9.A.5. No additional recreation or open space shall be required on the site, except where otherwise required by State or Federal law. In the case that a subdivision is being developed in phases, the amount of recreation and open space area shall be computed separately for each phase, but may be combined with existing recreation and open space area in earlier phases to create a larger uniform area. All land not platted as lots or dedicated as rights-of-way shall be dedicated as recreation and open space area. Rights-of-way areas shall not be used in the calculation of recreation and/or open space.

§3.3.2. Conservation Residential Subdivision

All development utilizing the conservation residential subdivision option shall provide recreation and open space equal to 50 percent of the gross site area as public or private recreation and open space.

§3.3.3. Types of Open Space

A. Primary Open Space Areas

The following are considered primary open space areas and shall be included within the open space, unless the applicant demonstrates that this provision would constitute an unusual hardship and is counter to the purposes of this UDO:

1. The 100-year floodplain;
2. Streamside buffer areas required by the County along each side of all perennial and intermittent streams;
3. Jurisdictional wetlands under Federal law (Section 404) that meet the definition applied by the Army Corps of Engineers; and
4. Vegetative buffers, which screen the view of development and preserve the character of public roads. Any buffer provided in accordance with §3.4.6 may be used to satisfy the open space requirement, provided the minimum width of such buffer is not less than 25 feet and such buffers are not within a platted, privately-owned lot or public right-of-way.

B. Secondary Open Space Areas

Important natural or cultural features that may comprise the required open space provided all of the primary open space areas within the site have been delineated and counted toward the open space requirement, include:

1. Important historic sites;
2. Slopes above 25 percent of at least 20,000 square feet contiguous area identified as part of a site analysis conducted by a licensed professional engineer in the State of North Carolina, land surveyor, landscape architect, architect or land planner and calculated using topographic maps from an actual survey or from the U.S. Geological Survey;
3. Existing healthy, native forests of at least one acre contiguous area;

Types of Open Space

4. Other significant natural features and scenic view sheds such as ridge lines, hedge rows, field borders, meadows, fields, peaks and rock outcroppings, particularly those that can be seen from public roadways;
5. Farmland, especially prime agricultural land as identified by the U.S.D.A. Soil Conservation Service and which is in active use for the production of crops and/or raising of livestock;
6. Land used for horticulture, silviculture or pasture uses;
7. Areas that connect the site to neighboring open space, trails or greenways;
8. Soils with “severe” limitations for general urban development including Altavista(aaa), Gaston(gad), Georgeville(grd), Madison(mad), Pacolet(pad, pae), Riverview(rva) and Sedgefield(seb); and
9. Landscaped site elements such as road buffers, district buffers, civic greens and landscaped medians.

C. Tertiary Open Space Areas

Important natural or cultural features that may comprise the required open space provided the entire primary and secondary conservation areas within the site have been delineated and counted toward the open space requirement. Public and/or private recreation areas and facilities, including:

1. Active recreation areas, such as public recreation areas (including district and community parks) and private recreation facilities (including golf courses, playing fields, playgrounds, swimming pools, and courts for tennis, basketball, volleyball, and similar sports), whether public or private. Because they represent uses in which natural lands are cleared, graded and managed for intensive activities, the land in this category may be credited toward meeting up to 75 percent of the minimum open space requirement, provided that impervious area is limited to no more than ten percent of the total open space.
2. Passive recreation areas, such as pedestrian, bicycle, and equestrian trails, picnic areas, community commons or greens, and similar kinds of areas, whether public or private. Land in this category receives full credit toward meeting the minimum open space requirement.

§3.3.4. Configuration of Recreation and Open Space

A. The minimum width for any required recreation and open space shall be 50 feet. Exceptions may be granted by the Board of Commissioners for items such as trail easements, mid-block crossings and linear parks/medians, when their purpose meets the intent of this section.

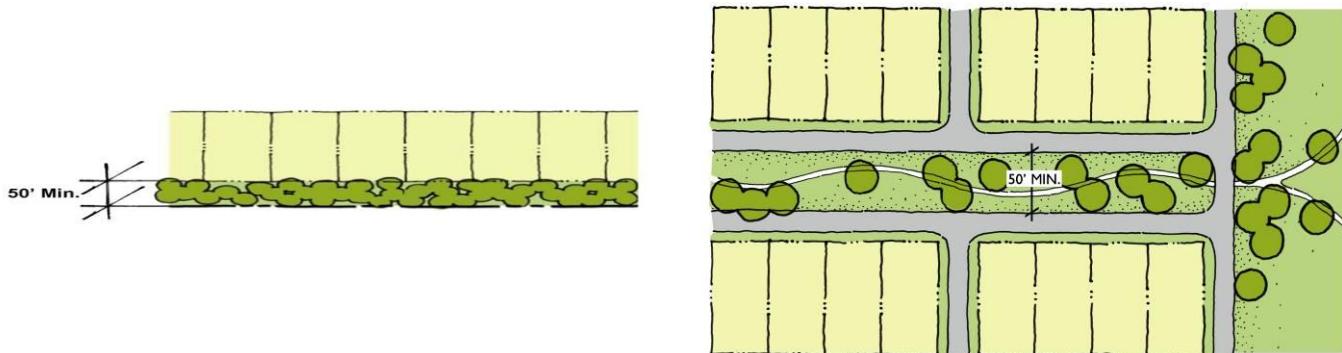


Figure 26. Configuration of Recreation and Open Space

B. At least 40 percent of the required recreation and open space shall be in a contiguous parcel. For the purposes of this section, contiguous shall include any recreation and open space bisected by a residential road (including a residential collector), provided that:

1. A pedestrian crosswalk is constructed to provide access to the recreation and open space on both sides of the road; and
2. The right-of-way area is not included in the calculation of minimum recreation and open space required.

C. The recreation and open space shall adjoin any existing or planned neighboring areas of recreation and open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected recreation and open space. (See §3.3.6)

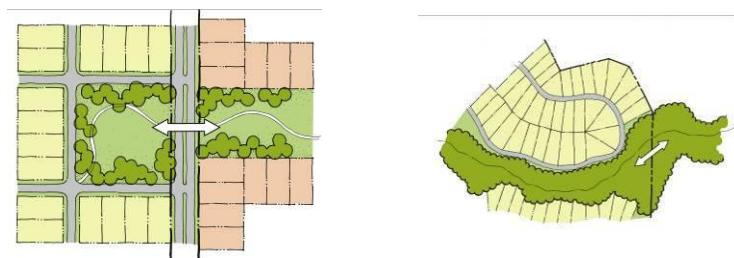


Figure 27. Recreation and Open Space, Adjoining

D. The required recreation and open space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjacent lots shall be provided with safe, convenient access to the recreation and open space (i.e. Mid-block connections in logical locations). No lot within the subdivision should be further than a $\frac{1}{4}$ -mile radius from the required recreation and open space. This

radius shall be measured in a straight line, without regard for road, sidewalk or trail connections to the recreation and open space.

- E. Access to the recreation and open space shall be provided either by an abutting road or easement. Such easement shall be not less than 30 feet wide.

§3.3.5. Reserved

§3.3.6. Adopted County Plans

Adopted County plans shall be taken into consideration when evaluating land proposals.

§3.3.7. Permitted Uses of Recreation and Open Space

Uses of recreation and open space may include the following:

- A. Conservation areas for natural, archeological or historical resources;
- B. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
- C. Pedestrian or multipurpose trails;
- D. Passive recreation areas;
- E. Active recreation areas, provided that impervious area is limited to no more than 50 percent of the total recreation and open space;
- F. Golf courses (excluding clubhouse areas and maintenance facilities), provided the area does not exceed 50 percent of the required recreation and open space, and further provided that impervious area is limited to no more than ten percent of the total recreation and open space;
- G. Above-ground utility rights-of-way, provided the area does not exceed 50 percent of the required recreation and open space;
- H. Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts;
- I. Landscaped stormwater management facilities;
- J. Community or individual wells and/or wastewater disposal systems;
- K. Easements for drainage, access, and underground utility lines;
- L. Other conservation-oriented uses compatible with the purposes of this UDO; and
- M. Clubhouses and pool facilities.

§3.3.8. Prohibited Uses of Recreation and Open Space

Recreation and open space shall not include roads (except for road crossings as expressly provided above) and parking areas.

§3.3.9. Ownership and Management of Recreation and Open Space

A. Ownership

Recreation and open space shall be accepted and owned by one of the following entities:

1. Lincoln County

The responsibility for maintaining the recreation and open space and any facilities shall be borne by the County, subject to BOC approval.

2. Land Conservancy or Land Trust

The responsibility for maintaining the recreation and open space and any facilities shall be borne by a land conservancy or land trust.

3. Homeowners' Association

A homeowners' association representing residents of the subdivision shall own the recreation and open space. The responsibility for maintaining the recreation and open space, and any facilities shall be borne by the homeowner's association. The homeowners' association shall be established in accordance with the requirements of §5.11.

4. Private Landowner

A private landowner may retain ownership of recreation and open space. The responsibility for maintaining the recreation and open space and any facilities shall be borne by the private landowner.

B. Management

Applicants shall submit and record, upon approval, a plan for the management of recreation and open space and other common facilities that:

1. Allocates responsibility and guidelines for the maintenance and operation of the recreation and open space, and any facilities located thereon, including provisions for on-going maintenance and for long-term capital improvements;
2. Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the recreation and open space and outlines the means by which such funding will be obtained or provided;
3. Provides that any changes to the plan be approved by the County; and
4. Provides for enforcement of the plan.

C. Maintenance

1. Passive recreation and open space maintenance is limited to removal of litter, dead tree and plant materials (that is obstructing pedestrian movement), and brush; weeding and mowing. Natural water courses are to be maintained as free-flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels.
2. No specific maintenance is required for agricultural uses.
3. Active recreation and open space areas shall be accessible to all residents of the development. Maintenance is limited to ensuring that there exist no hazards, nuisances or unhealthy conditions.

D. Failure to Maintain

In the event the party responsible for maintenance of the recreation and open space fails to maintain all or any portion in reasonable order and condition, the County may remedy the failure in accordance with provisions of the covenants established under §5.11.2 by following these procedures:

1. The Director shall send to the association by certified mail a notice of the failure to maintain. Such notice shall specify the maintenance items that have been omitted and/or the corrective steps necessary. The notice shall be sent

Ownership and Management of Recreation and Open Space

both to the registered agent for the association and to the last president or other officer on record with the County.

2. Following receipt of the notice, the association shall have a period of 30 days to remedy the failure to maintain or, if the remedy may take more than 30 days, to present to the Director a plan for such remedy, which plan shall include:
 - (a) A specific list of tasks;
 - (b) A schedule for completing those tasks;
 - (c) A budget for completing those tasks; and
 - (d) An identified and available source of funding to complete such tasks.
 - (e) The Director shall approve or decline to approve any such plan within ten days of receiving it.
3. The association may appeal a notice by the Director or a decision of the Director to decline to approve the plan to the Board of Adjustment, which shall hear such appeal at its first meeting occurring at least five days after filing of the appeal. An appeal shall stay all proceedings under this section unless the Board of Commissioners, after notice and a hearing, determines that the failure to maintain represents a significant and imminent threat to the public health or safety.
4. If the association fails to do any of the following, the County may proceed with the subsection 5, below:
 - (a) Remedy the deficiencies in maintenance within the prescribed period or submit a plan to the Director with all of the elements required by this subsection;
 - (b) In case of an appeal, to conform with the orders of the Board of Adjustment; or
 - (c) In case the association is proceeding under an approved plan to remedy the maintenance issues, to fail to pursue such plan diligently to its completion.
5. If the association fails to conform with the remedies provided by this section, the Board of Commissioners shall, after notice and a hearing, consider whether to proceed with a remedy by the County. The Commissioners may but shall not be obligated to approve action by the County if it finds the following:
 - (a) The association has failed to maintain certain lands or facilities and has failed to comply with administrative directives to cure the failure; or
 - (b) The lands or facilities that have not been maintained; or
 - (c) Some parts of them directly affect the public health, safety and general welfare of residents of the County who are not members of the association or who do not live within the area governed by the association.

§3.3.10. Legal Instrument for Permanent Protection

- A. The recreation and open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following.
 - 1. A permanent conservation easement in favor of either:
 - (a) A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for re-transfer in the event the organization becomes unable to carry out its functions; or
 - (b) A governmental entity with an interest in pursuing goals compatible with the purposes of this UDO. If the entity accepting the easement is not the County, then a third right of enforcement favoring the County shall be included in the easement.
 - (c) A permanent restrictive covenant for conservation purposes in favor of a governmental entity.
 - (d) An equivalent legal tool that provides permanent protection, if approved by the County.
 - B. The instrument for permanent protection shall include clear restrictions on the use of the recreation and open space. These restrictions shall include all restrictions contained in this UDO, as well as any further restrictions the applicant chooses to place on the use of the recreation and open space. Where appropriate, the instrument shall allow for stream or habitat restoration within the easement area.

§3.4. Landscaping, Screening and Buffering

§3.4.1. Applicability

- A. All development, other than the construction of a detached single-family, alley-loaded house or two-family house on a previously approved individual lot shall provide landscaping in accordance with the provisions of this section.
- B. Buildings and structures lawfully existing as of the effective date of this UDO may be redeveloped, renovated or repaired without providing or modifying landscaping, screening, and buffering in conformance with this section.
- C. The maintenance standards in §3.4.11.B shall apply as of the effective date of this UDO to all existing development and new construction.
- D. Where a building or structure existed as of the effective date of this UDO, and such building or structure is enlarged in gross floor area or impervious area by ten percent or 2,000 square feet, whichever is less, landscaping, screenings, and buffering as specified in this section shall be provided.

§3.4.2. Landscape Plan and Zoning Permit Required

- A. A landscape plan shall be submitted in conjunction with a required site plan (see §9.7) for all development regulated by this section. (See §3.4.1). A registered landscape architect or other qualified professional shall prepare all landscape plans. The landscape treatment shall adequately detail the requirements of this section.

How to Use this Section

B. A zoning permit is required prior to any and all land disturbance activities. (See §9.9)

§3.4.3. How to Use this Section

This section is divided into the following:

PART 1. LANDSCAPED AREAS AND TREE CANOPY	§3.4.4
PART 2. FOUNDATION PLANTINGS	§3.4.5
PART 3. BUFFERS	§3.4.6
PART 4. TREES	§3.4.7
PART 5. SCREENING	§3.4.8
PART 6. PARKING LOT LANDSCAPING	§3.4.10
PART 7. GENERAL PROVISIONS	§3.4.11

PART 1. LANDSCAPED AREAS AND TREE CANOPY**§3.4.4. Reserved****PART 2. FOUNDATION PLANTINGS****§3.4.5. Foundation Planting Requirements**

Foundation plantings, i.e., plantings located along a building wall, shall be used to provide a transition between the ground surface and the building wall. A minimum five foot wide planting area shall be provided along building walls facing a public road or a parking area in a side yard except at service and pedestrian access points.

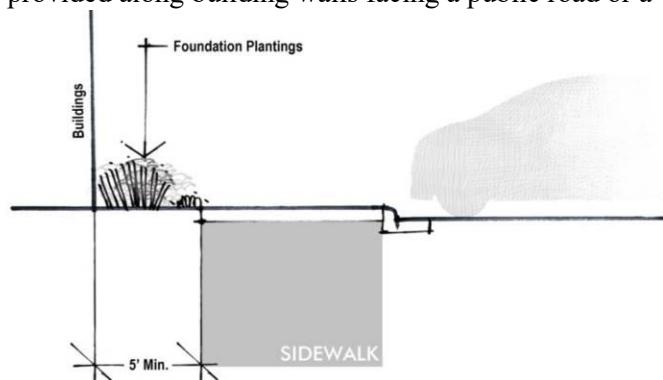


Figure 28. Foundation Planting Requirements

PART 3. BUFFERS

§3.4.6. Buffer Requirements

A. Buffer Defined

A buffer is a specified land area, located parallel to and within the outer perimeter of a lot or project and extending to the lot line, together with the planting and landscaping required on the land. A buffer may also contain, or be required to contain, a barrier such as a berm or wall where such additional screening is necessary to achieve the desired level of buffering between various land use activities. A buffer is not intended to be commensurate with the term "yard" or "setback."

B. Buffer Types

There are four types of required buffers that may occur on any given parcel (for the specific width and plant material for each buffer classification see paragraph C below).

1. Road Buffers

- (a)** All new development with frontage on an arterial or collector road shall provide a minimum Class A buffer as set forth in paragraph C, below, however no buffer shall encroach into required sight triangle.
- (b)** Through lots abutting a collector road shall provide a Class A buffer along the entire rear yard frontage.

Buffer Requirements

2. Parking Buffers

(a) The perimeter of all parking areas and other vehicular use areas with frontage on any portion of an existing public right-of-way shall be screened by either a berm, a hedgerow, a decorative masonry wall or any combination thereof.

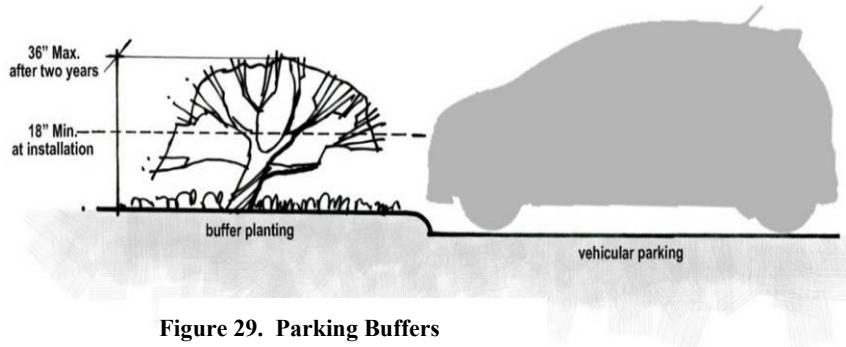


Figure 29. Parking Buffers

(b) At the time of installation, such screening shall be at least 18 inches in height. Vegetative screening shall be selected based on common plant characteristics and capability of reaching a maximum height of 36 inches within two years of planting.

(c) No such buffer shall be required along an alley.

(d) A compact hedge may be substituted for any individual shrubs that may be required in the road buffer (see paragraph 1 above).

3. District Boundary Buffers

(a) Required Buffers

Perimeter compatibility is required along the boundaries of all incompatible zoning districts. The following table shall be used to determine the required buffer classification between adjacent districts.

Subject Property District ①	① Adjacent Property District①														
	R-R	R-T	R-S	R-SF	R-CR	R-20	R-14	R-MR	RL-MF	O-R	B-N	B-G	B-C	I-L	I-G
R-R	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
R-T	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
R-S	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
R-SF	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
R-CR	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
R-20	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
R-14	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
R-MR	B	B	B	A	A	A	--	--	--	--	--	--	--	--	--
R-MF	B	C	C	C	B	B	B	--	--	--	--	--	--	--	--
O-R	B	C	C	C	C	C	C	A	--	--	--	--	--	--	--
B-N	B	C	C	C	C	C	C	B	A	--	--	--	--	--	--
B-G	B	C	C	C	C	C	C	C	B	A	--	--	--	--	--
B-C	B	C	C	C	C	C	C	B	B	B	A	--	--	--	--
I-L	B	C	C	C	C	C	C	C	C	B	B	A	--	--	--
I-G	B	C	C	C	C	C	C	C	C	C	B	B	A	--	--

(b) Credit for Existing Plant Material

Credit for existing plant material shall be allocated on a two-for-one basis for canopy trees, understory trees or shrubs. The size of material shall not be taken into account, except where such material is below the required minimum planting size.

4. Project Boundary Buffers

The following project boundary buffers have been established to mitigate the effect of specific types of development on adjacent properties. Where project boundaries coincide with district boundaries the following project boundary buffers shall apply, provided that, a project boundary buffer shall not be required along arterial or collector roads (see “Road Buffers” in paragraph 1, above).

(a) Conservation Residential Subdivision

A buffer shall be required along all project boundaries of a conservation subdivision (see §2.4.6.I).

(b) Planned Development

A buffer may be required along some or all project boundaries of a planned development pursuant to §2.4.9.

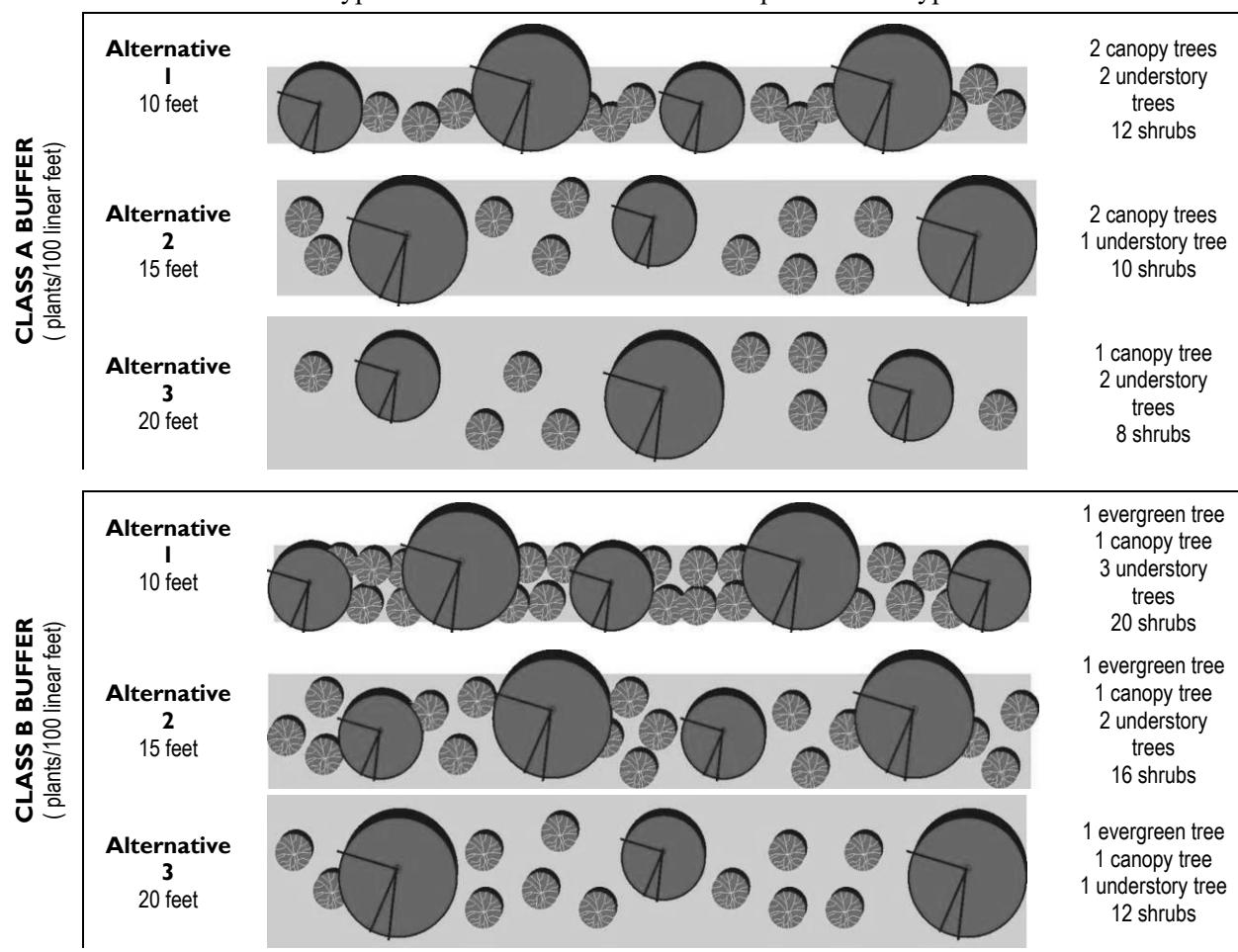
(c) Manufactured Home Park

A buffer shall be required along all project boundaries of a manufactured home park (see §4.2.14.J).

Buffer Requirements

C. Buffer Classifications

1. The following table establishes the specific width and plant material for a variety of buffer classifications. The applicant is free to choose from each alternative (1, 2, or 3) in the respective buffer classification. Buffers planted below overhead utility lines shall apply any of the allowed buffer alternatives, except that understory trees shall replace any canopy trees at a rate of two understory trees per required canopy tree. The plantings below are intentionally over-planted at maturity, in order to provide an immediate beneficial impact.
2. As determined by the Director, a wall or berm meeting the standards in §3.4.6.H may be substituted in lieu of some of the required shrubs in buffer types A and B. A wall or berm is required in all Type C buffers.



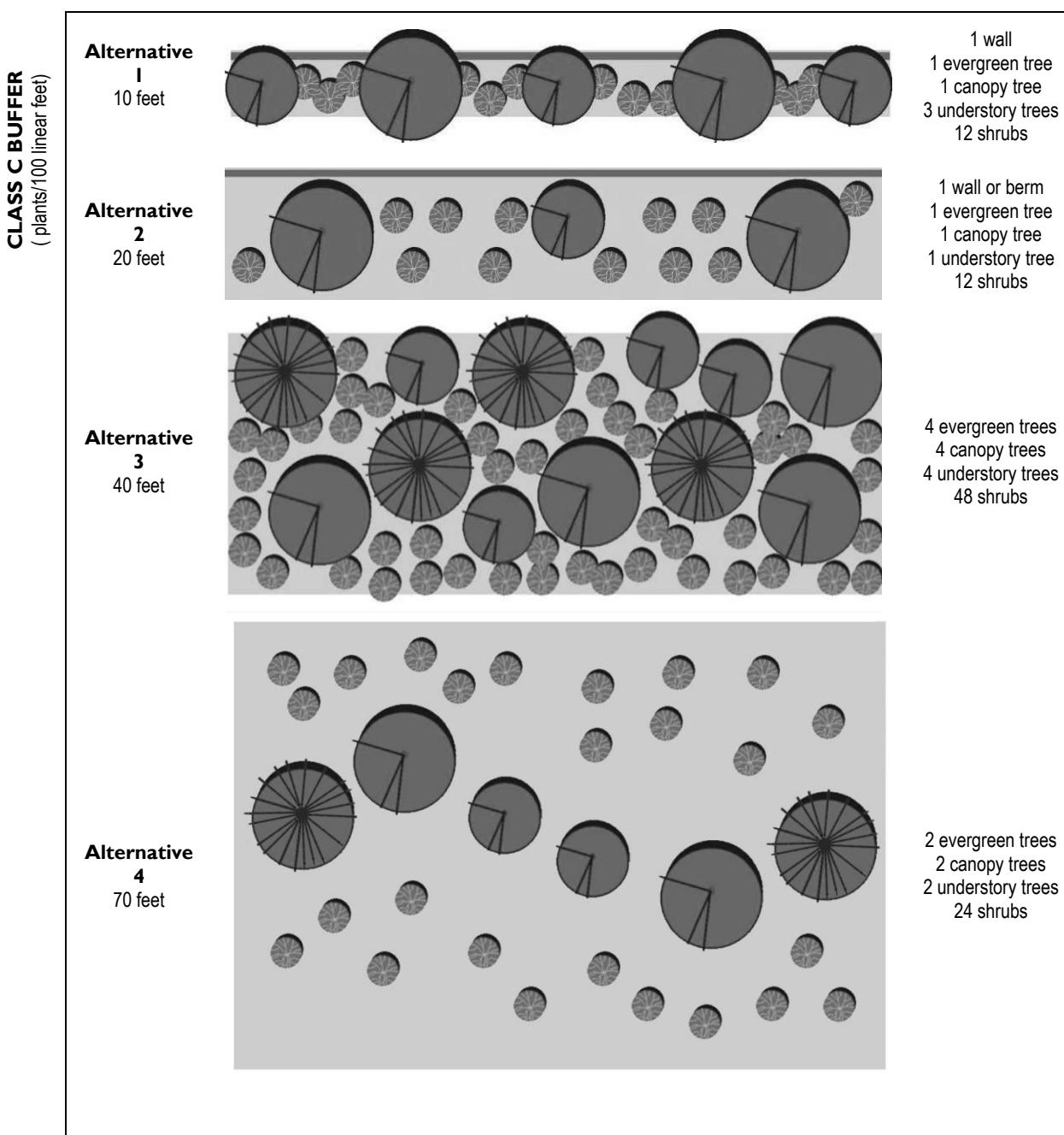


Figure 30. Buffer Classifications

D. Location of Buffer

1. Buffers shall be located within the outer perimeter of a lot or parcel, parallel to and extending to the lot or parcel boundary line. Buffers shall not be located on any portion of an existing, dedicated or reserved public or private road or right-of-way.
2. Except as provided below, the required buffer shall be provided along the entire frontage abutting the existing, dedicated or reserved public or private road or right-of-way, district boundary, or project boundary, as applicable.

Buffer Requirements

3. A buffer may be interrupted in order to provide access (pedestrian or vehicular) to adjacent parcels or public roads.

E. Design Variations

While the buffer depth is normally calculated as parallel to the property line, design variations may be permitted and are calculated on the average depth of the buffer per 100 feet or portion of buffer. The minimum depth of the buffer at any one point shall not be less than $\frac{1}{2}$ the required depth of the buffer chosen. Maximum depth for the purposes of installing required landscaping, or receiving credit for existing vegetation, shall not be more than $1\frac{1}{2}$ the required depth of the buffer chosen. Plantings in buffer should be near top of slope to be effective.

F. Plant and Structure Location within Buffer

The placement of required plants and structures shall be the decision of the applicant, except that the following requirements shall be satisfied:

1. Plant materials shall be located so as to achieve the maximum level of protection. Plant material shall meet the buffer requirements every 100 feet.
2. Canopy trees shall be located no closer than five feet from any structure. Understory trees shall be planted no closer than three feet from any structure.
3. Buffer areas not retained in native habitat shall be seeded or sodded with lawn, established with ground cover, or mulched with organic mulch.
4. Inorganic ground cover shall not exceed 20 percent of the total required area of the buffer.

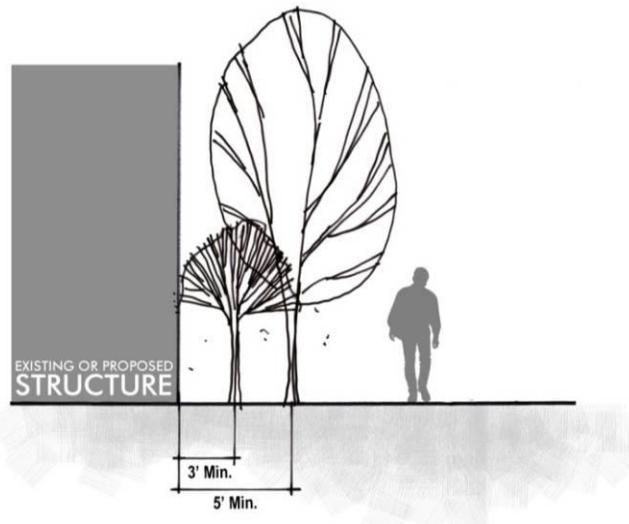


Figure 31. Plant and Structure Location within Buffer (Canopy Trees)

5. Where a fence or wall is used as part of a buffer, the plantings accompanying the fence or wall shall be located between the fence or wall and the adjacent property, and provisions shall be made for maintenance of such fences, walls and plantings. (See also §3.4.11.B and 0)

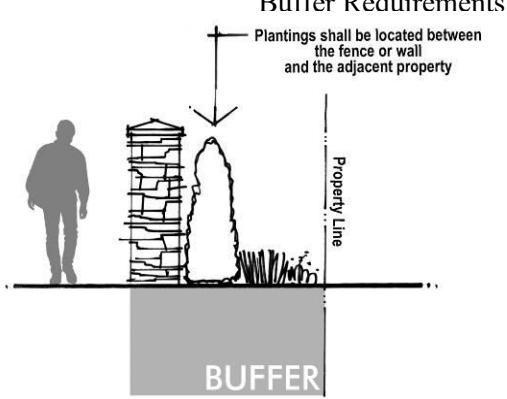


Figure 32. Plant and Structure Location within Buffer (Fence or Wall)

G. Planting in Easements

1. No buffer shall be planted in wet retention ponds or drainage easements.
2. Trees and shrubs shall be installed a minimum of five feet away from the flow line of a swale.
3. Existing trees may remain in dry retention ponds provided that the natural grade is undisturbed to the tree line, species are planted that are adapted to seasonal flooding and the pond is adequately maintained.
4. Trees and shrubs may be planted in underground utility easements with the Director's approval; provided they are only within the outer three feet of the easement and the root structure of any trees is not anticipated to extend more than three feet below the ground. Where such trees and shrubs are planted, the property owner shall be responsible for replacement of such required vegetation if maintenance or other utility requirements require their temporary removal.

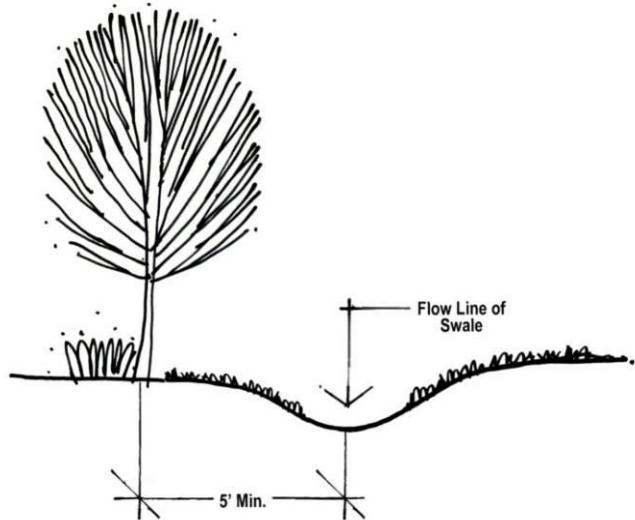
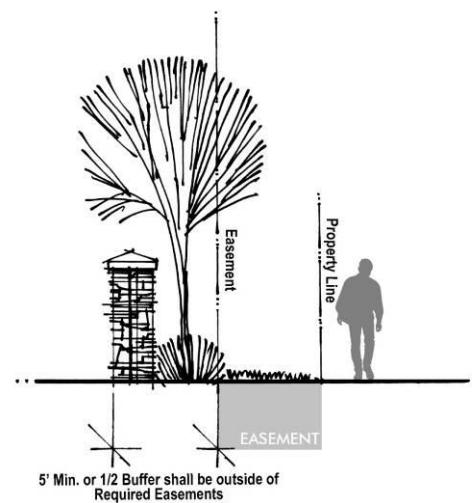


Figure 33. Planting in Easements (Dry Detention Ponds)

Buffer Requirements

5. A minimum buffer width of five feet, or at least half the minimum required buffer width, shall be provided outside of any required easements. The majority of buffer plantings and all structures shall be located outside the easements.



H. Permitted Structures in Buffer Area

Figure 34. Planting in Easements (Buffers)

1. Walls

Where walls are placed within any required buffer area, they shall meet the following requirements:

- (a) Walls shall be a minimum of three feet and a maximum of six feet in height.
- (b) Walls shall be constructed of one or a combination of the following materials: stucco over concrete block, brick, stone, split-faced block or glass block in a structurally safe and attractive condition. Alternative walls (including EIFS or other similar systems) may be permitted with the approval of the Director. No walls of exposed concrete block are permitted, whether painted or not.
- (c) Gaps or openings may be allowed for pedestrian access, provided no greater than 25 percent of the wall surface is left open.
- (d) No wall shall be located within any required drainage, utility or similar easement.
- (e) The applicant shall be required to demonstrate provision for access and maintenance of landscaping and the wall structure at the time of landscape plan approval.
- (f) Breaks in the wall may be provided for pedestrian and vehicular connections to adjacent developments.

2. Berms

Where berms are placed within any required buffer area, they shall meet the following requirements:

- (a) Berms shall have a minimum average height of three feet with side slopes of not less than two feet horizontal for each one foot vertical.

(b) Slopes in excess of four feet horizontal for each one foot vertical may be permitted if sufficient erosion control methods are taken and deemed by the Director to be maintainable.

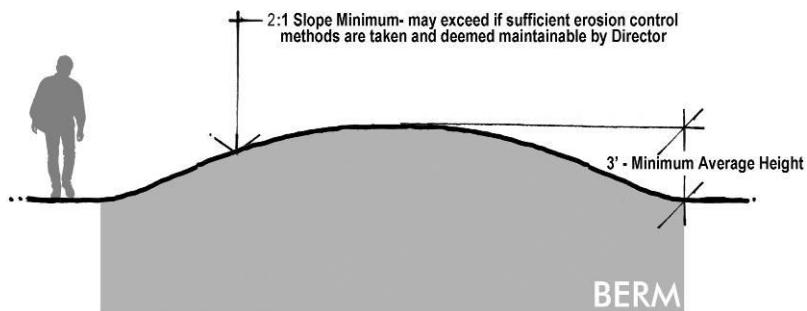


Figure 35. Berms

3. Fences

(a) Fences in accordance with §3.4.8.F may be constructed in a required buffer, however, no reduction in buffer width shall be provided based on the provision of a fence.

(b) Fences shall be a minimum of three feet and a maximum of six feet in height.

(c) Where fences are used for screening, such fences shall be constructed of high quality materials which compliment or match siding material on the primary structure. Wood fence planks, when utilized, shall have a minimum diameter or width of three inches and with no greater than 25 percent of the fence surface left open between posts and/or planks.

(d) Breaks in the fence may be provided for pedestrian connections to adjacent developments.

(e) Fences shall be maintained in a structurally safe and attractive condition and with finished faces and plantings located towards the adjacent property with at least one shrub for every six linear feet of fence length.

(f) Any fence constructed in a buffer shall be capable of withstanding a 30 pound per square foot horizontal wind load from any direction.

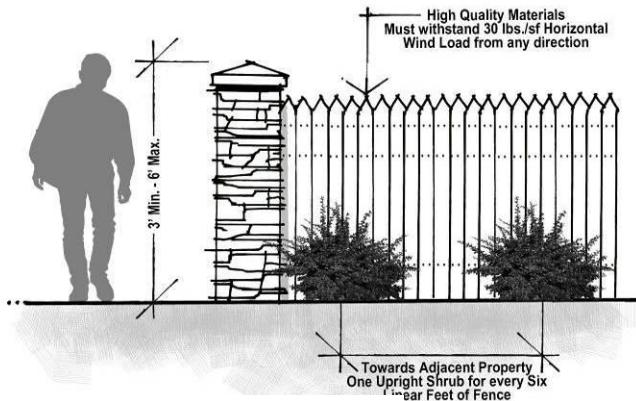


Figure 36. Fences

Buffer Requirements**I. Permitted Use of Buffer Area**

A buffer area shall not be used for any principal building or use, accessory building or use, vehicle use area or storage area except as specifically permitted below.

1. A buffer may be used for passive recreation and picnic facilities; and it may contain pedestrian or bike trails, provided that:
 - (a) Trails may be incorporated provided adequate width, minimum 15 feet, is added to the required buffer width to accommodate both the trail and the required buffer plantings. Buffers with trails may also count toward the provision of recreation and open space for the development.
 - (b) No existing plant material shall be eliminated, other than nuisance exotics; and
 - (c) All other requirements of this section shall be met.
2. Other appurtenances which require high visibility and easy access, such as fire hydrants and utilities, public and emergency telephones, mail boxes and bus shelters or benches, are also permitted in a buffer. No screening of such appurtenances shall be required or permitted.
3. A required buffer is encouraged to retain areas of native habitat and may incorporate water resources including stormwater detention or retention facilities. However, the minimum width of the buffer shall be preserved as a planting area without stormwater facilities.

J. Ownership of Buffers

Buffers may remain in the ownership of the original applicant; they may be subjected to deed restrictions and subsequently be freely conveyed; or they may be transferred to any consenting grantees, such as the County, a land conservancy or land trust, or homeowners' association. Any such conveyance shall adequately guarantee the protection and maintenance of the buffer in accordance with the provisions of this section.

K. Alternative Compliance

1. The buffer requirements may be modified by the Director upon a finding that a modification would be consistent with the purpose of this UDO, this section and the adopted plans and policies of the County; that such modification would not adversely affect the land use compatibility or public interest; and that the subject parcel or modified buffer complies with one or more of the following criteria:
 - (a) The buffer is parallel and adjacent to an existing utility or drainage easement of at least 100 feet in width;
 - (b) The buffer is between uses that are to be developed under a common development plan or series of development plans;
 - (c) The buffer is adjacent to a property that has a joint use agreement with the subject parcel;
 - (d) The buffer is parallel and adjacent to an existing railroad right-of-way; or

- (e) The topography of the parcel is such that buffering would not be effective.
- (f) The buffer is located on the site of a public safety facility where emergency vehicles are based.

2. Financial hardship due to meeting the requirements of this section shall not be sufficient justification for alternative compliance.

PART 4. TREES

§3.4.7. Tree Requirements

A. Road Yard Trees

Road yard trees shall be required along all collector roads, residential collector roads, residential roads and cul-de-sac roads at the rate of one canopy tree per lot or one canopy tree for every 40 linear feet (spaced a maximum of 50 feet apart).

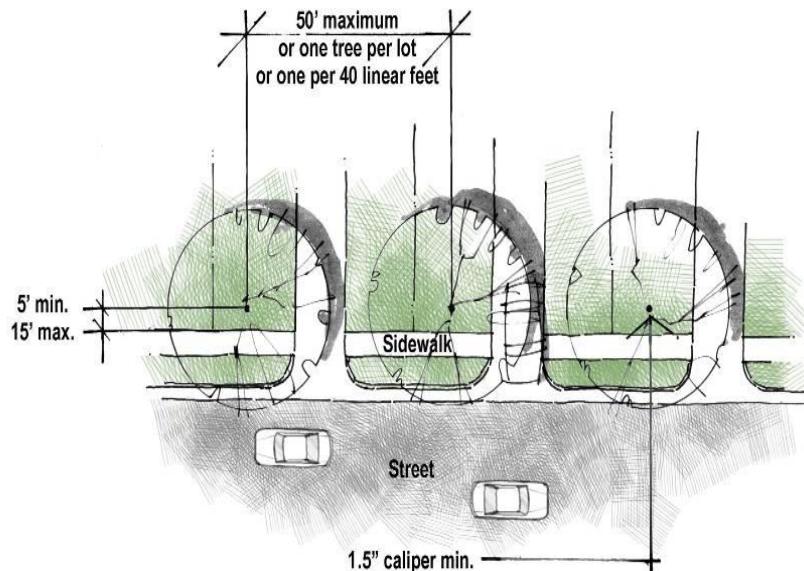


Figure 37. Collector Road Buffers

1. All road yard and street trees shall be a minimum of 1½ caliper inches at time of planting and shall be planted no less than five feet or more than 15 feet from the back of the sidewalk.
2. Credit shall be provided for any existing tree of similar type (canopy, understory) with a minimum diameter at breast height (DBH) of six inches that is preserved within the planting strip at rate of one preserved tree for two required road yard trees.

B. Collector Road Buffers

Through lots abutting a collector road shall provide a Class A buffer along the entire rear yard frontage.

PART 5. SCREENING

§3.4.8. Screening Requirements

A. Drive-Thru Facilities

Drive-thru windows and lanes shall be designed to adhere to the following standards:

1. Drive-thru windows shall not be placed between the road and the associated building and shall require landscape plantings installed and maintained along the entire length of the drive-thru lane.
2. Such screening shall be a compact evergreen hedge or other type of dense foliage. At the time of installation, such screening shall be at least 36 inches in height and shall reach a height of 48 inches within two years of planting.
3. No drive-thru window shall be permitted on the side of a building adjacent to any residential district.

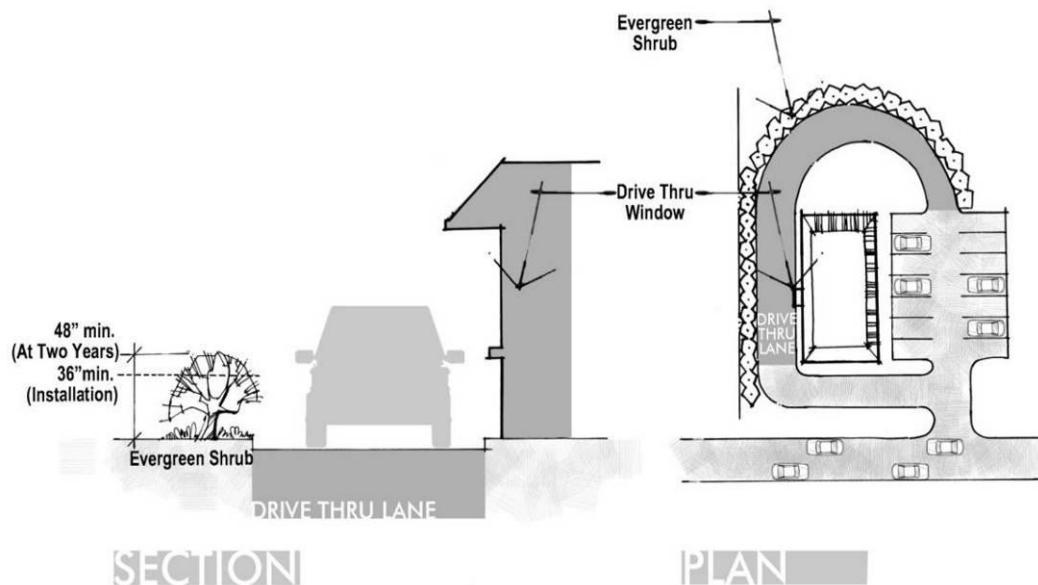


Figure 38. Road Yard Trees

B. Service Areas

1. Trash collection, trash compaction, recycling collection and other similar service areas shall be located on the side or rear of the building and shall be effectively screened from view from residential properties or public rights-of-way.
2. Screening enclosures shall be fully enclosed by opaque walls at least eight feet high with access doors and shall be constructed of the same materials as the primary building(s).
3. All service areas shall be limited to the area shown on an approved site plan.
4. All service areas shall be located a minimum of 50 feet away from any residentially-zoned property line.

C. Loading Areas

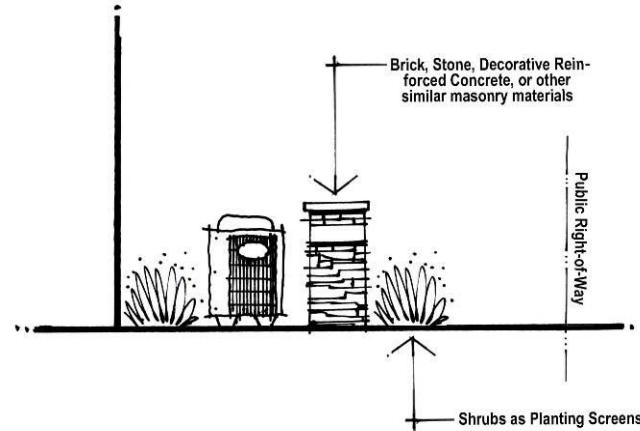
Loading areas shall be subject to the following screening requirements:

1. Provide a minimum 100 percent year-round screen of all loading areas visible from residential properties.
2. This screen shall consist of berms, walls, fences, plant material or combination totaling eight feet in height at installation or completion of construction. Wall or fence materials shall be compatible with the primary structure.
3. Loading docks in industrial districts shall be located a minimum of 50 feet away from any residentially-zoned property, unless the loading area is wholly within a closed building.
4. Loading docks not in an industrial district shall be located at the side or rear of buildings a minimum of 50 feet away from any residentially-zoned property, unless the loading area is wholly within a closed building.

Screening Requirements

D. Mechanical Equipment

1. All roof, ground and wall mounted mechanical equipment (e.g. Air handling equipment, compressors, duct work, transformers, solar panels and elevator equipment) shall be screened from view from residential properties or public rights-of-way at ground level of the property line.

**Figure 39. Mechanical Equipment**

2. Roof-mounted mechanical equipment shall be shielded from view on all sides. Screening shall consist of materials consistent with the primary building materials, and may include metal screening or louvers which are painted to blend with the primary structure.
3. Wall or ground-mounted equipment screening shall be constructed of:
 - (a) Planting screens;
 - (b) Brick, stone, decorative reinforced concrete, or other similar masonry materials; or
 - (c) Redwood, cedar, preservative pressure treated wood; or other similar materials.

E. Utilities

Above-ground utilities and appurtenances to underground utilities which require above-ground installation shall be screened by a continuous planting of shrubs, with a minimum mature height equal to that of the utility structure. Required accessways to these utilities are exempt from the screening provisions.

F. Fencing and Walls

1. A fence or wall not more than six feet in height may be installed along any side and rear lot line. A fence or wall more than six feet in height but less than eight feet shall comply with the setback requirements for principal uses. A fence or wall in any required front yard shall not exceed four feet in height.
2. Fences and walls should be constructed of high quality materials, such as decorative blocks, brick, stone, treated wood and wrought iron. The finished side of all fences and walls shall be placed on the outside.
3. Breaks in the fence or wall may be provided for pedestrian and vehicular connections to adjacent developments.

4. The maximum length of a continuous, unbroken and uninterrupted fence or wall plane shall be 100 feet. Breaks shall be provided through the use of columns, landscaped areas, transparent sections and/or a change in material.

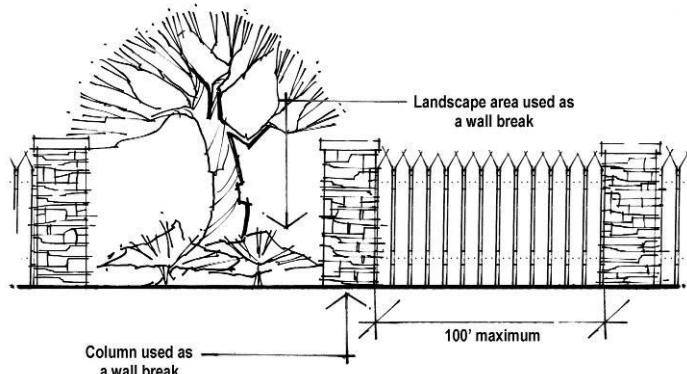


Figure 40. Fencing and Walls

§3.4.9. Credit for Existing Plant Material

In cases where an existing screened area exists, further plantings and/or improvements shall not be required so long as said screened area is of sufficient width and depth and contains adequate and sufficient materials to meet the requirements of this UDO. If the screened area is deficient, the developer shall make needed improvements and/or additions to satisfy the screening requirements and intent of this UDO.

PART 6. PARKING LOT LANDSCAPING

§3.4.10. Parking Lot Landscaping Requirements

Off-road parking areas in excess of 1,500 square feet or five spaces shall provide landscaped areas in accordance with the following requirements:

A. Perimeter Screening

1. All parking areas and other vehicular use areas with frontage on any portion of an existing public right-of-way shall provide a parking buffer as set forth in §3.4.6.B.2.
2. The perimeter of all parking areas and other vehicular use areas adjacent to residentially-zoned property shall provide a Class C buffer (see §3.4.6).

B. Interior Landscaping

Interior parking lot landscaping shall be used to satisfy the landscape area requirements and the permeable area requirements of §3.6.3.C.2(b); provided, however, the provisions of this section shall only apply to parking lots with more than 40 spaces. Limited and General Outdoor Storage areas, as defined in §3.10.3 shall not be subject to these requirements. Where interior landscaping is provided, such landscaping shall comply with the following requirements:

1. Interior Islands

Each island shall contain a minimum of 200 square feet with a minimum width of eight feet inside the curb and include a minimum of one tree with a minimum caliper of 1½ inches. Planting islands should be evenly distributed throughout the parking area, with no parking space located more than 75 feet

General Provisions

from a planting island located in the same row of spaces. Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees.

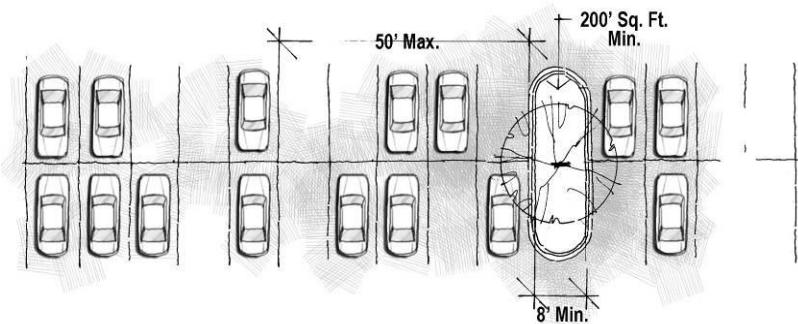


Figure 41. Interior Islands

2. Terminal Islands

All rows of spaces shall terminate in a curbed landscaped island. Each island should conform to the specifications described in subsection 1, above.

3. Median Islands

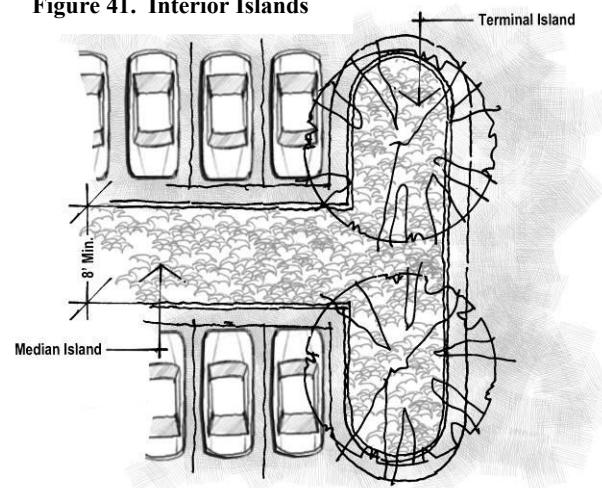


Figure 42. Terminal Islands

A median island with a minimum width of eight feet inside the curb shall be sited between every six single parking rows and along primary internal and external access drives. Median intervals may be expanded in order to preserve existing trees and to accommodate pedestrian ways.

PART 7. GENERAL PROVISIONS

§3.4.11. General Provisions

A. Design, Installation and Establishment

1. Planting Criteria

(a) Trees

- (1) At the time of planting all trees shall be a minimum of caliper of 1½ inches measured three feet above finished grade.
- (2) All canopy trees shall be at least six feet in height, and all evergreen and understory trees shall be at least four feet in height.

(3) If trees are proposed that are not chosen from the recommended list, they shall have an average mature crown greater than 15 feet in diameter. Trees having an average mature crown less than 15 feet in diameter may be substituted by grouping two or more of the same trees together so as to create the equivalent of a 15-foot diameter crown at maturity. (See also §3.4.11.A.3)

(b) Shrubs and Ground Cover

Shrubs, and ground cover planted pursuant to this section shall be good, healthy nursery stock. Shrubs must be, at a minimum, a one gallon container size. At the time of planting all shrubs shall be at least one foot in height.

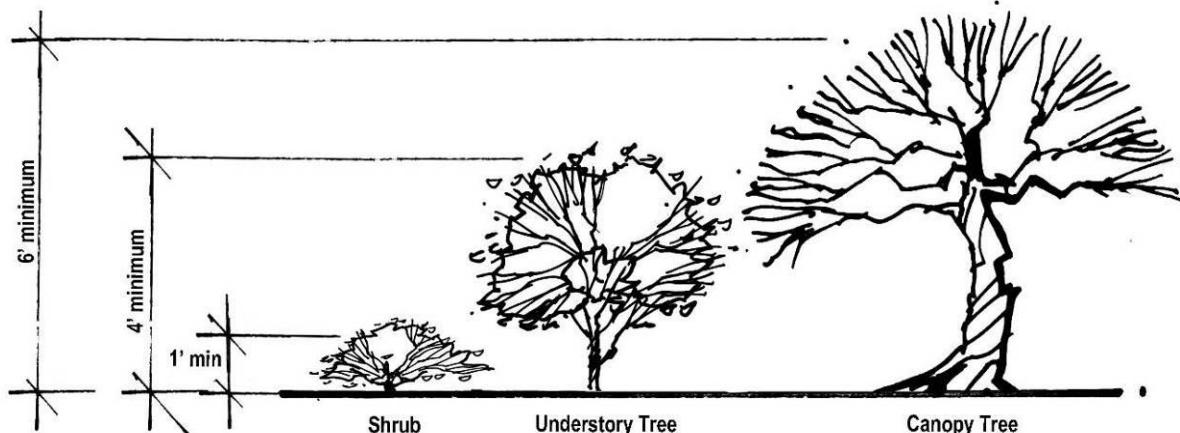


Figure 43. Shrubs and Ground Cover (Height)

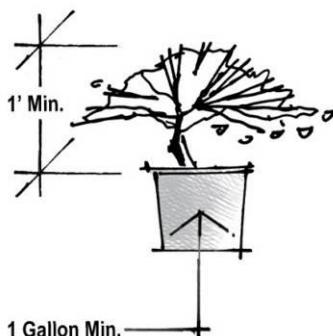


Figure 44. Shrubs and Ground Cover (Container Size)

(c) Lawn Grass

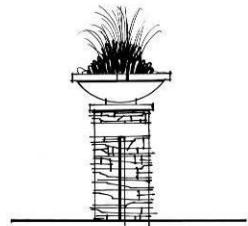
Grass areas should be planted in drought resistant species normally grown as permanent lawns, such as Bermuda, Zoysia, or Buffalo. Grass areas may be sodded, plugged, sprigged or seeded except that solid sod shall be used in swales or other areas subject to erosion.

(d) Synthetic Lawns or Plants

Synthetic or artificial lawns or plants shall not be used in lieu of plant requirements in this section.

(e) Architectural Planters

The use of architectural planters may be permitted in fulfillment of landscape requirements.

**Figure 45. Architectural Planters****(f) Other**

Approved decorative aggregate or pervious brick pavers shall qualify for landscaping credit if contained in planting areas, but no credit shall be given for concrete or other impervious surfaces. No more than 50 percent of required parking areas paved with approved pervious materials may be credited towards required landscape areas.

2. Plant Material

- (a)** Plant material shall be chosen from the lists of recommended plant species available in the Planning and Inspections Department. Plant materials shall be reviewed for suitability with regard to the eventual size and spread, susceptibility to diseases and pests, and appropriateness to existing soil, climate and site conditions. Plant materials that vary from this list may be used with the approval of the Board of Commissioners.
- (b)** The recommended plant list shall be used to define the species of trees and shrubs deemed to be canopy trees, understory trees and shrubs. The lists may be expanded but are intended to provide guidance in selecting predominately hardy North Carolina native species.

3. Cold Hardy and Drought Tolerant Plants

Plantings shall be cold hardy for the specific location where they are to be planted. Trees and shrubs shall be salt-tolerant, drought-tolerant and able to survive on natural rainfall once established with no loss of health.

4. Soils

Planting areas shall have uncompacted coarse loam that is a minimum of 12 inches deep. Soils shall be appreciably free of gravel, stones, rubble or trash. All compacted soil, contaminated soil or road base fill shall be removed.

5. Issuance of Certificate of Occupancy

- (a)** The Director may not issue a permanent certificate of occupancy for an approved site plan or part thereof, until all seeding, trees, and plant material have been placed in accordance with the approved site plan and requirements of this section.
- (b)** A temporary certificate of occupancy may be issued for a period of 90 days under seasonal circumstances that would affect the seeding and planting of the site, or until the proper planting season is reached to

complete the landscaping requirements, and may be extended up to 90 days upon request to the Director.

B. Requirements for Maintaining Fences and Walls

1. Responsibility

The responsibility for maintenance of fencing and walls shall remain with the owner, his or her successors, heirs, assignees or any consenting grantee. Maintenance is required in order to ensure attractive appearance and the proper functioning of fencing and walls.

2. Maintenance

All fencing and walls shall be maintained in an attractive and structurally sound condition. Maintenance shall include, but not be limited to painting, repair and replacement of all or part of the fence or wall, as necessary.

3. Failure to Maintain

In the event that any owner of a fence or wall fails to maintain the fence or wall according to the standards of this section, the County shall have the right to recover the cost of enforcement, including reasonable attorney fees.

Requirements for Maintaining Planted Areas

4. Responsibility

The responsibility for maintenance of a planted area shall remain with the owner, his or her successors, heirs, assignees or any consenting grantee. Maintenance is required in order to ensure the proper functioning of a planted area.

5. Maintenance

(a) All plantings shall be maintained in an attractive and healthy condition. Maintenance shall include, but not be limited to, watering, mulching, fertilizing and pest management, mowing, weeding, removal of litter and dead plant material, and necessary pruning and trimming.

(b) Necessary pruning and trimming shall be in accordance with the American National Standards for Tree Care Operations: Tree Shrub and Other Woody Plant Maintenance – Standards Practices (Pruning), and shall not be interpreted to include topping of trees through removal of crown material or the central leader, or any other similarly severe procedures such as “lollipoping” or “meatballing” that cause irreparable harm to the natural form of the tree, except where such procedures are necessary to maintain public overhead utilities. Any such activity shall be a violation of this UDO. Additional plant material shall be required to replace or supplement the damaged plant material.

(c) Dead or diseased plantings shall be removed. Replacement plantings shall be provided for any required plants which die or are removed for any reason and shall meet all minimum standards and conform to these regulations.

(d) Natural water courses shall be maintained in a natural condition.

Access Required

- (e) Landscape structural features such as walls, fences, berms or water features shall be maintained in a structurally safe and attractive condition.
- (f) Where other uses, including pedestrian, bike or other trails, these uses shall be maintained to provide for their safe use.

6. Failure to Maintain

In the event that any owner of a planted area fails to maintain the planted area according to the standards of this section, the County shall have the right to recover the cost of enforcement, including reasonable attorney fees.

C. Credit for Existing Plant Material

1. Required planting areas shall incorporate existing natural vegetation to the maximum extent feasible. Prior to disturbance of a required planting area, approval shall be obtained from the County. Where existing vegetation is inadequate to meet the required planting standards, additional plant material shall be required.
2. The retention of existing vegetation shall be maximized within proposed planting areas. Existing native habitat or vegetation located within planting area that meets the requirements of this section may be counted, provided such plant material meets the minimum standards of this section. If the existing vegetation has been credited and is subsequently removed or dies, it shall be replaced with the appropriate planting material.
3. Credit may be permitted for existing plant material and walls on adjacent property, provided such items are in a permanently protected area, including, but not limited to a conservation easement or preserve area on adjacent property.

D. Tree Protection During Construction

Existing trees specified on the landscape plan to remain on the site as a function of fulfilling the purpose of this section shall be protected from vehicular movement and material storage over their root spaces during the following construction. An undisturbed area with a porous surface shall be reserved around a tree, based on the dripline of the tree. Further, a temporary tree protection fence shall be installed along the dripline. (See also §9.7.11)

§3.5. Access Management

§3.5.1. Access Required

- A. Except as provided in paragraph B below, no principal building, structure, or use may be erected or established on any lot which does not abut at least 35 feet on a road constructed to the standards of the County and dedicated as a public right-of-way to the State.
- B. The Director may authorize, in specific situations, the erection or establishment of a principal building, structure, or use on a lot not meeting these requirements if it is clear that adequate provision for access for the type and intensity of use proposed has been or will be provided, and there are special circumstances, such as the rural nature of the lot and area, or in the case of a nonresidential use, that an easement

has been recorded guaranteeing accessibility, that make the application of these requirements to the proposed use not feasible or undesirable.

§3.5.2. Access to Thoroughfares

A. Where a tract of land to be subdivided adjoins a principal arterial or a minor arterial or a major collector as designated on the Functional Classification Maps for Lincoln County prepared by NCDOT, the subdivider shall:

- 1.** Provide a major collector road parallel to the principal or minor arterial or major collector; or
- 2.** Utilize reverse frontage on a minor street for the lots to be developed adjacent to the principal or minor arterial or major collector.

Where a tract of land to be developed adjoins a principal or minor arterial or a major collector and any other public road, the road with the lower traffic volume shall be utilized for primary access and access to the road with the higher traffic volume shall be limited to right-in, right-out movements only, unless additional access is approved by the Board of Commissioners as part of a major site plan review.

B. In addition, the Director may recommend and the Board of Commissioners may require that along other roads with identified capacities at 20 percent or greater, the subdivider shall provide a collector road parallel to the State road or utilize reverse frontage on a minor street.

C. In lieu of providing a parallel collector road or utilizing reverse frontage, lots may be subdivided if each of the resultant lots has at least 300 feet of road frontage along the arterial or identified collector or the lots may share a single access point or driveway.

D. On residentially zoned property that has greater than 300 feet but less than 600 feet of frontage on a principal arterial, minor arterial or a major collector, the subdivider shall be allowed to have one additional point of access to the road.

§3.5.3. Access to State Roads

An approved NCDOT driveway permit is required prior to accessing the State road system and prior to construction or extension of any road connected to the State system road. Unless otherwise required by NCDOT, this provision shall not be interpreted as requiring a permit for an individual residential driveway.

§3.5.4. Subdivision Access and Connectivity

Subdivision access must comply with the requirements of §5.4.

§3.5.5. Residential Driveways

Residential driveway access to and from roads shall be constructed in accordance with County standards as outlined below:

A. Driveway Type

The standard residential driveway access shall be as required by NCDOT's Manual on Driveway Regulations.

B. Width of Driveway

- 1.** The width of a residential driveway shall be no less than ten feet and no more than 24 feet.

Residential Driveways

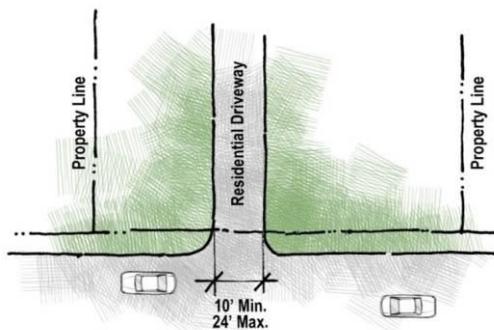


Figure 46. Width of Driveway (Residential)

2. When two residential driveways coincide along a property line, the maximum width shall not exceed 24 feet.

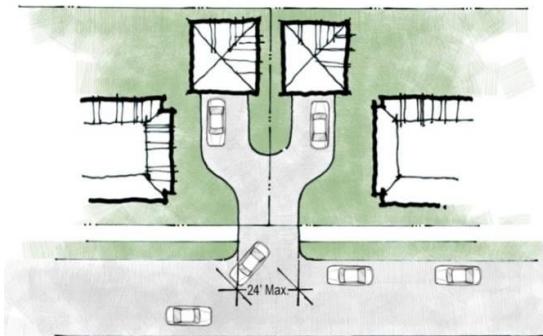


Figure 47. Width of Driveway (Two or More)

C. Location of Driveway Access Points

Residential driveways shall be spaced at least 24 feet from any other driveway on the same lot, but not nearer than 3½ feet to any lot line, except where two residential driveways coincide along the same lot line. The minimum corner clearance from the curb line or edge of pavement of intersecting roads shall be at least 20 feet from the intersection of right-of-way lines. The radius of the driveway shall not encroach on the minimum corner clearance.

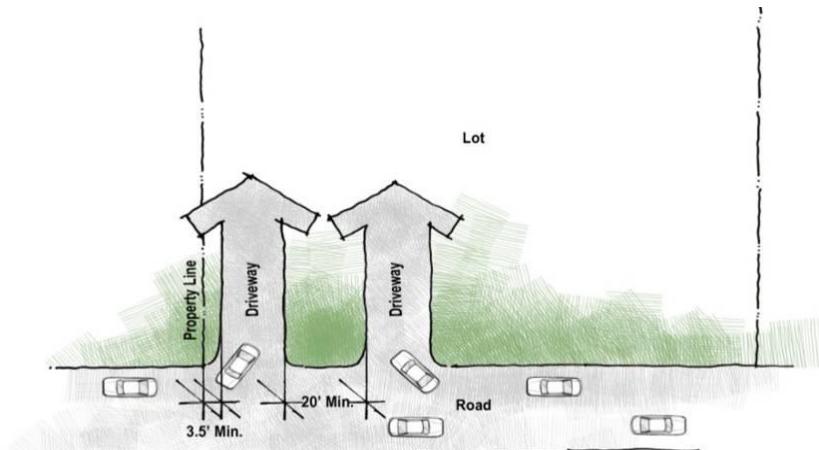


Figure 48. Location of Driveway Access Points

§3.5.6. Nonresidential Driveways

- A. Nonresidential driveway access to and from roads shall be constructed in accordance with the standards and specifications provided in the manual, Policy on Road and Driveway Access to North Carolina Highways, as adopted and amended by NCDOT. For any development, the number of driveway access points may be restricted where it is necessary for purposes of decreasing traffic congestion or hazards. These restrictions may include required right-in/right-out only and/or common access points. The County Attorney shall approve the recordable documents for all required common access points.
- B. Outparcels shall take access from within the development, where possible.

§3.5.7. Emergency Access**A. Drives and Lanes**

Emergency access drives and lanes shall be provided in accordance with the requirements and regulations of all appropriate agencies. Such drives and lanes shall be a minimum of 24 feet in width.

B. Gated Communities

Emergency access to gated communities and developments shall be provided in accordance with the requirements and regulations of all appropriate agencies.

§3.5.8. Reserved**§3.5.9. Reserved****§3.5.10. Cross Access**

A cross access easement may be required between adjacent lots fronting on arterial and collector roads in order to minimize the total number of access points along those roads and to facilitate traffic flow between lots. The location and dimensions of such easement shall be determined by the Director.

§3.5.11. Closure or Relocation of Access

NCDOT shall have the authority to require the closure or relocation of existing access points where multiple access points to the site are available.

§3.5.12. Visibility at Intersections**A. Corner Lots**

On any corner lot, a sight triangle shall be established. The sight triangle shall be formed by extending lines from the intersections of two streets (measured from the edge of the right-of-way) to points 35 feet from the corner of the rights-of-way of the intersecting streets and then connecting the two points.

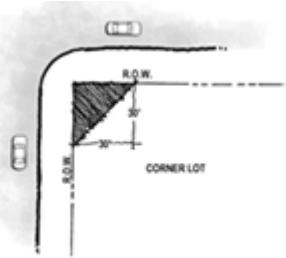


Figure 1. Corner Lots

B. Driveways

For any driveway, a sight triangle measuring ten feet from the edge of right-of-way and extending 70 feet from the edge of each side of the driveway shall be required.

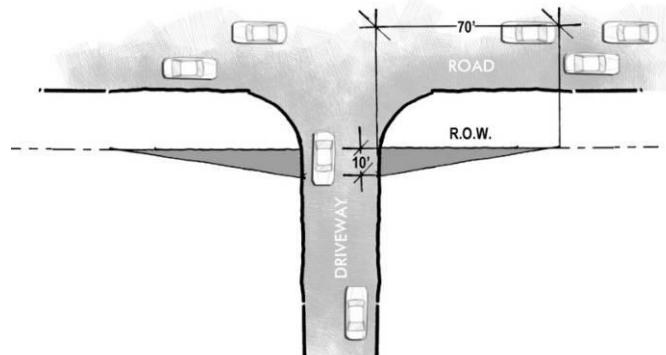


Figure 49. Driveways

C. Design Standards

Within the sight triangle, no materials which would impede traffic visibility shall be allowed. Structures, fences and plant materials that extend into the sight triangle between two feet and eight feet in height, as measured from the grade of the street or drive, shall not be allowed.

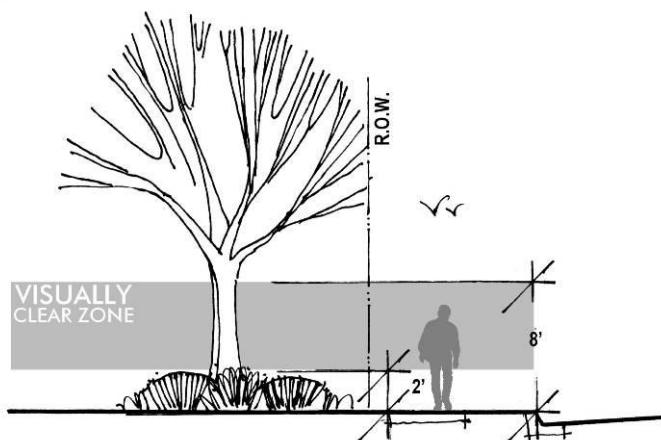


Figure 50. Sight Triangle Design Standards

§3.6. Off-Road Parking and Loading

§3.6.1. Applicability

- A. Unless specifically exempt, all existing and proposed development requiring more than ten parking spaces shall provide off-road parking and loading facilities in accordance with this section. No certificate of occupancy shall be issued until these parking requirements and regulations have been met.
- B. With the exception of a restriping of a parking area or other vehicular use area which does not result in a reconfiguration of the parking spaces, any modification to existing off-road parking and loading facilities shall conform to the requirements of this section.
- C. No land shall be developed as a parking area or parking garage without an approved site plan issued in accordance with §9.7, Site Plan Review.
- D. Buildings and uses lawfully existing as of the effective date of this UDO may be redeveloped, renovated or repaired without providing additional off-road parking and loading facilities, providing there is no increase in gross floor area or change in use of existing floor area that would increase parking demands.
- E. Where a building existed as of the effective date of this UDO, and such building is enlarged in gross floor area or impervious area by ten percent or 2,000 square feet, whichever is less, off-road parking and loading as specified in this section shall be required for the enlarged area.
- F. A change in use of a building or use existing as of the effective date of this UDO shall require additional off-road parking and loading facilities to comply with the requirements of this section for the new use unless:
 - 1. The building is less than 2,000 square feet in floor area; or
 - 2. The new use has the same parking requirement or a lesser requirement than the previous one.

§3.6.2. How to Use this Section

This section is divided into the following:

PART I. OFF-ROAD PARKING

§3.6.3

PART 2. OFF-ROAD STACKING

§3.6.4

PART 3. OFF-ROAD LOADING

§3.6.5

PART I. OFF-ROAD PARKING

§3.6.3. Off-Road Parking Requirements

A. Calculation of Parking Ratios

1. Developments containing more than one use shall provide parking spaces in an amount equal to the total of the requirements for all uses.
2. For developments or portions of developments within the same district designed as a single, coordinated commercial project having at least 50,000 square feet of gross floor area (such as a shopping center), the minimum number of required spaces shall be one space for every 400 square feet of gross floor area designed for nonresidential use and occupancy.
3. Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.
4. The parking space requirements for a use not specifically listed in the table below shall be the same as for the listed use deemed most similar to the proposed use by the Director.
5. In residential districts in which garage space is provided, the garage space may be considered in determining whether required parking has been met.

B. Parking Ratios

1. Minimum

The following minimum off-road parking ratios shall be applicable to all general use zoning districts. The number of required off-road parking spaces designed for use by handicapped persons as prescribed by the North Carolina State Building Code shall be computed separately from the off-road parking requirements as otherwise contained in this section. Where, in the opinion of the applicant, a listed ratio requires too much or too little parking, the applicant may provide an alternative parking plan with data submitted in support of higher or lower ratios (see §3.6.3.D).

			* = Group of Uses (§2.3)
Residential Uses			
Single-family detached Zero lot line Alley-loaded Two-family Townhouse Manufactured home (all classes)	All uses	2 per unit	
Multi-family Upper-story residential	Studio 1 bedroom 2 bedroom 3+ bedroom	1.25 per unit 1.50 per unit 1.75 per unit 2.00 per unit	
Boarding house		1 per bedroom	
Manufactured home park		2 per unit + 1 visitor space per 4 units	
Civic Uses			
Airports and other passenger terminals		As determined by Director	
Adult care home (2 to 6 adults) Adult care home (7 to 12 adults) Adult care home (13+ adults) Boarding house	All uses	2 per unit + 1 per 4 bedrooms	

* = Group of Uses (§2.3)		
Child care home (3 to 8 children) Child care center (9+ children)	All uses	1 per employee
College	--	6 per classroom + 1 per 300 sq. ft. Of office area + 1 per 5 seats in any auditorium or similar facility
Civic club	--	1 per 500 sq. ft. Of GFA
Family care home		2 per unit + 1 visitor space
Hospital	--	1 per 2 beds
Museum, library	--	1 per 200 sq. ft. Of GFA
Nursing home	--	1 per 5 beds
Park, open area *	All uses	As determined by Director
Place of worship	--	1 per 3 seats in largest assembly room
Public safety facility	--	As determined by Director
School, elementary and secondary	Elementary/ Junior High High School	1 per classroom + 1 per 300 sq. ft. Of office area 6 per classroom + 1 per 300 sq. ft. Of office area + 1 per 5 seats in any auditorium or similar facility
Technical, trade or business school	--	6 per classroom + 1 per 300 sq. ft. Of office area + 1 per 5 seats in any auditorium or similar facility
Utility, Minor *	All uses	1 per 1,000 sq. ft. Of GFA
Utility, Major *	All uses	1 per 1,000 sq. ft. Of GFA
Wireless facility and tower	--	As determined by Director
Commercial Uses		
Adult establishment	--	1 per 100 sq. ft. Of seating area
Agriculture (involving livestock) *	All uses	As determined by Director
Agriculture (sales and processing) *	All uses	As determined by Director
Amusement center, indoor	Bowling Alley All other uses	3 per lane 1 per 250 sq. ft. Of GFA
Artist studio, gallery	--	1 per 400 sq. ft. Of GFA
Bed & Breakfast	--	1 per unit + 1 per guest room
Cemetery	--	As determined by Director
Club, private	--	1 per 500 sq. ft. Of GFA
Contractor's office	--	1 per 1,000 sq. ft. Of GFA
Funeral home	--	1 per 3 seats in largest assembly room
Gas station with convenience retail	--	1 per 350 sq. ft. Of GFA
Hotel, motel	--	1 per guest room + 1 per 200 sq. ft. Of conference/banquet/restaurant area
Kennel	--	1 per 250 sq. ft. Of GFA of office area
Manufacturing, Limited *	All uses	1 per 1,000 sq. ft. Of GFA
Marina		1 per 250 sq. ft. Of GFA
Newspaper publisher	All uses	1 per 1,000 sq. ft. Of GFA
Office, General *	Bank All other uses	1 per 250 sq. ft. Of GFA 1 per 400 sq. ft. Of GFA
Office, Medical *	All uses	1 per 300 sq. ft. Of GFA
Outdoor recreation (commercial) *	Campground Golf course All other uses	1 per campsite 2 per hole + 1 per 200 GFA As determined by Director
Radio or television studio	--	1 per 300 sq. ft. Of GFA
Recreational club, private	--	1 per 500 sq. ft. Of GFA
Restaurant	--	1 per 100 sq. ft. Of GFA
Retail, Neighborhood *	All uses	1 per 500 sq. ft. Of GFA
Retail, General *	All uses	1 per 300 sq. ft. Of GFA
Self-storage facility	--	Minimum 5 + 1 per 100 storage units
Service, Neighborhood *	All uses	1 per 300 sq. ft. Of GFA
Service, General *	All uses	1 per 200 sq. ft. Of GFA
Storage, private		As determined by Director

Off-Road Parking Requirements

			* = Group of Uses (§2.3)
Vehicle repair *	All uses	3 per service bay	
Vehicle sales *	All uses	1 per 500 sq. ft. Of GFA	
Vehicle service *	Car wash All other uses	1 per wash bay 2 per bay	
Veterinarian, animal hospital	--	1 per 250 sq. ft. Of GFA	
Warehouse and freight movement *	All uses	1 per 1,000 sq. ft. Of GFA	
Industrial Uses			
Crematorium	--	1 per 3 seats in largest assembly room	
Manufacturing	All uses	1 per employee on shift of greatest employment	
Research and development *	All uses	1 per 1,000 sq. ft. Of GFA	
Transportation and warehousing		1 per employee on shift of greatest employment in addition to spaces used for vehicles in operation	
Wholesale trade		1 per employee on shift of greatest employment plus 1 per 500 sq. ft. of office space plus 1 per 500 sq. ft. devoted to on-premise sales such as showrooms and sales counter	
Waste service *	All uses	1 per 5,000 sq. ft. Of GFA + 1 per 5,000 sq. ft. Of outside storage area	

2. Guest Parking

In addition to parking required above, additional off-road parking equal to ten percent of the otherwise required parking shall be provided for guests in all multi-family and townhouse developments. Such parking shall be grouped, identified, and located within reasonable distances of the dwellings served.

3. Maximum

- (a) No use with more than 40 spaces shall provide more than 110 percent of the required parking shown in the table above unless any parking above the 110 percent threshold is pervious or is provided through use of structured parking.
- (b) Where a project is intended to be developed in phases, the Board of Commissioners may approve development of a parking area intended to serve current and future development.

4. Modifications

The Director may reduce the required number of spaces by up to five percent for reasons of topography, mixes of uses, ride sharing programs, availability of transit, or other conditions specific to the site, provided the reduction in the required number of parking spaces satisfies the intent of this UDO.

C. Design Standards**1. Dimensions**

- (a) Parking space sizes shall be governed by the following dimensions:

Space Type	Parking Space Dimensions (Feet)
Parallel	20 x 9
Angle	19 x 9
Ninety-degree	19 x 9

- (b) Minimum aisle widths shall be as follows:

Parking Angle (degrees)	One-Way Traffic (feet)	Two-Way Traffic (feet)
90	12	10

0-15	12	24 (0 degrees only)
16-37	11	--
38-57	13	--
58-74	18	--
75-90	24	24

(c) The maximum grade permitted for any required parking shall not exceed five percent.

(d) Parking spaces using geometric standards other than those specified above may be

approved if developed and sealed by a licensed professional engineer in the State of North Carolina with expertise in parking facility design subject to a determination by the Director, that the proposed facility will satisfy off-road parking requirements as adequately as would a facility using those specified above.

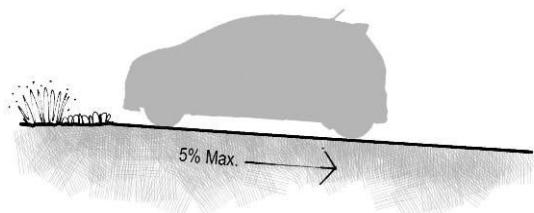


Figure 51. Dimensions (Maximum Grade)

2. Surfacing

(a) Surfacing Required

Except as provided below, where off-road facilities are provided for parking or any other vehicular use area, they shall be surfaced with asphalt bituminous, concrete or other dustless material with similar characteristics approved by the Director and shall be maintained in a smooth, well-graded condition.

(b) Reserved

(c) Grass Lawn Parking

(1) Grass lawn or other pervious parking surfaces may be permitted for specific uses as set forth below, provided they are approved by the Director. Where provided, such alternative parking surfaces shall be maintained in a smooth, well-graded condition. If parking demand is such that the grass or lawn is caused to be damaged or destroyed to the extent that it ceases to grow, then paving of such an area in accordance with this section may be required provided the requirements of subsection (b), above, are fully satisfied.

(2) All driveways, access aisles and parking spaces (excluding handicapped) may be surfaced with grass lawn for the following:

- (i) Uses which require parking on an average of less than five days during a month;
- (ii) Schools and churches; and
- (iii) Parks, playgrounds, football and baseball stadiums, fairgrounds, and other similar outdoor recreation areas.

3. Landscaping

Off-road parking areas shall be landscaped in accordance with the requirements of §3.4.10.

Off-Road Parking Requirements**4. Markings**

Each parking stall shall be marked off and maintained so as to be distinguishable.

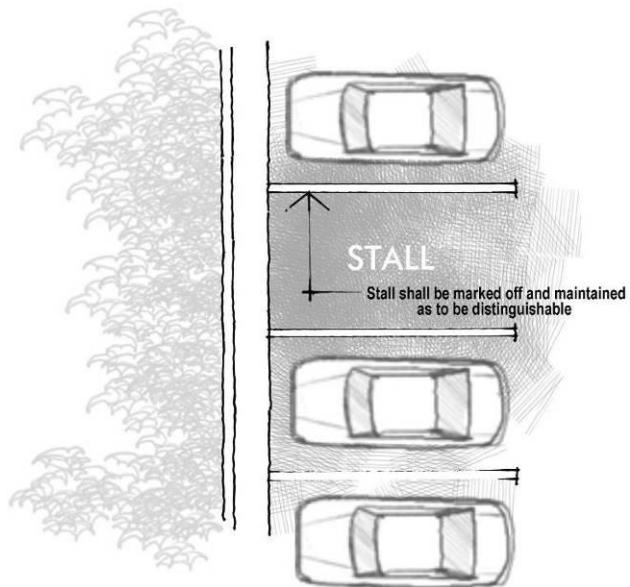


Figure 52. Markings (Parking Lot)

5. Lighting

Where off-road facilities are provided for parking or any other vehicular use area adequate outdoor lighting shall be provided. Lighting shall be so arranged as to direct the light and glare away from roads and adjacent property (see §3.11, Outdoor Lighting).

6. Pedestrianways

Safe pedestrianways shall provide direct linkages between key anchors/on- and off-site destinations, which are well lighted and:

- (a)** Minimize pedestrian-vehicular conflicts by giving priority to the pedestrian through the design of pathways, crosswalks, etc.; and

(b) Utilize landscaping to shade walkways and create a pedestrian scale.

7. Yards

(a) All parking lots shall observe a minimum front yard of not less than five feet, and a side yard on a corner lot of not less than five feet.

(b) Parking lots in residential districts shall have front yards of not less than 15 feet and side and rear yards of not less than five feet.

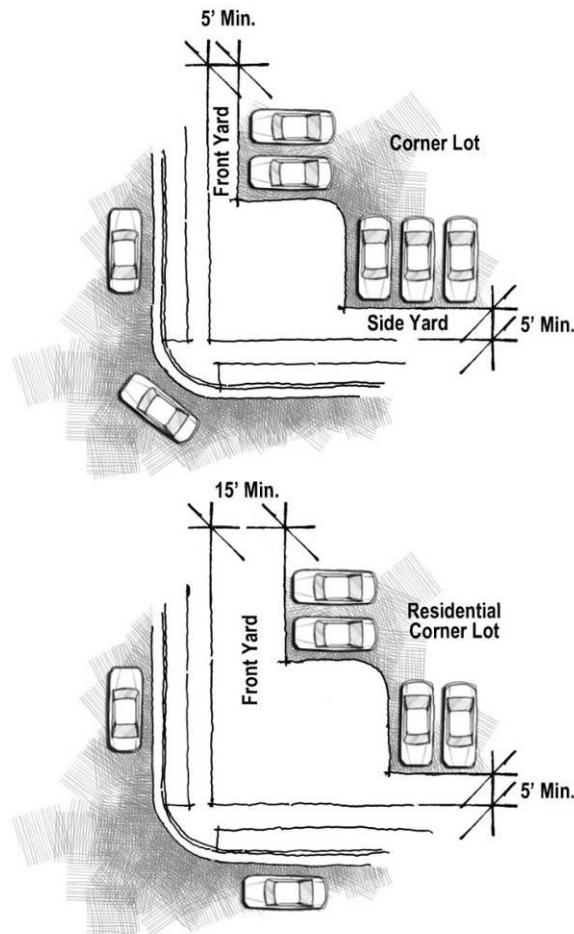


Figure 53. Parking Setbacks

Off-Road Parking Requirements

8. Wheel-stops

- (a) All landscaping in or adjacent to a vehicular use area shall be protected from vehicular damage by a raised concrete wheel-stop or equivalent barrier; however, the barrier need not be continuous.
- (b) Landscaped areas adjacent to parking areas shall be landscaped so that no plant material greater than 12 inches in height will be located within two feet of the curb or other protective barrier.

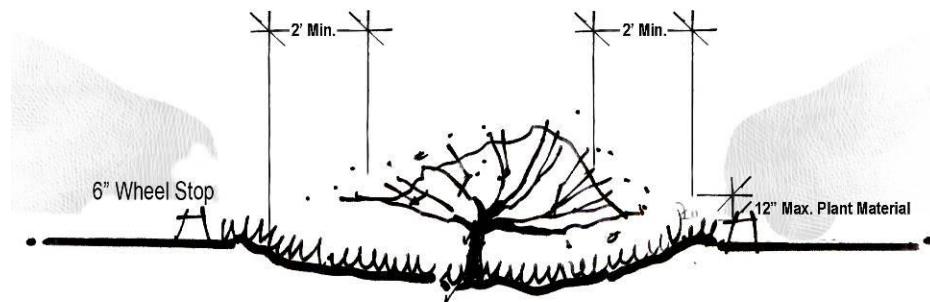


Figure 54. Wheel Stops, Alternative 1

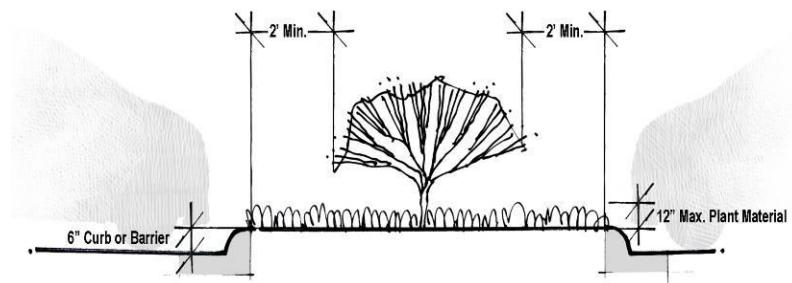


Figure 55. Wheel Stops, Alternative 2

9. Separation from Walkways and Roads

In the event any parking area abuts a walkway, sidewalk, or road, the parking area shall be separated by curbing, wheel stop or other protective device with a minimum distance of 3½ feet between the protective device and the edge of the walkway.

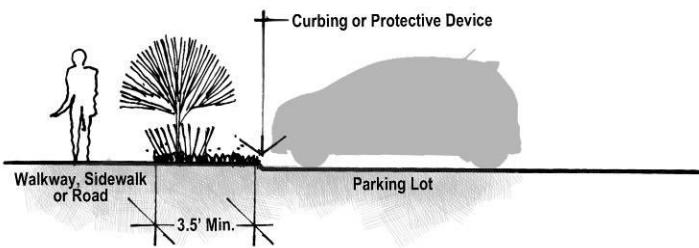


Figure 56. Separation from Walkways and Roadways

10. Drainage

Parking lots shall not drain onto or across public sidewalks or into adjacent property, except into a natural watercourse or a drainage easement. In already developed areas where this condition would be impossible to meet, the Director may exempt the applicant from this requirement, provided that adequate provision is made for drainage.



Figure 57. Drainage

11. Entrances and Exits

On all lots, all vehicular openings shall be designed and located according to the standards directed by the NCDOT Driveway Manual and as approved by NCDOT driveway permit requirements.

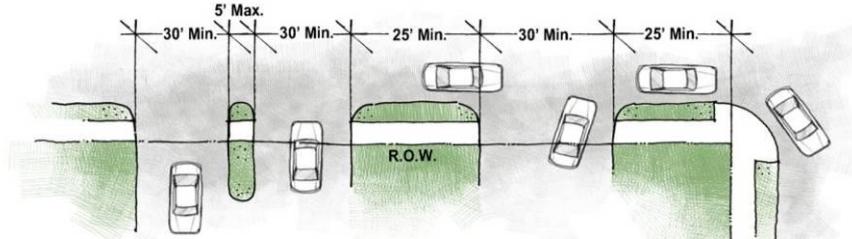


Figure 58. Entrances and Exits

D. Alternative Parking Plans

1. General

The Board of Commissioners may modify the parking requirements of this section (beyond that permitted by §3.6.3.B.4, Modifications) where applicant submitted parking data, prepared and sealed by a licensed professional engineer registered in the State of North Carolina with transportation expertise, illustrates that the standards of this section do not accurately apply to a specific development. The data submitted for an alternative parking plan shall include, at a minimum, the size and type of the proposed development, the mix of uses, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads of all uses.

2. On-Road Parking

The Director may approve on-road parking spaces, which are located immediately abutting the subject parcel, provided such parking spaces are entirely within the extension of the side lot lines into the roadway, and not within any required clear sight triangle. Such spaces may be counted toward meeting off-road parking requirements.

Off-Road Parking Requirements**3. Off-Site Parking**

The Director may approve the location of required off-road parking spaces on a separate lot from the lot on which the principal use is located if the off-site parking complies with all of the following standards:

(a) Ineligible Activities

Off-site parking may not be used to satisfy the off-road parking requirements for residential uses (except for guest parking), as well as convenience stores or other convenience-oriented uses. Required parking spaces reserved for persons with disabilities may not be located off-site.

(b) Location

Off-site parking spaces shall be located within 750 feet from the primary entrance of the use served unless shuttle bus service is provided to the remote parking area. Off-site parking may not be separated from the use that it serves by a road right-of-way with a width of more than 80 feet unless a grade-separated pedestrian walkway is provided, or other traffic control or shuttle bus service is provided to the off-site parking area.

(c) Zoning Classification

Off-site parking areas serving uses located in nonresidential districts shall be located in nonresidential districts. Off-site parking areas serving uses located in residential districts may be located in residential or nonresidential districts.

(d) Agreement

- (1) In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement between the record owners shall be required.
- (2) The owner of the off-site parking area shall enter into a written agreement with the County, with enforcement running to the County, providing that the land comprising the parking area shall never be disposed of except in conjunction with the sale of the building which the parking area serves so long as the facilities are required; and that the owner agrees to bear the expense of recording the agreement and such agreement shall bind his or her heirs, successors, and assigns.
- (3) An off-site parking agreement may be rescinded only if all required off-road parking spaces will be provided in accordance with this section.

4. Shared Parking

The Director may allow shared parking facilities if the shared parking complies with all of the following standards:

(a) Ineligible Activities

Shared parking may not be used to satisfy the off-road parking standards for upper-story residential uses. Required parking spaces reserved for persons with disabilities may not be located off-site.

(b) Location

Shared parking spaces shall be located within 750 feet of the primary entrance of all uses served, unless shuttle bus service is provided to the parking area.

(c) Zoning Classification

Shared parking areas serving uses located in nonresidential districts shall be located in nonresidential districts. Shared parking areas serving uses located in residential districts may be located in residential or nonresidential districts. Shared parking areas shall require the same or a more intensive zoning classification than that required for the most intensive of the uses served by the shared parking area.

(d) Shared Parking Study

Applicants wishing to use shared parking as a means of satisfying off-road parking requirements shall submit a shared parking analysis to the Director that clearly demonstrates the feasibility of shared parking. The study shall be provided in a form established by the Director and made available to the public. It shall address, at minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-road parking spaces.

(e) Agreement

- (1)** A shared parking plan will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record shall be submitted to the Director on forms made available by the Director.
- (2)** A shared parking agreement may be rescinded only if all required off-road parking spaces will be provided in accordance with this section.

5. Valet Parking

The Director may approve valet parking as a means of satisfying otherwise applicable off-road parking requirements where all of the following standards have been met:

- (a)** Adequate assurance of the continued operation of the valet parking is provided, such as a contractual agreement for valet services or the tenant's affidavit agreeing to provide such services;
- (b)** An equivalent number of valet spaces are available to replace the required parking spaces. Such valet spaces do not require individual striping and may take into account the tandem or mass parking of vehicles;
- (c)** All valet parking areas visible from the public road shall meet the requirements of §3.4.6.B.2;
- (d)** Valet parking drop-off locations shall meet the requirements of §3.6.4, Vehicle Stacking Areas; and

Off-Road Stacking Requirements

(e) The design of the valet parking shall not cause customers who do not use the valet service to park off-premise or cause queuing in the right-of-way.

6. Recording of Approved Plans

An attested copy of an approved alternative parking plan shall be recorded in the deed records for Lincoln County on forms made available by the Director. An alternative parking plan may be amended by following the same procedure required for the original approval. The applicant shall provide proof of recording prior to approval of the certificate of occupancy.

7. Violations

Violations of an approved Alternative Parking Plan constitute a violation of this UDO and will be subject to the enforcement and penalty provisions of Article 11, Enforcement.

PART 2. OFF-ROAD STACKING

§3.6.4. Off-Road Stacking Requirements

The following vehicle stacking standards shall apply unless otherwise expressly approved by the Director. The Director may require additional stacking spaces where trip generation rates suggest that additional spaces will be needed.

A. Minimum Number of Spaces

Off-road stacking spaces shall be provided as follows:

Uses	Minimum Spaces	Measured From
Automated teller machine	3	Machine
Bank teller lane	4	Teller or window
Car lubrication stall	2	Entrance to stall
Car wash stall, automated	4	Entrance to wash bay
Car wash stall, hand-operated	3	Entrance to wash bay
Child care drop off	3	Passenger loading area
Gasoline pump island	2	Pump island
Parking area, controlled entrance	4	Key code box
Restaurant drive-thru	6	Order box
Restaurant drive-thru	4	Order box to pick-up window
Valet parking	3	Valet stand
School drop-off (Public and Private)		Determined by Director
Other		Determined by Director

B. Design and Layout

Required stacking spaces are subject to the following design and layout standards:

1. Dimensions

Stacking spaces shall be a minimum of nine feet by 19 feet in size.

2. Location

Stacking spaces shall not impede on- or off-site traffic movements or movements into or out of off-road parking spaces.

3. Design

Stacking spaces shall be separated from other internal driveways by raised medians if deemed necessary by the Director for traffic movement and safety.

PART 3. OFF-ROAD LOADING**§3.6.5. Off-Road Loading Requirements****A. Loading Facilities Required**

1. As determined by the Director, off-road loading facilities shall be required for uses that regularly handle large quantities of goods. Loading facilities shall be of sufficient quantity to adequately serve the proposed use.
2. Any vehicle sales or rental facility or similar use requiring delivery of vehicles by truck shall demonstrate adequate on-site area exists for the loading and unloading of such trucks.
3. Any convenience store or similar use requiring deliveries by truck shall demonstrate adequate on-site area exists for the loading and unloading of such trucks.

B. Design and Layout

1. Loading and unloading activity shall not be permitted in any public right-of-way. In no case shall loading and unloading activity encroach on or interfere with the public use of roads, sidewalks, and lanes by automotive vehicles or pedestrians. Adequate space shall be made available for the unloading and loading of goods, materials, items or stock for delivery and shipping.
2. Where off-road loading facilities are provided, they shall be not less than 15 feet in width by 40 feet in length, with not less than 15 feet of vertical clearance.

C. Screening

All loading areas shall be screened in accordance with §3.4.8.

§3.7. Fire Hydrants

Fire hydrants shall be required in accordance with the requirements of the Lincoln County Fire Prevention and Protection Ordinance (LCFP&PO). When fire hydrants are installed they must meet the following standards.

- A. All hydrants must be American Water Works Association approved.

Off-Road Loading Requirements

B. Maximum distance between fire hydrants shall be 500 feet, or as specified by the Fire Marshall.

C. No fire hydrant may be installed on less than a 6-inch main.

D. Hydrants must have two 2½-inch and one 4½-inch connection with threads of the type used by the Fire Marshall or other agency serving the area where installed.

E. When fire hydrants are installed or scheduled for painting maintenance they must be painted and marked according to National Fire Protection Association (NFPA) standards, 1983 edition of NFPA 291 recommended practices, as revised; except that:

1. All hydrants not usable for direct connection to a fire truck and on any hydropneumatic tank system must be identified in accordance with the LCFP&PO; and
2. A government entity which is in the process of implementing a painting maintenance program which differs from the NFPA recommended color scheme may complete that prescribed painting program.

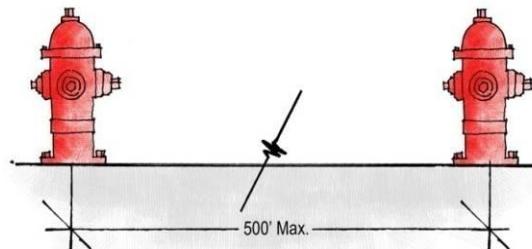


Figure 59. Fire Hydrants

§3.8. Stormwater Drainage and Erosion Control

A. The developer must provide for adequate drainage of all surface water using the existing natural surface drainage system in accordance with the standards of North Carolina Division of Land Quality and the North Carolina Department of Transportation, as reflected in Handbook for the Design of Highway Surface Drainage Structures, 1975, as amended or revised. The design of such system shall be subject to the approval of the Director of the Lincoln County Natural Resources Department.

B. Erosion and sedimentation control measures, structures and devices shall be so planned, designed and constructed as to provide protection from the calculated maximum peak of runoff from the ten-year storm. Runoff rates shall be calculated using the procedures in the USDA, Soil Conservation Service's "National Engineering Field Manual for Conservation Practices," or other calculation procedures acceptable to the Director of the Lincoln County Natural Resources Department.

C. All use activities and facilities shall comply with the requirements of the Lincoln County Erosion and Sedimentation Control Ordinance.

D. Low impact development (LID) practices are strongly encouraged and shall be used where possible.

1. The surface drainage system shall be designed to complement surface drainage systems of surrounding properties.
2. Points of interception of runoff must be frequent enough to avoid heavy concentrations in any one system and to eliminate or minimize any flooding.

3. Points of discharge must be within the site unless otherwise approved by the Director of the Lincoln County Natural Resources Department and adjoining owners.
- E. Drainage plans and improvements shall include best management practices and controls for erosion and sediment control during construction.
- F. Additional requirements apply in the –LCCO district (See §2.5.5).

§3.9. Signs

§3.9.1. Purpose and Intent

Signs are herein regulated in the interest of promoting traffic safety, safeguarding the public health, facilitating police and fire protection, preventing adverse community appearance and over-crowding of the land, and protecting the character of the area in which they are located. This section is intended to prevent their over-concentration, improper placement, and excessive height, bulk, and area, in order to maximize sign legibility and effectiveness, while at the same time preserving community scenic, economic, and aesthetic values.

§3.9.2. Elements of a Common Signage Plan

An application for a common signage plan shall be filed with the Director by utilizing the same form used for other sign permits. In addition, the applicant shall indicate the standards of consistency of all signs on the subject property with regard to:

- A. (Reserved)
- B. Letter/graphics style;
- C. Location of each sign;
- D. Materials used in sign construction shall be the same or substantially similar to the design and color(s) of the primary building;
- E. Maximum dimensions and proportion;
- F. Limitation in number of free standing signs to one per road frontage; and
- G. Other restrictions imposed by the applicant.

§3.9.3. Sign Types

A. On-Premises Signs

A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered at the location on which the sign is located.

1. Wall/Fascia Sign

An on-premises sign attached flat to or mounted away from but parallel to the building wall, projecting no more than 12 inches from the building wall.

2. Projecting Sign

An on-premises sign fastened directly to a supporting building wall, and intersecting the building wall at a right angle.

3. Free Standing Sign

Sign Types

An on-premises sign that is not directly attached to, erected on, or supported by a building or other structure having a principal function other than the support of such sign, but is instead attached to, erected on, or supported by some structure such as a pole, frame, or other structure that is not itself a part of the building.

(a) Ground Sign

A free standing sign attached to the ground with a clearance of less than eight inches and not exceeding 48 inches in height.

(b) Monument Sign

A free standing sign no more than eight feet in height and having a ratio of less than four to one sign width to narrowest width of support structure. Any sign constructed to the above referenced ratio of support structure to sign width, but in excess of 8 feet in height, shall be considered and regulated as a pole sign.

(c) Pole Sign

A free standing sign attached to the ground by one or more support structures having a ratio of greater than four to one sign width to narrowest width of support structure.

4. Awning/Marquee/Canopy/Hanging Sign

A sign which is attached flat to an awning, marquee, or canopy, or hanging from an awning, marquee or canopy.



Figure 60. Awning/Marquee/Canopy/Hanging Sign

5. Window Sign

An on-premise sign attached flat but parallel to the inside of a window, does not include wall/fascia signs.

6. Easel

An upright A-frame structure used for displaying promotional information to the public.

7. Tract Identification Sign

An on-premises sign intended to identify a subdivision, church, complex, civic club, fraternal organization, or community facility, but carrying no commercial message.

B. Off-Premises Signs

A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located.

1. Billboard

A sign which describes or calls attention to products, activities, or services which are not customarily engaged in, produced, or sold on the premises upon which the sign is located. (This type of sign is prohibited in Lincoln County.)

2. Directional Sign

A sign which provides directions to a location where products, activities, attractions or services are available.

C. Temporary Signs

A sign that is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period of time after the erection of such a sign.

1. Decorative Flags or Banners

Signs mounted by the County to utility poles located within the public right-of-way displaying non-commercial information, specifically holiday decorations and seasonal banners.

2. Promotional Banner

An on-premises sign indicating special events such as grand openings, sales or similar non-permanent activity.

D. Portable Signs

A sign designed or intended to be readily relocated whether or not it is permanently attached to a building, structure or on the ground. Portable signs also include signs on wheels or on portable structures such as trailers, tent signs, easel signs, A-frame or T-shaped signs and normal advertising placed on motor vehicles which are not used regularly and are placed in such a manner as to attract attention.

E. Historic Sign

A sign that is 50 years or older, or a sign that is particularly unique in character, design, or history, or that is part of the historic character of a business or building.

F. Roof Sign

A sign that is attached to the roof of a building that projects above the apex of the roof to which it is attached. (This type of sign is not allowed in Lincoln County. See §3.9.7.)

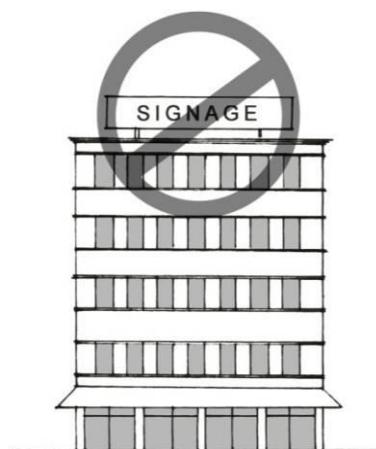


Figure 61. Roof Sign

General Sign Regulations

§3.9.4. General Sign Regulations**A. Computation of Sign Area**

Except where specifically addressed, the area of all signs shall be computed as follows:

1. The area of a wall sign which consists of individual letters that are erected directly onto a wall is measured by finding the area of the minimum imaginary rectangle or square which fully encloses all sign words, copy, or message.
2. The area of a sign with three or more sides shall be computed as the sum of the area of each side designed either to attract attention or communicate information.
3. The area of any other sign is measured by finding the area of the minimum imaginary rectangle or square which fully encloses all extremities of one side of the sign, exclusive of its supports.

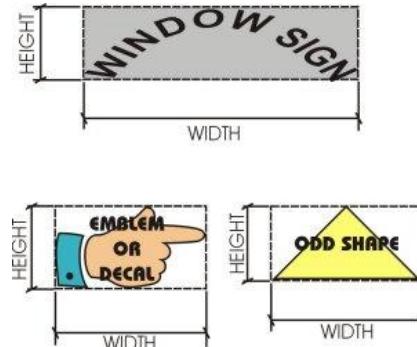


Figure 62. Computation of Sign Area

B. Construction Standards

1. All signs shall comply with the appropriate provisions of the International Building Code, the National Electric Code, and this section.
2. Signs shall be located in such a way that they maintain sufficient horizontal and vertical clearance of all overhead electrical conductors in accordance with National Electric Code specifications, provided that no sign, except governmental signs, shall be installed closer than ten feet horizontally or vertically from any conductor or public utility guy wire.
3. In no way shall a sign hinder or obstruct the visibility of the right-of-way in accordance with the requirements of §3.5.12, either at intersections or points of ingress or egress from parking lots.

§3.9.5. Specific Sign Regulations**A. On-Premises Signs**

When no freestanding sign other than a ground sign or monument sign is proposed, a ten percent increase in permitted sign area shall be allowed. Allowable wall signs shall be allowed in addition to the maximum signage area limitations of this subsection.

1. Wall/Fascia Sign**(a) Size**

The maximum size of a wall/fascia sign shall not exceed the limits established in this section. Further, no more than ten percent of the area of any wall up to a maximum of 100 square feet may be devoted to signage, except as allowed below. The maximum size of such signs may be increased based on the distance of the sign from the front building line as follows:

Distance of Principal Building from Front Building Line (Feet)	Total Allowed Sign Surface Area Increase (percent)
Less than 50	0
50 to 99	25
100 to 149	50
150 to 199	75
200 to 249	100
250 to 299	125
300 to 349	150
350 to 399	175
400 or more	200

(b) Number

Multiple signs may be allowed as long as the total amount of square footage does not exceed the maximum permitted.

(c) Setback

Setback requirements do not apply to wall/fascia signs.

(d) Height

No sign may extend above parapet walls or above roof lines of buildings without parapet walls.

(e) Projection/Clearance

No sign may project more than 12 inches from the building wall. All wall signs shall maintain a clear height of eight feet above the ground below, if it projects more than six inches from the building wall to which it is attached.

(f) Construction

All wall signs shall be fastened directly to the supporting wall.

(g) Illumination

- (1) Wall signs may be illuminated either internally or externally, provided that no sign located within 150 feet of a residential use or district, except in the B-N District, may be illuminated during the hours between 12AM (midnight) and 6AM.
- (2) Internally illuminated signs shall have a minimum 50 percent dark, opaque sign face or background and translucent letters and symbols. White or other night-bright colors are not permitted as background colors. Foreground colors shall not exceed 50 percent of the total sign area.

(h) Location

Wall signs may be located in all zoning districts so long as no illuminated sign is located in any residential district.

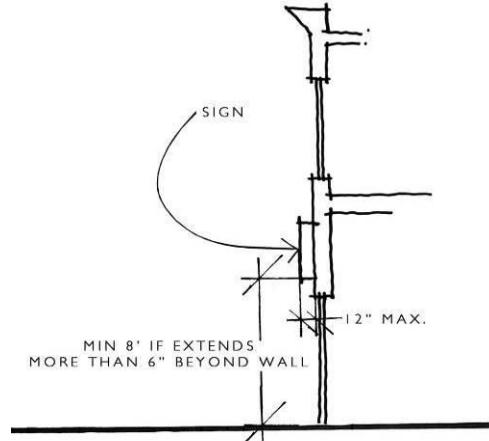


Figure 63. Wall/Fascia Sign

Specific Sign Regulations**2. Projecting Signs****(a) Size**

The maximum area of any single side of a projecting sign shall be ten square feet, and such signs shall be limited to two sides.

(b) Number

Not more than one projecting sign shall be permitted for each business establishment.

(c) Setback

No projecting sign shall project closer than three feet to the curb line.

(d) Height

No sign shall extend above parapet walls or above roof lines of buildings without parapet walls. The bottom of the sign shall not be less than seven feet above the ground and the top of the sign shall not be higher than 15 feet above the ground.

(e) Projection/Clearance

No sign shall project more than four feet from the building wall or $\frac{1}{2}$ the width of the sidewalk, whichever is less, provided that no sign shall project closer than three feet to the curb line. All projecting signs shall maintain a clear height of seven feet above the ground below.

(f) Construction

All projecting signs shall be fastened directly to the supporting building wall, with the supporting structure physically integrated into the sign. All projecting signs shall intersect the building wall at right angles.

(g) Illumination

- (1) All projecting signs may be illuminated either internally or externally, provided that no illuminated sign located within 150 feet of any residential use or district, except in the B-N district, may be illuminated during the hours between 12AM and 6AM. Lighting directed toward a sign shall be shielded so that it does not shine directly into a public right-of-way or residential building and does not interfere with the safe vision of motorists.
- (2) Internally illuminated signs shall have a minimum 50 percent dark, opaque sign face or background and translucent letters and symbols. White or other night-bright colors are not permitted as background colors. Foreground colors shall not exceed 50 percent of the total sign area.
- (3) Maximum illumination for signs shall be 250 incandescent watts or the equivalent initial lighting output.

(h) Location

Projecting signs are permitted only in nonresidential zoning districts.

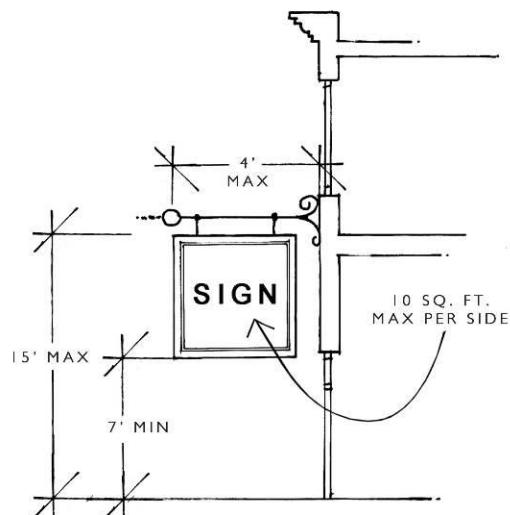


Figure 64. Projecting Sign

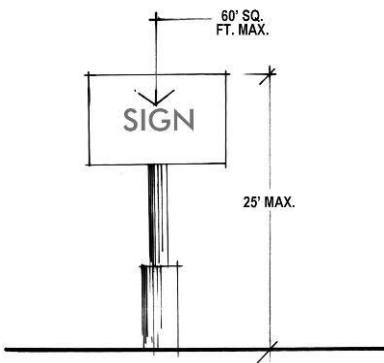
Specific Sign Regulations

3. Freestanding Signs (pole, monument, ground signs)

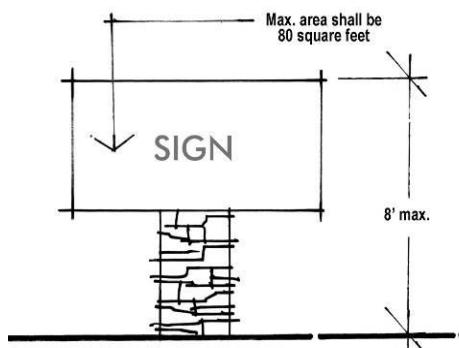
These signs are permitted as set forth herein.

(a) Size**(1) Pole Sign**

The maximum surface area of a single side of a pole sign shall not exceed .125 square foot per linear foot of road frontage along the road toward which such sign is primarily oriented. Maximum height shall be no more than 25 feet, measured from the centerline of the road elevation to which the building is facing. Further, no pole sign may be larger than 60 square feet.

**Figure 65. Pole Sign****(2) Monument Sign**

The maximum surface area of a single side of a monument sign shall not exceed .20 square foot per linear foot of road frontage along the road toward which such sign is primarily oriented. Further, no monument sign may be larger than 80 square feet.

**Figure 66. Monument Sign**

(3) Ground Sign

The maximum surface area of a single side of a ground sign shall not exceed .25

square foot per linear foot of road frontage along the road toward which such sign is primarily oriented.

Further, no ground sign may be larger than 100 square feet.

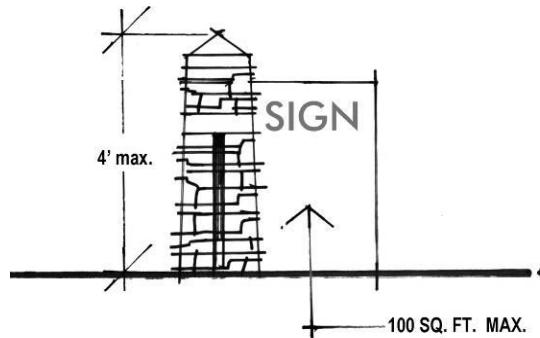


Figure 67. Ground Sign

(b) Number

- (1)** One freestanding sign shall be allowed on any lot, subject to the criteria herein, provided a pole sign shall only be allowed on a lot which contains 100 feet or more of frontage on the road to which such sign is to be oriented.
- (2)** If a common signage plan is approved by the Director, two freestanding signs may be allowed on a lot or development having a minimum frontage of 300 feet on each of two adjacent roads, or more than 600 lineal feet of frontage on a single road, but only one may be a pole sign.
- (3)** When a lot or development subject to the terms of an approved common signage plan contains more than 1,500 linear feet of frontage on a single road, or has frontage of 300 feet or more on each of three adjacent roads, a maximum of three freestanding signs may be allowed, but there shall be only one pole sign permitted.
- (4)** When more than one freestanding sign is to be constructed, the total permitted sign area of all signs shall not exceed the standard set forth in this section, and the total amount of freestanding sign area shall not exceed .25 square feet per linear foot of frontage on the adjacent road of greatest length.

Specific Sign Regulations**(c) Setback**

No portion of any freestanding sign may extend over any public right-of-way, or be located within 15 feet of any interior side lot line.

(d) Height

No freestanding sign or any part thereof, including base or apron, supports, supporting structures and trim, may exceed 25 feet in height. Further, no monument sign may exceed eight feet in height and no ground sign may exceed four feet in height.

(e) Projection/Clearance

All pole signs shall maintain a clear height of eight feet above the ground.

(f) Construction

All freestanding signs shall be securely fastened to the ground so that there is virtually no danger that the sign may be moved by wind or other forces of nature and cause injury to persons or property. All signs shall be constructed with the same or substantially similar materials to the design and color(s) of the primary building.

(g) Illumination

(1) Freestanding signs may be illuminated either internally or externally, provided that no sign located within 150 feet of a residential use or district, except in the B-N district, may be not illuminated during the hours between 12AM and 6PM.

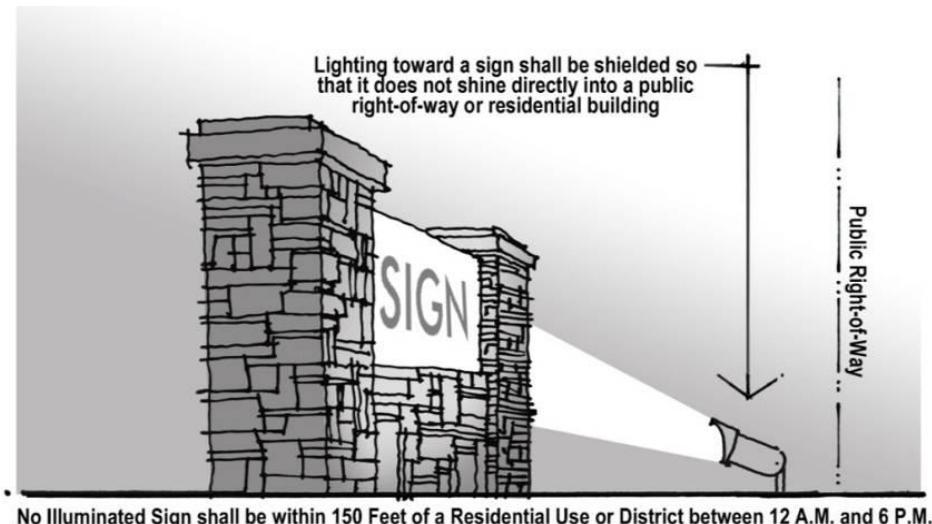


Figure 68. Illumination (Freestanding Signs)

- (2) Lighting directed toward a sign shall be shielded so that it does not shine directly into a public right-of-way or residential building and does not interfere with the safe vision of motorists.
- (3) Internally illuminated signs shall have a minimum 50 percent dark, opaque sign face or background and translucent letters and symbols. White or other night-bright colors are not permitted as background colors. Foreground colors shall not exceed 50 percent of the total sign area.
- (4) Maximum illumination for signs shall be 250 incandescent watts or the equivalent initial lighting output.

(h) Location

Freestanding signs are permitted in nonresidential districts; however, pole signs are not permitted in the B-N District. Home occupation signs shall be permitted in residential districts in accordance with §4.6.5.E or §4.6.5.F, as applicable. The Board of Commissioners may approve a freestanding sign in accordance with the standards of this section as part of a special use permit in a residential district.

(i) Landscaping

Signs shall be placed in the landscaped or grassed areas of the site.

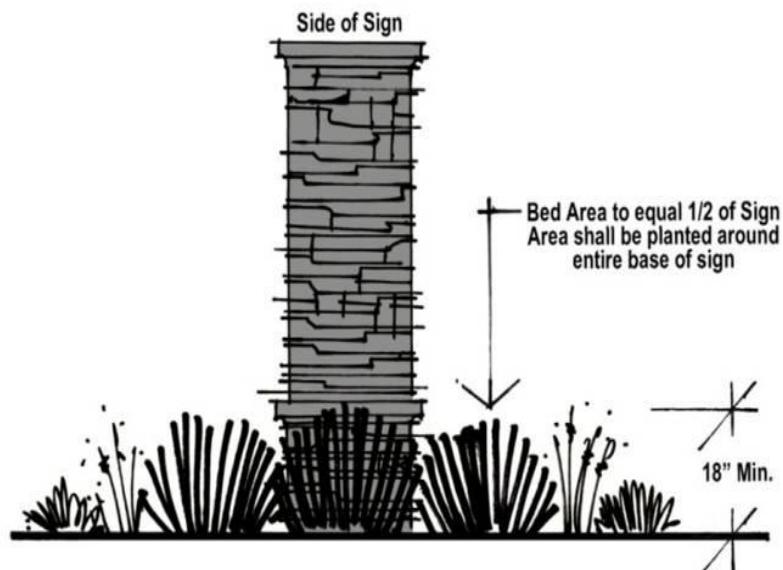


Figure 69. Landscaping

4. (Reserved)

B. Off-Premises Signs

1. Billboards

Billboards are prohibited.

2. Directional Signs

Directional signs are permitted in any district provided that following conditions are met:

- (a) An individual or multi-use directional sign shall not block the view of any other sign or principal structure. Such signs shall not impair the vision of any motorist.
- (b) All directional signs shall neither be lighted nor luminous.
- (c) All directional signs shall be free-standing. Portable directional signs shall be prohibited.
- (d) All directional signs shall be located off the road right-of-way.
- (e) An individual directional sign may be supported by either one or two poles. Each said sign may have a maximum area of six square feet. Said signs shall have a maximum height of five feet, however, there shall be a minimum clearance of one foot between the bottom of the sign and the ground below it.
- (f) Multiple-use directional signs may be supported by either one or two poles. The maximum height of said sign shall be five feet; however, there shall be a minimum clearance of one foot between the bottom of the individual signs composing a multi-use directional sign and the ground below it. The aggregate height of the individual signs composing a multi-use directional shall not exceed four feet; the aggregate width of said signs shall not exceed eight feet. An individual sign on a multi-use directional sign shall have a maximum height of 16 inches and a maximum width of 48 inches. More than one use may be advertised on an individual sign. The individual signs composing a multi-use directional sign shall each be constructed of the same materials and be compatible in appearance to each other.
- (g) There may be a maximum of two individual directional signs located at a street intersection or one individual directional and one multi-use directional sign located at that street intersection. The shortest horizontal distance between any portions of any two directional signs shall be five feet.

3. Other Off-Premises Signs

All other types of off-premises signage are prohibited unless specifically addressed below.

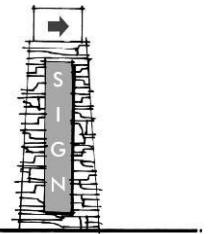


Figure 70. Directional Sign

C. Other Types of Signs

1. Temporary Signs

The signs described in this section may be erected on a temporary basis. No sign shall be placed in a public right-of-way, nor attached to a pole or structure owned by a public utility company.

- (a) One on-premises construction project sign, not to exceed 20 square feet in size, may be erected in a residential district, and up to two on-premises construction project signs may be erected in a business, industrial, or office and institutional zone, so long as the sum of the areas of one face of these signs does not exceed 32 square feet. Construction signs shall not be erected prior to site plan or plat approval or the issuance of a building permit, and shall be removed within 15 days after final inspection and approval of the project.
- (b) Political signs are permitted in all zoning districts for a period not exceeding 60 days prior to official (final) voting day, and shall be removed within seven days of the closing of the polls. With the exception of election days, no political signs shall be placed on public property paid for by public funds or tax money. Signs shall not exceed 32 square feet in aggregate area per lot, and shall not exceed eight feet in height. No such sign shall be located within or over the public right-of-way. At the polls, any number of political signs may be erected. Such signs shall not be placed more than 24 hours preceding the opening of the polls, and shall be removed within 24 hours following the closing of the polls.
- (c) Signs indicating special events, such as a fair, carnival, festival, grand opening, sale, or similar non-permanent activity to be conducted within Lincoln County. Such sign shall not exceed 32 square feet in area and may be erected for a period not to exceed 30 days. Such signs shall be removed by the applicant within seven days after the event has taken place, and may be permitted only one time within a 12-month period.

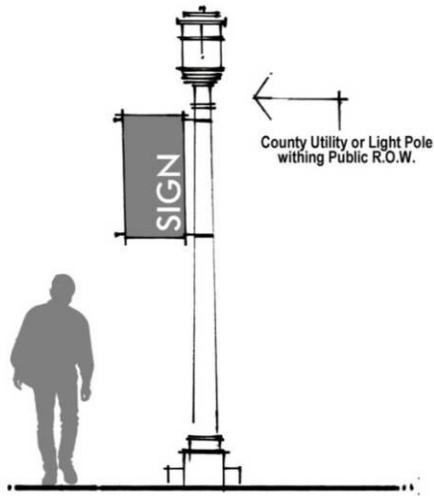


Figure 71. Temporary Signs

Specific Sign Regulations

- (d) "Yard Sale" signs, located off-site from the property where such activity is to occur, shall be permitted outside of public rights-of-way. Such signs may not exceed four square feet in size. Signs shall not be erected more than seven consecutive days before the sale date and shall be removed within 48 hours of the sale date.
- (e) Church or nonprofit organizational direction signs may be located off-site; however, such signs may not exceed six square feet and no more than one sign per intersection shall be permitted. Such signs may be erected for a period of three consecutive days and must be removed by the applicant for a period of at least three days before placement in the same location is reestablished.

2. Tract Identification Signs

Up to two on-premises permanent subdivision, church, multi-family, civic club, fraternal organization, or community facility tract identification signs for each road frontage are permitted, but the sum of the areas of one face of these signs shall not exceed 40 square feet.

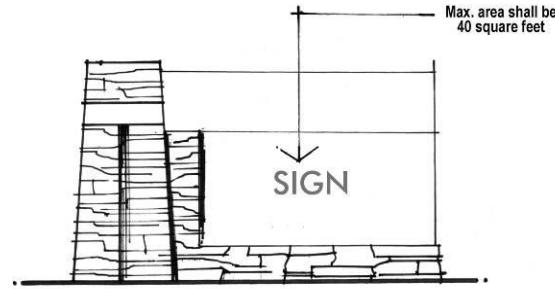


Figure 72. Tract Identification Sign

3. Product and Information Signs

On-premises product or information signs are permitted, so long as the sum of the areas of one face of these signs does not exceed 48 square feet, and the area of any single sign does not exceed 16 square feet in size.

4. Community Service Signs

A welcome sign, or a sign incorporating the insignias of more than one civic, governmental and/or nonprofit organization, may be permitted. Any such sign shall not exceed 100 square feet in area or 20 feet in height. Location within a public right-of-way may only be permitted with written approval of the State or County. Such sign may be on-premises or off-premises.

§3.9.6. Exempt Signs

The following signs shall not be subject to regulation hereunder:

- A.** Signs erected by or on behalf of or pursuant to the authorization of a governmental body.
- B.** Flags, pennants, or insignia of any governmental or nonprofit organization, when not displayed in connection with a commercial promotion or as an advertising device.
- C.** Signs directing and guiding traffic on private property that do not exceed four square feet in size each and that bear no advertising message.
- D.** Signs painted on or otherwise permanently attached to currently licensed, insured and operable motor vehicles that are not primarily used as signs.
- E.** Signs not exceeding four square feet in size that are customarily associated with residential use and that are not of a commercial nature, such as signs giving names of occupants, signs on mailboxes and paper tubes, and signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.
- F.** "Yard Sale" signs located on-site and not exceeding four square feet in area not used in connection with any continuous commercial activity.
- G.** Signs containing the message that the real estate on which the sign is located is for sale, lease, or rent, together with information identifying the owner or agent, subject to the following requirements:
 - 1.** One on-site sign per street frontage not greater than 32 square feet in area may be located on the property being advertised. If the property so advertised lies on a corner lot or through lot, then a second sign may be permitted along the second street so long as the two signs are at least 100 feet apart as measured by the shortest straight line.
 - 2.** In addition, a maximum of three off-premise directional signs, each not exceeding four square feet in area, shall be permitted off the subject premises.
 - 3.** All of these signs shall be located off the street right-of-way.
 - 4.** The provisions regarding directional signs found in §3.9.5.B.2 shall not apply herein.
 - 5.** All such signs shall be removed within seven days after the property has been sold, rented, leased, etc.
 - 6.** No sign allowed under this subsection shall be lighted.
- H.** Temporary signs for a nonresidential use located in a nonresidential district, provided that:
 - 1.** Only one temporary sign shall be allowed per parcel of property; except in the case of a shopping center or other multi-tenant development, one sign per tenant shall be allowed.
 - 2.** No such sign shall exceed eight square feet in sign area and five feet in height.
 - 3.** No such sign shall be illuminated.

Signs Prohibited

4. All such signs shall be located off the street right-of-way.
 - I. Displays, including lighting, erected in connection with the observance of holidays. Such signs shall be removed within ten days following the holiday.

§3.9.7. Signs Prohibited

The following signs are expressly prohibited within all zoning districts:

- A. Portable signs, including any signs painted on or displayed on vehicles or trailers usually parked in public places primarily for displays, except where provided for in paragraph §3.9.6 above. Additionally, any such prohibited sign designed to be portable shall not be permitted to be altered so as to be made permanent.
- B. Roof signs.
- C. Windblown signs, including banners, pennants, streamers, spinners, blimps, gas balloons, and no more than two flags, unless specifically provided for in paragraph §3.9.6 above.
- D. Any sign or device set into motion by mechanical, electrical, or other means.
- E. Any flashing sign or device displaying flashing or intermittent lights or lights of changing degrees or intensity, except a sign indicating time and/or temperature, with changes alternating on not less than a three-second cycle.
- F. Any sign which is a copy or imitation of an official sign, or which purports to have official status.
- G. Off-premises signs, unless specifically provided for in this section.
- H. Signs in rights-of-way pursuant to the requirements of NCGS 136-30 (a), NCGS 136-32 and NCGS 14-145.

§3.9.8. Obsolete or Deteriorated Signs**A. Obsolete Signs**

1. Signs which identify business establishments no longer in existence, products no longer being sold, services no longer being rendered, or events which have already occurred shall be removed by the owner of the premises on which the sign is situated within 90 days of receipt of notification by the Director. In the case of sign structures designed to carry messages printed on non-permanent materials such as paper or cardboard, this provision applies only to the message, not the sign structure.
2. When a sign is determined to have particular historical or culturally significant value, such determination to be made by a majority vote of the Board of Commissioners, the terms of this section may be waived.

B. Deteriorated Signs

Any sign which, together with its supports, braces, anchors, and other structural elements, is not maintained in accordance with the provisions of the International Building Code, or which is otherwise determined to be unsound or unsafe, shall be removed or brought into compliance with all codes and ordinances within 30 days of notification by the Director.

§3.9.9. Maintenance

- A.** All signs shall be maintained in a state of good repair. The Director is authorized to inspect each sign periodically to determine that it meets the requirements set forth in this section. Whenever it shall appear to the Director that any sign has been structured or is being maintained in violation of this section, such sign shall be made to conform to all regulations herein, or shall be removed at the expense of the owner within ten days after written verification thereof by the Director.
- B.** Maintenance responsibilities including ensuring that signs are erected and maintained in a safe and attractive manner. The following maintenance requirements shall apply to all signs visible from any road right-of-way:
 - 1.** A sign shall have no more than 20 percent of its surface area covered with disfigured, cracked, ripped, or peeling paint, poster paper, or other material for a period of more than 30 successive days.
 - 2.** A sign shall not stand with bent or broken sign facing, with broken supports, with loose appendages or struts, or more than 15 percent from vertical for a period of no more than ten successive days.
 - 3.** A sign shall not have weeds, trees, vines, or other vegetation growing upon it, or obscuring the view of the sign from the road or right-of-way from which it is to be viewed, for a period of no more than 30 successive days.

§3.10. Outdoor Storage and Display

§3.10.1. Applicability

- A. Any merchandise, material or equipment stored outside of a fully-enclosed building shall be subject to the requirements of this section.
- B. Vehicles and housing for sale, lease or rent as part of a properly permitted use (including golf carts, motorcycles, and scooters, boats and manufactured housing) shall not be considered merchandise, material or equipment. (See §2.2.1)

§3.10.2. Outdoor Display

- A. Outdoor display shall be defined as the outdoor display of products actively available for sale. The outdoor location of soft drink or similar vending machines shall not be considered outdoor display. Outdoor display shall not include merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers. Such merchandise shall be considered limited outdoor storage.
- B. Outdoor display shall be permitted in association with any nonresidential use following Board of Commissioners review of a major site plan in accordance with §9.7, Site Plan Review, illustrating the extent of the permitted area for outdoor display, provided it meets the standards below.

1. Outdoor display shall be permitted adjacent to the primary façade (façade with principal customer entrance) and shall extend no more than eight feet from such façade.
2. Outdoor display shall be located no closer than five feet from any public entrance.
3. Outdoor display shall occupy no more than 30 percent of the horizontal length of the façade.
4. Outdoor display shall not impair the ability of pedestrians to use the sidewalk or parking areas.

§3.10.3. Outdoor Storage

A. General

Outdoor storage is more intensive than outdoor display. Materials stored in outdoor storage are not normally brought indoors overnight. Outdoor storage is broken in two categories as follows:

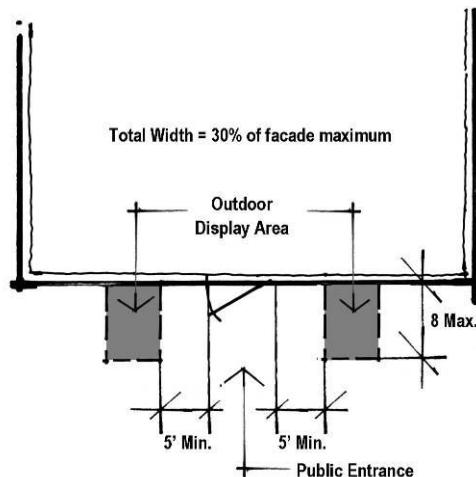


Figure 73. Outdoor Display

B. Limited Outdoor Storage

1. Limited outdoor storage shall be defined as the overnight outdoor storage of vehicles awaiting repair (includes the storage of vehicles at self-storage facility), merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers, shopping carts, garden supplies, building supplies, plants, fleet vehicles and other similar merchandise, material or equipment.
2. Limited outdoor storage shall only be permitted in the B-G, I-L and I-G districts following review of a site plan in accordance with §9.7, Site Plan Review, illustrating the extent of the permitted area for limited outdoor storage provided it meets the standards below.
3. Limited outdoor storage shall not be more than 12 feet in height and shall be fully screened from view from the public right-of-way, public parking areas, or adjacent residential development by a 100 percent opaque visual barrier or screen. Chain-link fencing with slats inserted may be considered acceptable for this screening, except where located abutting or across the road from a residential use or residentially-zoned property. Limited outdoor storage shall not be subject to the interior parking lot landscaping standards of §3.4.10.B.
4. All limited outdoor storage shall be located at least 15 feet from the public right-of-way and any abutting residential use or residentially-zoned district.
5. Limited outdoor storage shall be located in the rear yard.
6. Limited outdoor storage may be located to the side of a building, provided it is not located within the side yard.
7. Vehicles awaiting repair may be stored up to 14 days within the required screened storage area.

C. General Outdoor Storage

1. General outdoor storage shall be defined as salvage yards, vehicle storage yards, overnight outdoor storage of shipping containers, lumber, pipe, steel, junk and other similar merchandise, material or equipment.
2. General outdoor storage shall only be permitted in the I-L and I-G districts following review of a site plan in accordance with §9.7, Site Plan Review, illustrating the extent of the permitted area for general outdoor storage provided it meets the standards below.
3. General outdoor storage shall be screened by 100 percent opaque, eight foot high visual barrier or screen, except where located abutting or across the road from a residential use or residentially-zoned property such screening shall be high enough to completely conceal all outdoor storage from view. General outdoor storage shall not be subject to the interior parking lot landscaping standards of §3.4.10.B.
4. All general outdoor storage shall be located at least 15 feet from the public right-of-way and any abutting residential use or residential district.
5. No general outdoor storage shall be permitted in a road yard or otherwise forward of the front building line.
6. General outdoor storage may be located in the side or rear yard.

Applicability**§3.11. Outdoor Lighting****§3.11.1. Applicability**

- A. Unless specifically exempt, all existing and proposed development for which site plan approval is required (see §9.7) shall meet the provisions of this section.
- B. Buildings and structures lawfully existing as of the effective date of this UDO, may be redeveloped, renovated or repaired without modifying outdoor lighting in conformance with this section, provided there is no increase in gross floor area in such building or structure or impervious area on the site.
- C. Where a building or structure existed as of the effective date of this UDO, and such building is enlarged in gross floor area or impervious area on the site by ten percent or 2,000 square feet, whichever is less, outdoor lighting as specified in this section shall be provided.

§3.11.2. Prohibited Light Sources

The following light fixtures and sources shall not be used within the County where the direct light emitted is visible from adjacent areas:

- A. Low-pressure sodium and mercury vapor light sources;
- B. Cobra-head-type fixtures having dished or drop lenses or refractors which house other than incandescent sources; and
- C. Searchlights and other high-intensity narrow-beam fixtures.

§3.11.3. Design Requirements

Outdoor lighting shall primarily be used to provide safety while secondarily accenting key architectural elements and to emphasize landscape features. Light fixtures shall be designed as an integral design element that complements the design of the project. This may be accomplished through style, material or color. All lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements:

A. Fixture (Luminarie)

The light source shall be concealed and shall not be visible from any road right-of-way or adjacent properties. In order to direct light downward and minimize the amount of light spillage into the night sky and onto adjacent properties, all lighting fixtures shall be full cutoff fixtures.

B. Fixture Height

Lighting fixtures shall be a maximum of 30 feet in height within parking areas and shall be a

maximum of

15 feet in height within non-vehicular pedestrian areas. All light fixtures located within 50 feet of any

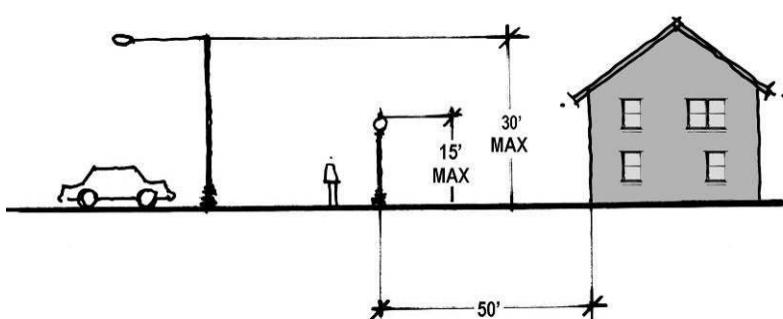


Figure 74. Fixture Height (Light)

residential use or residential property boundary shall not exceed 15 feet in height.

C. Light Source (Lamp)

Only incandescent, fluorescent, metal halide, or color corrected high-pressure sodium may be used. The same light source type shall be used for the same or similar types of lighting on any one site throughout any development.

D. Mounting

Fixtures shall be mounted in such a manner that the cone of light is contained on-site and does not cross any property line of the site. (See also subsection A, above)

E. Limit Lighting to Periods of Activity

The use of sensor technologies, timers or other means to activate lighting during times when it will be needed may be required by the Director to conserve energy, provide safety and promote compatibility between different land uses.

§3.11.4. Specific Lighting Standards

A. Security Lighting

1. Building-mounted security light fixtures such as wall packs shall not project above the fascia or roof line of the building and shall be shielded.
2. Security fixtures shall not face a residential property.
3. Security fixtures shall not be substituted for parking area or walkway lighting and shall be restricted to loading, storage, service and similar locations.

B. Accent Lighting

Only lighting used to accent architectural features, landscaping or art may be directed upward, provided that the fixture shall be located, aimed or shielded to minimize light spill into the night sky.

C. Canopy Area Lighting

All development that incorporates a canopy area over fuel sales, automated teller machines or similar installations shall use a recessed lens cover flush with the bottom surface of the canopy that provides a cutoff or shielded light distribution.

D. Entrances and Exits in Nonresidential and Multi-family Development

All entrances and exits to buildings used for nonresidential purposes and open to the general public, along with all entrances and exits in multi-family residential buildings containing more than four units, shall be adequately lighted to ensure the safety of persons and the security of the building.

E. Commercial Parking Area Lighting

All commercial parking areas shall be required to provide lighting during nighttime hours of operation.

§3.11.5. Excessive Illumination

- A. Lighting within any lot that unnecessarily illuminates and substantially interferes with the use or enjoyment of any other property shall be prohibited. Lighting unnecessarily illuminates another lot if it exceeds the requirements of this section.
- B. Lighting shall not be oriented so as to direct glare or excessive illumination onto roads in a manner that may distract or interfere with the vision of drivers.

§3.12. Operational Performance Standards

§3.12.1. Purpose

The operational performance standards of this section are intended to protect the health, safety and welfare of the citizens of the County by regulating potential nuisance features associated with certain land uses.

§3.12.2. Applicability

The operational performance standards of this section shall apply to all uses, buildings and structures within the jurisdiction of the County and shall be a continuing obligation of such uses, buildings and structures, unless otherwise specifically indicated.

§3.12.3. Exemptions

The following are exempt from the operational performance standards of this section:

- A. Temporary construction, excavation and grading associated with development for which applicable permits have been issued and with the installation of roads or utilities; and
- B. Demolition activities that are necessary and incidental to permitted development on the same lot, on several lots being developed at the same time or in public rights-of-way or easement.

§3.12.4. Standards

Under this section, the following standards shall apply:

A. Noise

Sites shall be laid out and uses shall be operated to prevent noise from becoming a nuisance to adjacent single-family detached and two-family houses and residential districts.

B. Vibration

All uses shall be operated so that ground vibration is not perceptible outside the lot lines of the site on which the use is located.

C. Fire and Explosive Hazards

Underground storage tanks for flammable liquids and gasses shall be located at least 50 feet from the lot line of lots with residential zoning or that contain a single-family or duplex use. Aboveground tanks shall be set back from such lot lines in accordance with Fire Code requirements. The storage tank setback requirements of this section shall not apply to tanks that are necessary to single-family detached or two-family houses.

D. Electromagnetic Interference

No operations or activities shall be conducted that cause electrical disturbances to be transmitted across lot lines.

§3.12.5. Compliance

Any use existing at the effective date of this UDO that does not comply with one or more of the operational performance standards of this section shall not be deemed a nonconforming use, solely for reason of noncompliance with this section.

ARTICLE 4. SPECIFIC USE STANDARDS

§4.1. Complexes

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

§4.1.1. Defined

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

§4.1.2. General

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

§4.1.3. Uses

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

§4.1.4. Intensity

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

§4.1.5. Setbacks

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

§4.1.6. Height

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

Building Separation

§4.1.7. Building Separation

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

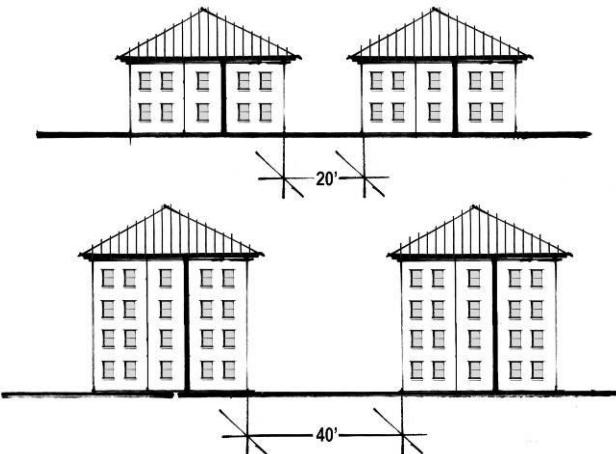


Figure 75. Building Separation

§4.2. Residential Use Standards

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

§4.2.1. Alley-loaded House

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

§4.2.2. Zero Lot Line House

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

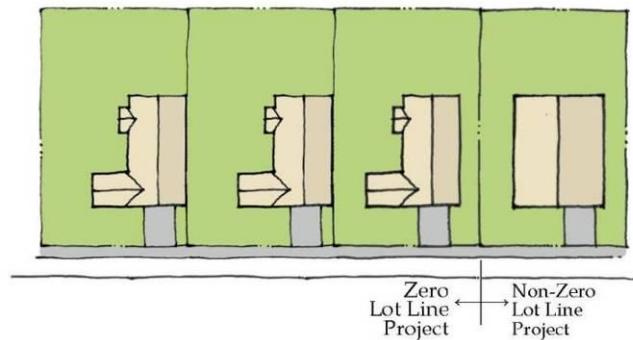


Figure 76. Zero Lot Line House

§4.2.3. Two-family House

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

§4.2.4. Townhouse

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

§4.2.5. Multi-family

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

§4.2.6. Upper-Story Residential

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

§4.2.7. Boarding House

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

§4.2.8. Manufactured Home, Class A

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

- A. Lot dimensional standards (minimum yards, lot width, height, etc.) Shall be the same as for single-family detached in the applicable district. (See §2.4)
- B. The home shall have a length not exceeding three times its width;
- C. The pitch of the home's roof has a minimum vertical rise of 4 feet for each 12 feet of horizontal run (4/12 pitch), and has a minimum overhang of 12 inches. The roof

Manufactured Home, Class B

shall be finished with a type of shingle that is commonly used in standard residential construction or a type of metal roof system that is commonly used in standard residential construction.

- D. The home shall be placed on the lot in harmony with the existing structures. Where no neighboring structures are available for comparison, it shall be sited with the front running parallel to the road providing access to the site.
- E. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.
- F. The home shall be set up in compliance with the standards set by the North Carolina Department of Insurance and shall have brick or rock underpinning, unpierced except for required ventilation and access.
- G. The home shall have a deck or porch not less than 36 square feet in area on all front and rear entrances.
- H. On any lot of record approved prior to April 22, 2002, the home shall:
 - 1. Be underpinned with brick or rock;
 - 2. Have vinyl siding;
 - 3. Have a shingle roof;
 - 4. Face the road; and
 - 5. Be real property (demonstrated by title and recorded deed).

§4.2.9. Manufactured Home, Class B

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

- A. Lot dimensional standards (minimum yards, lot width, height, etc.) Shall be the same as for single-family detached in the applicable district. (See §2.4)
- B. The home shall have a length not exceeding three times its width;
- C. The pitch of the home's roof has a minimum vertical rise of 2½ feet for each 12 feet of horizontal run. The roof shall be finished with a type of shingle that is commonly used in standard residential construction or a type of metal roof system that is commonly used in standard residential construction.
- D. The exterior siding shall consist predominately of vinyl or aluminum lap siding, wood or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.
- E. The home shall be placed on the lot in harmony with the existing structures. Where no neighboring structures are available for comparison, it shall be sited with the front running parallel to the road providing access to the site.
- F. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.
- G. The home shall be set up in compliance with the standards set by the North Carolina Department of Insurance and shall have brick, concrete block or other masonry underpinning, unpierced except for required ventilation and access. If the

home is placed on a parcel with multiple spaces for manufactured homes, skirting may be used instead of underpinning.

H. The home shall have a deck or porch not less than 36 square feet in area on all front and rear entrances. If the home is placed in an approved manufactured home park, it shall have a pad or deck at least 80 square feet in area at the front entrance (see §4.2.14.L).

§4.2.10. Manufactured Home, Class C

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

A. Lot dimensional standards (minimum yards, lot width, height, etc.) Shall be the same as for single-family detached in the applicable district. (See §2.4)

B. The roof shall be finished with a type of shingle that is commonly used in standard residential construction or a type of metal roof system that is commonly used in standard residential construction.

C. The exterior siding shall consist predominately of vinyl or aluminum lap siding, wood or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.

D. The home shall be placed on the lot in harmony with the existing structures. Where no neighboring structures are available for comparison, it shall be sited with the front running parallel to the road providing access to the site.

E. The tongue, axles, transporting lights and removable towing apparatus shall be removed after placement on the lot and before occupancy. If the tongue cannot be readily removed, it shall be screened from public view.

F. The home shall be set up in compliance with the standards set by the North Carolina Department of Insurance. Masonry underpinning or a continuous skirting of a material generally accepted in the manufactured home industry shall be installed under the perimeter, unpierced except for required ventilation and access.

G. The home shall have a deck or porch not less than 36 square feet in area on all front and rear entrances. If the home is placed in an approved manufactured home park, it shall have a pad or deck at least 80 square feet in area at the front entrance (see §4.2.14.L).

§4.2.11. Manufactured Home, Class D

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

A. Lot dimensional standards (minimum yards, lot width, height, etc.) Shall be the same as for single-family detached in the applicable district. (See §2.4)

B. The home shall be placed on the lot in harmony with the existing structures. Where no neighboring structures are available for comparison, it shall be sited with the front running parallel to the road providing access to the site.

C. The tongue, axles, transporting lights and removable towing apparatus shall be removed after placement on the lot and before occupancy. If the tongue cannot be readily removed, it shall be screened from public view.

Manufactured Home, Class E

- D.** The home shall be set up in compliance with the standards set by the North Carolina Department of Insurance. Masonry underpinning or a continuous skirting of a material generally accepted in the manufactured home industry shall be installed under the perimeter, unpierced except for required ventilation and access.
- E.** The home shall have a deck or porch not less than 36 square feet in area on all front and rear entrances. If the home is placed in an approved manufactured home park, it shall have a pad or deck at least 80 square feet in area at the front entrance (see §4.2.14.L).

§4.2.12. Manufactured Home, Class E

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

§4.2.13. Manufactured Home, Class F

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

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

- 1.** Manufactured home parks with 50 or more units may only be approved pursuant to the planned development review procedures of §9.5.
- 2.** Manufactured homes located within manufactured home parks shall be limited to Class A, Class B, and Class C manufactured homes, in accordance with the requirements of §4.2.8, §4.2.9, or §4.2.10 above. Class D manufactured homes shall not be allowed in manufactured home parks.
- 3.** All manufactured home parks shall be a minimum of five acres in size.
- 4.** All manufactured homes within the park shall be located in designated manufactured home spaces.
- 5.** Up to two manufactured home park identification signs may be utilized, but the sum of the areas of one side of these signs shall not exceed 40 square feet. Only external, non-flashing lighting shall be used for illumination. The top portion of any sign shall not exceed 12 feet in height.
- 6.** No manufactured home may be located within the 100-year floodplain area, as shown on the latest National Flood Insurance Program map for the County. Sufficient documentation must be presented to the Director by the applicant in order to make such determination.

7. Within a manufactured home park, one manufactured home may be used as an administrative office.

B. Maximum Density

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

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

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

C. Manufactured Home Placement

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

D. Off-Road Parking Requirements

Two off-road parking spaces with not less than four inches of stone on a well compacted sub-base shall be provided and maintained for each manufactured home space. Required parking spaces may be included within the minimum required lot area for each manufactured home space and may be located in the required front yard for each space. Alternatively, community off-road parking areas may be provided within the manufactured home park.

E. Roads and Road Access

1. No manufactured home space within a manufactured home park shall directly access a public road. Access to all manufactured homes and accessory structures within the manufactured home park shall be made using internal roads.
2. It will be the responsibility of the developer to have a practicing engineer licensed in the state of North Carolina to certify that these minimum road standards have been met.
3. Manufactured home parks containing 20 or more manufactured home spaces shall pave all internal roads to a minimum width of 18 feet for two-way roads. Two-way roads shall be used throughout the manufactured home park except in instances where one-way roads would serve as a better means to channel vehicular traffic in the manufactured home park. All roads within the manufactured home park shall be privately owned and maintained. Paved roads shall be constructed to the following minimum standards:

Manufactured Home Parks

- (a) A base course of at least 4 inches of compacted crushed stone must be applied for the entire required paved width of internal roads.
- (b) A surface course of at least 1.5 inches of plant mixed asphalt or Class "A" bituminous surface must be applied for the entire required paved width of internal roads in conformance with NCDOT specifications.

4. Manufactured home parks containing less than 20 manufactured home spaces may not be required to have paved internal roads. Such roads may be well-maintained and contain a graveled surface to a width of at least 18 feet.
5. All parking within the manufactured home park shall take place within designated parking areas only. All internal roads within the manufactured home park shall be equipped with adequate and suitable drainage facilities.
6. Maintenance of all internal roads and drainage facilities shall be the responsibility of the owner of the manufactured home park. Such roads shall be maintained in a manner to be free from pot holes, breaks in the pavement, rough surfaces, ponding of water during rainy periods, excessive washing of drainage ditches, and other associated problems which would impede or cause hazards to motor vehicles.
7. Speed reduction bumps on paved internal roads are permissible, but they shall be painted and appropriate signs indicating the bump must be placed along the road.

F. Ingress and Egress

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

G. Road Names and Signs

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

3. The cost for the purchase and installation of all road name and identification signs within the manufactured home park shall be borne entirely by the developer.

H. Manufactured Home Space Numbering

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

I. Skirting and Underpinning

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

J. Project Boundary Buffer

A Class C buffer shall be provided (see §3.4, Landscaping, Screening and Buffering) along all project boundaries of a manufactured home park. No manufactured home shall be located within 30 feet of a project boundary or within 60 feet of the centerline of a public right-of-way, whichever is greater.

K. Yard Requirements

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

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

L. Steps, Pads and Decks

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

M. Telephone and Power Lines

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

N. Mailboxes

Spaces within the manufactured home park shall be provided for cluster mailboxes. Subject to their approval by the United States Postal Service cluster mailboxes shall be used. They shall be located at convenient places within the park deemed suitable by the United States Postal Service. Individually owned and located mailboxes shall not be allowed. All cluster mailboxes shall be located within the

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manufactured home park and shall not front directly on any public road. At least one mailbox per manufactured home space shall be provided and the residents of the manufactured home occupying that space shall be provided with a key to open and close the corresponding mailbox.

O. Utility and Storage Lots

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

P. Grounds Maintenance

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

Q. Common Recreation Areas and Facilities

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

R. Sewage Facilities

1. Adequate and safe sewage disposal facilities shall be provided in all manufactured home parks. Collection systems and sewage treatment plants complying with the requirements of the North Carolina Department of Environment and Natural Resources (NCDENR) and the County Health Department shall be provided.
2. Individual septic tank systems are permissible in accordance with the requirement of the County Health Department's Sewage Disposal Regulations. There shall be no more than one manufactured home connected to an individual septic tank.
3. Public sewage disposal systems (i.e., package plants), as permitted by the State of North Carolina, shall be an acceptable method of disposal of residential sewage for manufactured home parks within the jurisdiction of this UDO when connection to a publicly owned and maintained sewer system is not possible. When connection to such a public sewer system is possible, at the time of development all manufactured homes within the manufactured home park shall be connected to said system. The following information must be submitted when a sewage package plant is proposed:

(a) The developer shall indicate on the plans that a sewage package plant is being proposed for the manufactured home park, and show on the preliminary plan the following:

- (1)** Size and location of the package treatment plant;
- (2)** All proposed sewer lines, including location and line size of gravity lines, location and line size of force main, and location and size of pump stations;
- (3)** Location of discharge point into surface water stream; and
- (4)** All associated easements and rights-of-way.

(b) The developer shall provide a copy of the State Permit Application to the County at the time of application.

(c) The developer shall submit the following information at the time of application for a permit:

- (1)** Name of owner and licensed operator of the plant and name of the licensed firm which will operate the package plant, if different from the owner.
- (2)** Amount of liability insurance required for operation of the system.
- (3)** Name of owner and responsible party for the package plant.
- (4)** Other pertinent information.

(d) The developer shall submit the following, upon completion:

- (1)** A set of as built plans and drawings, certified by the project engineer for the package treatment plant and all sewer lines, pump stations and other devices used in the sewer system.
- (2)** Operation and maintenance agreements for package treatment plant and sewer lines and other devices which are a part of the sewer system
- (3)** Copy of the executed and notarized agreement(s) for the ownership and maintenance of the package plant and sewer lines.
- (4)** Copy of insurance liability riders, required by the State, pertaining to the operation of the package plant.
- (5)** Copy of the approved State Permit, along with any and all conditions set forth in the operating permit.
- (6)** Copies of other agreements and information for plans pertaining to the maintenance and operation of the sewer system.

(e) The package plant shall be operated and maintained in accordance with the approved permit from the State of North Carolina. In addition to the operational requirements of the State permit, the owner or operator of the package plant shall maintain a daily inspection log of visits to the package plant and shall include the following:

- (1)** Date and time of inspection;
- (2)** Signature of operator making inspection; and

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(3) Notation of any problem and corrective action taken.

A copy of this log shall be submitted monthly to the County Health Department by the 10th day of the following month. Failure to submit the log report will be considered a violation of this subsection.

(f) Manufactured home park sewer systems using package plants as the main treatment facility should be designed to accommodate the eventual connection to a public sewer system at the time that main outfall lines are placed in areas serving the manufactured home park.

S. Water Facilities

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

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

T. Electricity

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

U. Lighting

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

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

V. Dumpsters and Trash Removal

1. Any garbage dumpster available for use by two or more dwelling units within the park shall comply with the requirements of 0.
2. Trash removal shall be accommodated by one of the following methods in manufactured home parks which contain 20 or more manufactured home spaces:
 - (a) The owner of the manufactured home park shall contract with a private trash hauler for removal of trash from within the park.
 - (b) The owner of the manufactured home park shall provide centralized trash dumpsters at convenient locations within the manufactured home park.

(c) The owner of the manufactured home park shall provide each manufactured home space with one or more covered trash containers having a minimum capacity of twenty-four gallons either individually or in combination.

3. If alternatives 2(a) or 2(b), above, are chosen, it shall be the responsibility of the manufactured home park owner to insure that trash from said containers or dumpsters is picked-up at least once per week. Similarly, if trash removal is contracted with a private firm, such trash shall also be picked up at least once per week. All trash picked up from the manufactured home park shall be disposed of in accordance with all County and State regulations.

§4.3. Civic Use Standards

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

§4.3.1. Cemetery

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

§4.3.2. Child Care Center

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

§4.3.3. Family Care Home

- A. A maximum of six handicapped persons may occupy a family care home.
- B. No family care home may be located within one-half mile radius of another family care home.

Place of Worship**§4.3.4. Place of Worship**

- A. Minimum Lot Area: 32,500 square feet
- B. Minimum Road Yard: 50 feet
- C. Minimum Side Yard (road): 30 feet
- D. Minimum Rear Yard: 30 feet
- E. Minimum Side Yard: 25 feet
- F. Places of worship shall be limited to sanctuaries, parish houses, Sunday school buildings and similar buildings.
- G. Signs shall be limited to one identification sign and one bulletin board. The identification sign shall have a maximum area of 32 square feet. The bulletin board shall have a maximum area of 15 square feet. Both signs may be lighted but not luminous.
- H. Standards for a school, cemetery and other accessory uses for a place of worship are set forth in §4.6.5.J.

§4.3.5. Public Facility

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

§4.3.6. School (Elementary or Secondary)

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

§4.3.7. Solar Farm

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

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

§4.3.8**Wireless Telecommunication Facility**

- A.** The proposed tower, antenna or accessory structure and equipment will be placed in a location and in a manner which will minimize the visual impact on the surrounding area. Accessory structures and equipment must meet all applicable standards of this UDO.
- B.** Approval for a proposed tower within a radius of 10,500 feet from an existing tower or other suitable structure shall not be issued unless the applicant certifies that the existing tower or structure does not meet applicant's structural specifications or technical design requirements, or that a co-location agreement could not be obtained at a reasonable market rate and in a timely manner.
- C.** Minimum tower setbacks shall be as follows:
 - 1.** From all lot lines and public right-of-ways, a distance equal to the tower's fall zone, as certified by a licensed professional engineer in the State of North Carolina, plus 20 feet; and

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

§4.4. Commercial Use Standards

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

§4.4.1. Adult Establishments

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

§4.4.2. Bar or Nightclub

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

§4.4.3. Bed & Breakfast

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

- A.** One or more bedrooms may be rented on a daily basis to tourists, vacationers and similar transients;
- B.** Where the provision of meals is provided, such provision is limited to the breakfast meal, available only to guests and employees;
- C.** Individual rooms shall not be equipped with cooking facilities;
- D.** There shall be no substantial modifications to the exterior appearance of the structure; however, fire escapes, handicapped entrances and other features may be added to protect public safety;
- E.** Such operations shall be conducted primarily by persons who reside in the dwelling unit, with the assistance of not more than the equivalent of two full-time employees; and
- F.** An owner of the use shall reside on site.

§4.4.4. Club, Private

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

§4.4.5. Contractor's Office

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

§4.4.6. Electronic Gaming Operation

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

§4.4.7. Farm Stand

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

§4.4.8. Flea Market

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

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

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

B. Fuel Canopies

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

C. Single-Bay Automatic Car Wash

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

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

§4.4.10. Hotel, Motel

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

Kennel

D. No outdoor recreation facilities, such as swimming pools, shall be located along the side of the property adjacent to a residential district or use.

§4.4.11. Kennel

In residential districts, the following standards shall apply:

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

§4.4.12 Microbrewery

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

§4.4.13 Microbrewery Combined With Restaurant

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

§4.4.14 Racetrack

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

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

Industrial	75	75
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§4.4.15 Recreational Club, Private

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

§4.4.16 Restaurants

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

§4.4.17 Retail, Neighborhood or General

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

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

§4.4.18 Reserved for Future Codification

§4.4.19 Self-Storage Facility

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

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

- B. A Class C buffer (see §3.4) shall be established along any side of the property where the self-storage facility abuts or is across the road from a residential use or a residential district.
- C. End walls shall have a brick or masonry façade.
- D. Where the end wall of the self-storage facility is visible from a public road, the wall shall be buffered by a hedge that has a mature height of at least four feet.
- E. The following activities shall be prohibited on the premises:
 - 1. Commercial, wholesale or retail sales, flea markets or peddling, or miscellaneous or garage sales. However, once a month, the management of the self-storage facility may conduct a one-day auction or sale of abandoned or stored materials to settle unpaid storage bills in accordance with State of North Carolina regulations.
 - 2. Servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances or other similar equipment.
 - 3. Operation of a transfer-and-storage business.

4. Operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns or other similar equipment except when needed for maintenance of the use.
5. Any activity that is noxious or offensive because of odors, dust, noise, fumes or vibrations.
6. Storage of hazardous chemicals, flammable liquids or combustible and explosive materials.
7. Habitation of storage units by humans or animals.

§4.4.20 Service, Neighborhood or General

- A. Maximum floor area:
 1. Individual principal structure: 25,000 square feet.
 2. Multi-tenant structure: 50,000 square feet.
- B. All activity shall be conducted entirely within a fully-enclosed building, however outdoor storage and display may be allowed subject to Board of Commissioners approval (see §3.10, Outdoor Storage and Display).
- C. For shopping centers see §4.1 for additional requirements.

§4.4.21 Shooting Range, Indoor

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

§4.4.22 Vehicle Repair

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

§4.4.23 Vehicle Sales

- A. A Class C buffer (see §3.4) shall be established along any side of the property adjacent to a residential use.
- B. Operable vehicles may be parked on-site during business hours. All vehicle parking shall be accomplished on the site, and in no case shall a parked vehicle encroach within ten feet of the right-of-way.

- C. The outdoor overnight storage of vehicles under repair may be allowed subject to Board of Commissioners approval (see §3.10, Outdoor Storage and Display).
- D. Vehicle sales displayed for rental or sale visible from the public road shall provide a parking buffer as set forth in §3.4.6.B.2.

§4.4.24 Vehicle Service

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

§4.4.25 Veterinarian, Animal Hospital

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

§4.5. Industrial Use Standards

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

§4.5.1. Waste Service, Mining and Extractive Uses

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

A. Minimum Site Area

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

B. Entrances

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

C. Hours of Operation

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

D. Separation from Residential

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

E. Paving

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

F. Slopes

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

G. Buffers and Fences

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

H. Storm Water Management

A storm water management plan shall be required.

I. Site Restoration

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

1. Restoration Plan

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

2. Bonds

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

(a) Water Quality

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

(b) Appearance

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

(c) Topsoil and Fills

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

(d) State and Federal Standards

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

§4.6. Accessory Structures and Uses

§4.6.1. Zoning Permit Required

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

§4.6.2. General

A. Minimum Requirements

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

1. Accessory structures and uses shall be accessory and clearly incidental and subordinate to a permitted principal use. An accessory use shall only be allowed when a principal use exists.
2. Accessory structures and uses shall be located within the same district, on the same lot, and in the same ownership as the principal use or structure unless otherwise specified.
3. Accessory structures and uses shall not be of a nature likely to attract visitors in larger numbers than would normally be expected, where applicable.
4. An accessory use shall contribute to the comfort, convenience or necessity of occupants of the primary use served.
5. In no event shall "accessory use or structure" be construed to authorize a use or structure not otherwise permitted in the district in which the principal use is located.
6. "Accessory use" or "accessory structure" shall include all distribution lines located on the property which deliver electric, telephone, CATV, and other utility service to the end user from a transmission line providing service to an area larger than the project area or individual parcel.
7. A pier which is located on a lot which does not contain any other structures shall not be deemed to be an accessory structure.
8. Tractor trailers and storage pods are prohibited for storage buildings or structures except as permitted on an active construction site.

B. Fencing and Walls in Residential Districts

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

C. Setbacks

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

1. General

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

2. Residential Districts

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

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

3. Nonresidential Districts

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

D. Height

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

E. Area or Size

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

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

§4.6.3. Residential Accessory Uses

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

- A. Agricultural labor housing facilities, shall be subject to the standards of §4.6.5.A.

Nonresidential Accessory Use Standards

- B. Amateur radio and receive-only antennas, shall be subject to the standards of §4.6.5.B.
- C. Child care centers, shall be subject to the standards of §4.6.5.C.
- D. Home occupations, customary, shall be subject to the standards of §4.6.5.E.
- E. Home occupations, rural, shall be subject to the standards of §4.6.5.F.
- F. Home offices of convenience, shall be subject to the standards of §4.6.5.G.
- G. Lake Norman accessory uses, shall be subject to the standards of §4.8.
- H. Maintenance and repair of vehicles, shall be subject to the standards of §4.6.5.H.
- I. Parking of commercial and recreational vehicles, shall be subject to the standards of §4.6.5.I.
- J. Private residential quarters, shall be subject to the standards of §4.6.5.K.
- K. Private residential storage buildings, shall be subject to the standards of §4.6.5.L.
- L. Place of worship accessory uses, shall be subject to the standards of §4.6.5.J.
- M. Other necessary and customary uses determined by the Director to be appropriate, incidental and subordinate to the principal use on the lot.

§4.6.4.**Nonresidential Accessory Use Standards**

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

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

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

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

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

8. The dwellings shall be arranged in a cluster fashion on premises.
9. No subsequent expansion of a farm worker living facility as shown on the approved site plan for the special use shall be allowed unless another special use permit for that expansion is approved. However, subsequent decrease of the approved uses is permitted without such approval.
10. The applicant shall provide information as to the need for agricultural labor housing and the kind of agricultural operation existing on the premises at the time of application for the farm worker living facility.
11. Time limits for such use may be established as conditions of approval.
12. If the agricultural operation ceases or subsides, the structure must be removed or come into compliance within 180 days.
13. Maximum density of such dwellings shall be as follows:

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

B. Amateur Radio and Receive-only Antennas

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

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

Residential Accessory Use Standards

(b) The tower installation shall include a Class B Buffer (see §3.4) to screen it from any adjoining property in a residential district that is located within 20 feet of the proposed tower site; and

5. The tower may be limited to a height of less than 70 feet if the Board of Commissioners finds that it will otherwise protrude above the tree canopy or otherwise create an unnecessary and unacceptable visual impact.

C. Child Care Center

Child care centers may be allowed as an accessory use to nonresidential uses provided that at least 66 percent of the clients enrolled are dependents of employees of the establishment or group development sponsoring such facility.

D. Drive-through Facilities

Drive-through facilities shall be subject to the following requirements:

1. A drive-thru shall only be permitted in conjunction with a permitted nonresidential use.
2. Drive-thru windows and lanes shall be screened in accordance with §3.4.8.

E. Home Occupation, Customary

A customary home occupation shall be permitted in the R-R, R-T, R-S, R-SF and R-CR districts only and as an accessory use to a principal dwelling subject to the following conditions:

1. The customary home occupation shall clearly be incidental and subordinate to the residential use of the dwelling and shall not change the residential character of the dwelling.
2. No accessory buildings or outside storage shall be used in connection with the customary home occupation.
3. Use of the dwelling for customary home occupations shall be limited to a maximum of 25 percent of the gross floor area of the principal building.
4. A maximum of one sign, a nonilluminated wall sign or a free-standing sign, up to four square feet per face shall be allowed per home occupation.
5. A maximum of two non-residents only may be engaged in the home occupation.
6. No display of products shall be visible from any adjoining lot or road and only articles made on the premises may be sold; except that non-durable articles incidental to a service conducted as the customary home occupation may be sold on the premises.
7. No external alterations inconsistent with the residential use of the building shall be permitted.
8. No machinery that causes noises or other interferences in radio and television reception shall be permitted.
9. Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of the customary home occupation.

10. Chemical, mechanical or electrical equipment that creates odors, light emission, noises or interference in radio or television reception detectable outside the dwelling shall be prohibited.

11. Customary home occupations may operate between the hours of 6AM and 10PM only.

F. Home Occupation, Rural

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

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

G. Home Office of Convenience

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

Residential Accessory Use Standards

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

H. Maintenance and Repair of Vehicles

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

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

Except as provided in §4.7.3.I, a recreational vehicle shall not be deemed a dwelling unit and the usage of a recreational vehicle for living, sleeping or housekeeping purposes and the connection of such vehicle to utility services (other than for periodic maintenance and/or repair purposes) shall be limited to a maximum duration on any lot to 14 days unless the vehicle is located in a campground so designed to accommodate recreational vehicles.

2. Commercial Vehicles

On any lot of less than one acre in size that is located in a subdivision recorded in the Lincoln County Register of Deeds Office, commercial vehicles that may be parked on an overnight basis shall be limited to school buses, vans and pick-up trucks. This requirement shall not be interpreted to

prohibit vehicles from loading and unloading household goods in any residential district for a period of up to 24 hours nor shall this restrict the overnight parking of freight truck tractors without trailers on any such lot.

The parking of freight truck tractors with trailers attached (aka: tractor-trailers) are allowed on any residentially zoned lot that is greater than 1 acre in size; or a residentially zoned lot that is located outside of a recorded subdivision, so long as the following conditions are met:

- (a) Each resident who holds a Commercial Driver's License (CDL) may park one tractor-trailer on the lot; however, in no instance may more than two tractor-trailers be parked on any such lot.
- (b) Only those that reside on the property and are properly licensed (CDL) may park tractor-trailers on the lot.
- (c) Loading and unloading of tractor-trailers on a residential parcel is not permitted.
- (d) This provision shall not be construed to permit a freight trucking operation in residential zoning districts.

J. Place of Worship Accessory Uses

1. General

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

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

2. Accessory Uses Permitted by Right

The following accessory uses are permitted by right:

- (a) Offices for the place of worship;
- (b) Meeting rooms for intermittent community meetings or instruction;
- (c) Fellowship hall;
- (d) Kitchen facilities, including "Meals on Wheels" or other similar programs using the kitchen in the place of worship but delivering food elsewhere;
- (e) Senior center, neighborhood arts center or other community center;
- (f) Temporary child care during religious services or events;

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- (g) Outdoor play area;
- (h) School with enrollment of less than 180 students;
- (i) Unlighted athletic field or similar facility;
- (j) Gymnasium or similar indoor recreational facility;
- (k) Cemetery and/or Columbarium;
- (l) Residence for clergy employed by the place of worship; and
- (m) Child care center.

3. Accessory Uses Permitted by Major Site Plan Review

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

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

K. Private Residential Quarters

Private residential quarters may be permitted as an accessory use to a detached single-family dwelling, subject to the following requirements:

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

L. Private Residential Storage Building

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

and similar detached shipping containers are prohibited for use as private residential storage buildings.

§4.7. Temporary Uses

§4.7.1. General Requirements

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

§4.7.2. Temporary Uses Exempt from Permit

The following permitted temporary uses are exempt from these requirements.

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

§4.7.3. Temporary Use Permit Required

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

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

A. Care Provider Housing Units, Temporary

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

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

Temporary Use Permit Required

- (a)** The care provider housing unit is needed to take care of a sick, elderly or disabled person who lives on the same lot or adjacent lot and who is in need of personal or medical attention.
- (b)** The location, placement, and type of accessory dwelling unit are so located so as to minimize any negative effects on adjacent properties.

6. The temporary use permit may be issued for a period of up to one year. Within three months prior to the temporary use permits expiration date, the applicant can submit an application to have the permit extended. The permit may be extended one or more consecutive times, each for a period of up to one year upon determining that there has not been a substantive change in pertinent conditions or facts. The applicant can continue to apply for extensions so long as the conditions warrant the need for the accessory unit.

7. Upon termination of the permit or the elimination of the conditions giving rise to the permit, the accessory unit shall be immediately removed within sixty days from the property.

B. Commercial Circuses, Carnivals or Fairs, Temporary

Commercial circuses, carnivals or fairs, for not more than two consecutive weeks in any calendar year.

C. Religious or Revival Activities, Temporary

Temporary religious or revival activities in tents in association with a place of worship, for not more than two consecutive weeks in any calendar year.

D. Non-Profit Special Events, Temporary

Special events run by non-profit organizations occurring no longer than seven consecutive days once every three months.

E. Tent Sales, Temporary

Tent sales by merchants occupying the premises on which the sale is conducted and having a valid certificate of occupancy, and occurring no longer than seven consecutive days once every six months.

F. Grand Opening Sales, Temporary

Grand opening sales, including outside food and beverage vending, for three consecutive days, once per certificate of occupancy.

G. Model Home/Residential Sales Centers, Temporary

- 1.** Temporary model homes/residential sales centers may be located within a residential district as part of an on-going residential development.
- 2.** Employees shall be limited to the minimum number needed to show and sell the dwelling units within the same development.
- 3.** The hours of operation shall be limited to between the hours of 8:00 A.M. And 9:00 P.M.
- 4.** Model homes shall only be occupied for residential habitation after all business activities have ceased and upon sale of the home and shall comply with the applicable residential parking standards at that time.

5. The temporary use of a dwelling unit as a model home/real estate sales center shall expire when the number of dwelling units remaining to be sold is less than ten percent of the total number of dwelling units approved for the development or 5, whichever is less.
6. Comply with all other applicable standards for single-family detached uses.

H. Outdoor Vehicle Show or Sale, Temporary

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

I. Recreational Vehicle / Camper Use, Temporary

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

1. The parcel has an active building permit for residential new construction of a principal structure, or the existing principal residential structure, has an active building permit for renovation, or repair (if destroyed by a fire, tornado or other disaster) and a temporary permit is necessary to allow the owner to live at the property during the completion of work associated with the applicable building permit(s)...
2. In cases of repair or renovation, an inspection shall be conducted by the County to determine that the principal structure is uninhabitable or in a condition, that necessitates or qualifies for the issuance of a temporary use permit. Qualification is at the discretion of the Chief Building Official.
3. The fee for a temporary use permit and electrical permit shall be waived in the case of repair due to fire, tornado, or other disaster.
4. The temporary use permit shall only be valid for the time-period as prescribed in the table below in accordance with the applicable type of work being completed on the principal structure. . The temporary use permit may be extended on a one-time basis as listed in the table if deemed necessary by the Director or their designee. Each work type listed in the table below has a progression milestone at **60 days** whereby a passing inspection on the active building permit (BP) must be obtained in order for the temporary use permit (TUP) to remain valid.

Principal Structure Work Type	TUP Time-Period (Initial / Ext.)	BP Milestone
Renovation	6 Months / 3 Months	First Inspection
Repair (Fire, Tornado, Natural Disaster)	9 Months / 3 Months	First Inspection
New Construction	18 Months / 6 Months	Foundation / Slab

Unless otherwise invalidated or revoked prior, the temporary use permit shall expire upon the issuance of the certificate of occupancy or final inspection for the active building permit for the principal structure. Applicants or holders of temporary use permits that are revoked due to inactivity for failing to meet the required time-period(s) listed in the table above are subject to a waiting period of 6 months before application for any future temporary use permit can be approved.

Temporary Use Permit Required

The Director or their designee reserves the right to evaluate the time-period(s) listed in the above table based on the active building permit and make determinations with guidance from the Chief Building Official in the case of extenuating circumstances that may necessitate further extension beyond what is prescribed herein.

5. The recreational vehicle may only be placed in the side or rear yard (in relation to the principal residential structure) or in the front yard a minimum of 100 feet from the edge of the road right-of-way line, and no closer than ten feet to any side or rear lot line. The Director shall have the authority to reduce the 100-foot front setback requirement by up to 50 percent if he determines that special circumstances make it unfeasible to place the recreational vehicle in the side or rear yard.
6. Electrical connections shall be inspected and approved by the county. The property owner shall properly dispose of sewage and obtain any required permit and approval.

J. Outdoor Display of Merchandise, Temporary

Outdoor display of merchandise in nonresidential districts by merchants occupying the premises and having a valid certificate of occupancy, occurring no longer than nine consecutive days up to four times per year, is allowed subject to issuance of a temporary use permit and all of the following conditions. The temporary outdoor display of merchandise should not be confused with the permanent outdoor display of merchandise approved as part of major site plan (see §3.10).

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

10. The requirements of this section do not supersede the permanent outdoor storage or display requirements of §3.10, Outdoor Storage and Display.

K. Seasonal Sales of Merchandise, Independent

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

- 1.** Such sales require a temporary use permit;
- 2.** The application must include the signature of the owner of the property or the owner's agent or must have attached to it a copy of a lease or letter of agreement authorizing the proposed temporary use;
- 3.** The application must include a sketch showing what portion of the premises will be used for the temporary sale. Such area shall not impede driveways or other routes of ingress or egress. If the temporary use includes a tent or other temporary shelter, it shall be located so that it does not encroach on required setbacks applicable to the zoning district and does not impair the sight triangle required by §3.5.12;
- 4.** Temporary use permits for seasonal sales shall not be issued to the same applicant for any period longer than four weeks or for a total of more than six weeks in a calendar year;
- 5.** Temporary use permits for seasonal sales shall not be issued for the same premises for any period longer than four weeks or for a total of more than six weeks in a calendar year;
- 6.** The combination of tent sales (§4.7.3.E), temporary outdoor display of merchandise (§4.7.3.I) and sales under this section shall not occur on the same premises for a total of more than six weeks in a calendar year.

L. Construction Office Trailer, Temporary

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

- 1.** Such construction office shall be located at a building site upon receipt of a valid building permit for the construction project.
- 2.** Such offices may remain upon a construction site for a maximum of 30 days after the issuance of the certificate of occupancy or two years from the date of issuance of the temporary use permit; provided, however, if the project is multi-family or nonresidential in nature, the temporary use permit may be extended beyond two years if the approved project is not yet completed and the applicant requests an extension within three months prior to the expiration of the permit period. Such extensions may be for one year.
- 3.** Such use shall be located at least ten feet off all road rights-of-way and property lines in a residential district. In all other districts the office may be placed in any required yard setback but should not be placed over gas, electrical, water or sewer lines.

Temporary Use Permit Required

4. Such use shall be strictly limited to the time construction or development is actively underway. In no event shall the use continue more than six months without the further approval of the Director. The temporary use shall be approved only upon finding that actual construction is continuing.

M. Manufactured Home, Temporary

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

made in completing the construction of the detached single-family. Upon expiration of the one-year period or any extension, if applicable, the temporary use permit allowing both the detached single-family and the manufactured home to be located on said lot shall expire.

Construction of the detached single-family shall immediately cease upon expiration of said temporary use permit (or upon expiration of the associated building permit). The Director shall have no authority to renew or reissue the temporary use permit for said detached single-family unless the manufactured home on the lot is first removed.

- (d) Within 30 days of the issuance of a certificate of occupancy for the detached single-family, the owner of the lot shall have the manufactured home removed.
- (e) Rights established per any temporary use permit issued per this subsection shall be transferable to subsequent owners of the lot without the necessity of a new permit being issued, provided that the successor owner complies with all provisions herein indicated.

3. Manufactured homes may be allowed on a temporary basis in the R-S, R-SF,& R-CR districts on a permitted basis under the following conditions:

- (a) In the event of a disaster, the result of which an occupied detached single-family was destroyed [i.e., received damage greater than 50 percent of its assessed tax value as indicated on the most current tax listings], a Class C, E or F manufactured home may be placed on the lot containing the dwelling unit which was destroyed. The purpose of allowing such manufactured home on said lot is to give the occupants of the destroyed detached single-family unit a place to live while a new dwelling unit is being constructed or damage to the original dwelling unit is being repaired.
- (b) Such manufactured home may only be placed in the side or rear yard (in relation to the structure to be replaced or damaged), or in the front yard a minimum of 100 feet from the edge of the road right-of-way line. The manufactured home shall be no closer than ten feet to any side or rear lot line.
- (c) The Director shall be given the authority to issue a temporary use permit for such temporary use on a one-time basis only for a period of up to nine months. Such permit may be renewed on a one-time only basis for up to three additional months by the Board of Commissioners if, after a public hearing, it is determined that:
 - (1) Construction of a detached single-family unit is proceeding in a diligent manner; and,
 - (2) The granting of such permit will not materially endanger the public health, welfare and safety; and,
 - (3) The location of the manufactured home on the site does not have a negative effect on the abutting properties.
 - (4) Such manufactured home may be allowed on the lot irrespective of the number of other dwelling units located on the lot prior to the date of destruction.

Temporary Use Permit Required

(5) The permanent replacement of a structure on the lot may occur if such use and structure is in conformity with the underlying zoning district's regulations; otherwise, the Board of Commissioners may approve replacement of the structure by special use permit approved pursuant to §9.11.

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

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

O. Other Temporary Uses

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

§4.8. Lake Norman Area Standards

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

§4.8.1. Purpose

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

§4.8.2. Applicability

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

§4.8.3. General Requirements

A. Submission of Plans

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

B. Setbacks

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

§4.8.4. Piers and Docks

- A. Piers and docks located on or adjacent to Lake Norman shall comply with all applicable regulations contained in this §4.8.

Piers and Docks

B. A single-slip pier or dock may be located on a lot without any other structures located on that lot. In such instances, that pier shall be deemed to be a principle use. Yard and bulk requirements for the pier or dock shall be waived, except as may be prescribed in this §4.8.

C. If a single-slip pier or dock, or a boat launching ramp designed to serve one household, is located on a lot in a residential district, and such pier, dock, or launching ramp serves as the principal structure on the lot, said structure shall be allowed as a use-by-right. Any other accessory structures (i.e., picnic shelters, changing room facilities, etc.) May be allowed on the lot subject to the issuance of a special use permit by the Board of Commissioners.

D. Multiple boat slips, (not used for commercial purposes), or a boat launching ramp, located on a lot with a permitted principle use, shall be considered an accessory use and shall be allowed as a use-by-right.

E. Multiple boat slips (not used for commercial purposes), or a boat launching ramp designed to serve more than one household, located on a lot without a principal use, may be allowed subject to the issuance of a special use permit by the Board of Commissioners.

F. In approving a special use permit under this section, the Board of Commissioners, in addition to making the findings of fact contained in §9.11.8, shall also be required to find that:

The proposed use is so situated and developed in a manner which is well-integrated with and minimizes any negative effects upon adjoining and nearby properties.

G. The Board of Commissioners shall have the authority to attach fair and reasonable conditions to the special use permit which support this (and the other) findings of fact. These conditions may include the placement of a minimum lot size for the lot(s) containing the pier, dock, or boat launching ramp.

H. Piers and docks shall comply with requirements of Duke Energy, all applicable regulations contained in this §4.8, and the following requirements:

- 1.** With regard to any new subdivision of land, a master pier location plan may be submitted as part of the preliminary and final plats. Said plan shall show:
 - (a)** Designated buildable pier areas for the pier facilities; and
 - (b)** Projections into the body of water as depicted in §4.8.3.B, above.
- 2.** A similar master pier plan may be submitted (in the form of a scaled boundary survey plat) for two or more adjacent recorded lots showing, at a minimum:
 - (a)** All property line boundaries for the lots in question;
 - (b)** Designated buildable pier areas for the pier facilities; and
 - (c)** A statement signed by the owner(s) of each of the lots in question certifying lot ownership and acceptance of the pier plan as so designated.
- 3.** Said plat shall be in a form suitable for recordation in the Lincoln County Register of Deeds Office and must first be recorded in order for such pier placements to be allowed.

I. Lincoln County reserves the right to request that a survey of any completed pier facility (authorized in subsection F) be submitted to the Director prior to issuance of a certificate of occupancy for such facility.

§4.8.5. Moorings and Floats

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

§4.8.6. Marine Railways

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

§4.8.7. Breakwaters

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

§4.8.8. Filling

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

§4.8.9. Dredging

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

§4.8.10. Signs

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

Navigational Lighting

§4.8.11. Navigational Lighting

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

§4.8.12. Overhead Transmission Lines

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

§4.8.13. Swimming Areas, Public and Private

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

§4.8.14. Seawalls

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

ARTICLE 5. SUBDIVISION STANDARDS

§5.1. General

§5.1.1. Applicability

The requirements of this article shall apply to all development required to submit site plans or plats, unless expressly exempted by the language of the sections below. Prior to approval of a final plat for the subdivision of land, the applicant shall have installed improvements or guaranteed their installation in accordance with the requirements of this article. No services or utilities shall be extended or furnished to any subdivision or lot until the improvements required by this article have been completed or their installation guaranteed.

§5.1.2. Suitability of Land

Land which has been determined by the Board of Commissioners on the basis of engineering or other expert surveys to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed shall not be platted for that purpose, unless and until the subdivider has taken the necessary measures to correct said conditions and to eliminate said dangers. The burden of proof for determining that such danger in a subdivision does not exist shall rest entirely with the subdivider.

§5.1.3. Mitigation

The County may require on- and off-site improvements to mitigate the impacts of the proposed development.

§5.1.4. Clearing and Grading

- A. All property required to be dedicated, reserved or otherwise set aside and identified on the approved site plan or preliminary plat shall be surveyed by a registered surveyor, staked and appropriately marked and protected prior to beginning clearing and grading work.
- B. No site alteration (e.g.; grading, clearing, tree cutting) shall occur prior to the approval of a zoning compliance letter. All clearing and grading work shall be in conformance with the approved site plan or preliminary plat. (See also erosion control requirements of §3.8 and tree protection requirements of §3.4.11.D.)

§5.1.5. Floodplains

Base floodplain elevation data shall be provided for all development proposals that are impacted by a floodplain as required by §9.16, Floodplain Development Permit.

§5.1.6. Reserve Strips

The reservation of private property strips of too narrow a depth to permit development as a means of controlling access to public ways shall not be permitted.

§5.1.7. Compliance

Prior to any land-disturbing activity, the applicant shall comply with all Federal, State, and local permitting requirements.

§5.1.8. Mandatory Planned Unit Development

All subdivisions with 50 or more dwelling units or lots shall be processed as a planned development pursuant to the requirements of §2.4.9.

§5.2. Surveys and Monuments

The Standards of Practice for Land Surveying as adopted by the N.C. State Board of Registration for Professional Engineers and Land Surveyors, under the provisions of Title 21 of the North Carolina Administrative Code, Chapter 56 (21 NCAC 56), shall apply when conducting surveys for subdivisions; to determine the accuracy for surveys and placement of monuments, control corners, markers, and property corner ties; to determine the location, design, and material of markers, control corners, and property corner ties; and to determine other standards and procedures governing the practice of land surveying for subdivisions.

§5.3. Easements

- A. Stormwater drainage and utility easements shall be provided along each side of all side and rear lot lines for water, sanitary sewer, electricity, gas and communications improvements and in other locations and widths as required by the provider. The minimum width of all such easements shall be ten feet.
- B. Where a subdivision is traversed by a water course, drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way, conforming substantially with the lines of such watercourses, and of such further width or construction, or both, as will be adequate for the purpose. The minimum width of all such easements shall be 20 feet.
- C. Easements for other purposes, including but not limited to trails and greenways, scenic views, historic preservation, cemetery access, and unique natural sites, shall be designed for reservation or dedication as appropriate.
- D. All site plans and plats shall exhibit standard easement notes stating the type and purpose of the easement along with a list of prohibited uses/activities within the easement.

§5.4. Roads

§5.4.1. General

- A. Roads within Lincoln County are intended for multi-purpose use, as follows:
 - 1. To carry motor vehicle traffic, bicycles, etc.;
 - 2. To provide a safe and convenient passageway for pedestrian traffic; and
 - 3. To serve as an important link in the County's drainage system.
- B. All roads shall be constructed in conformance with §3.1, Lincoln County Construction Standards.

§5.4.2. Relationship of Roads to Topography

- A. Roads shall be designed to relate appropriately to the topography of a site. In particular, roads shall be designed to facilitate the stormwater drainage requirements specified in §5.7.2 and, subject to the design requirements relating to maximum grades set forth in paragraph B below, road grades shall conform as closely as practicable to the original topography.
- B. The maximum grade for road construction shall meet design requirements of NCDOT.

§5.4.3. Road Layout

- A. The arrangement, character, extent, width, grade, and location of all roads must be in keeping with existing and proposed transportation patterns, topographical and other natural features, public convenience and safety, and proposed uses of lands to be served by such roads.
- B. The proposed road layout within a subdivision must be coordinated with the existing and proposed road network within the surrounding area (as established on adopted thoroughfare plans and the road layout within existing and approved subdivisions in the general area), including the extension to property boundaries and interconnection of roads between adjacent properties where appropriate to the development of a local road network.

Commentary: *A network of extended and interconnected local roads is intended to provide each parcel in the general area the safe, convenient, and efficient means of access that will ensure the orderly development of the parcel and the area, provide a wholesome community environment, ensure the effective and efficient provision of emergency and other public services, and help to avoid degradation of existing roads and highways.*

§5.4.4. Road Connectivity

A. Purpose

An interconnected road system is necessary in order to promote orderly and safe development by ensuring that roads function in an interdependent manner, provide adequate access for emergency and service vehicles, enhance access by ensuring connected transportation routes, and provide continuous and comprehensible traffic routes.

B. Connectivity Defined

Connectivity shall be defined by the ratio of links to nodes in any subdivision.

1. The connectivity ratio shall be the number of road links divided by the number of nodes or end links, including cul-de-sac heads.
2. A link shall be any portion of a road, other than an alley, defined by a node at either end. Stub-outs to adjacent property shall be considered links. For the purpose of determining the number of links in a development, boulevards, median-divided roadways, and divided entrances shall be treated the same as conventional two-way roadways.
3. A node shall be the terminus of a road or the intersection of two or more roads.
 - (a) Any curve or bend of a road that exceeds 75 degrees shall receive credit as a node. Any curve or bend of a road that does not exceed 75 degrees shall not be considered a node.
 - (b) A divided entrance shall only count once.

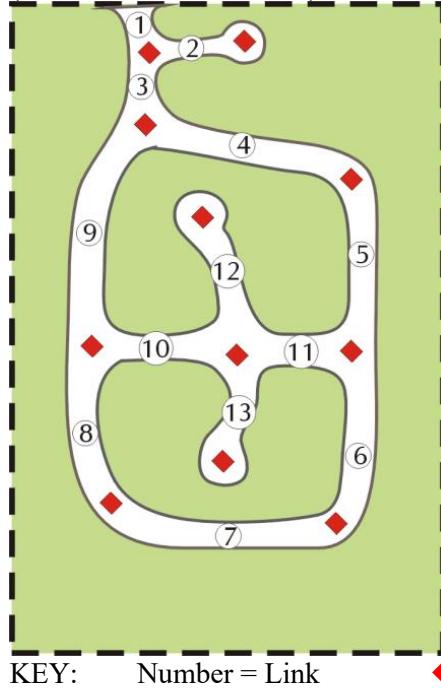
C. Internal Connectivity Ratio

1. In all districts except in the R-R district, the road network for any subdivision with internal roads or access to any public right-of-way shall achieve a connectivity ratio of not less than 1.40, measured within the subdivision.

Road Connectivity

2. Within the R-R district, the road network for any subdivision with internal roads or access to any public right-of-way shall achieve a connectivity ratio of not less than 1.20, measured within the subdivision.
3. Road links and nodes along a collector or arterial road providing access to a proposed subdivision shall not be considered in computing the connectivity ratio.

EXAMPLE 1: Does not meet ratio
(13 links/11 nodes = 1.18)



EXAMPLE 2: Modified to meet ratio
(16 links/11 nodes = 1.45)

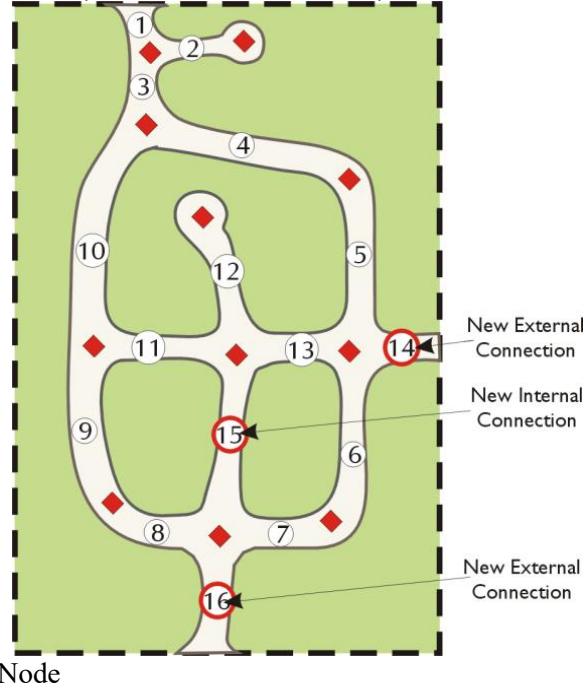


Figure 77. Internal Connectivity Ratio

Commentary: The internal connectivity ratio in this subsection C provides a formula that ensures a consistent number of links within a development. But, one could design a subdivision with a sufficient number of internal connections to meet the ratio standard and only one external connection; hence the "double standard". See External Access Required in D, below.

D. External and Internal Access Required

In order to accommodate emergency and service vehicles, the following standards shall apply:

1. Any residential subdivision of greater than 50 lots shall include a minimum of two access points.
2. Residential subdivisions of 250 or more lots shall provide three separate access points. Where three or more access points are required, the Board of Commissioners may waive the requirement for immediate construction of more than two access points, provided that subdivision phasing and design illustrates the additional required connections. For those subdivisions large enough to require a third access, a stub-out road may be credited as a required

access if the two functioning access roads are both connected to a collector road.

3. A waiver (see §9.6.9.F) of these standards may be allowed by the Board of Commissioners during approval of the preliminary subdivision plat only in extreme cases where limited frontage, natural features (slope, topography), or similar circumstances preclude the required connections and there is no substantial impact noted regarding emergency service delivery.

§5.4.5. Road Improvements

All subdivision lots shall abut on a public right-of-way except where allowed in §5.4.6.

A. Required Improvements

1. The applicant shall be responsible for the cost and installation of the applicable standard road width and pavement design requirements. The applicant shall also provide additional pavement surfaces for turning lanes in accordance with the NCDOT requirements. A written maintenance agreement with provisions for maintenance until such time as road improvements are accepted for State maintenance shall be included with the final plat and recorded with the Lincoln County Register of Deeds Office.
2. The applicant shall be responsible for right-of-way dedication and improvements. The improvements to be installed include: the thoroughfare grading, sub-base and surface paving materials and the remaining minimum standards applicable to arterial, collector or local roads. Such improvements shall extend to the outer perimeter boundaries of a development for any development where any of the following conditions occur:
 - (a) Thoroughfare improvements would provide necessary access to the development or adjoining properties;
 - (b) The improvement would be an extension of an already existing section of thoroughfare roadway; or
 - (c) Traffic from the development is predominantly from nonresidential activities and the development would otherwise gain access through a residential area.

B. County Participation Provisions

The cost of utilities, storm sewers and other improvements that are required by the County to be larger than would normally be needed to serve the proposed addition may be cost-shared between the developer and the County at the discretion of the Board of Commissioners.

§5.4.6. Private Roads

- A. All private roads shall be constructed according to the County's public right-of-way construction standards. Unless the recorded plat of a subdivision clearly indicates a road to be private, the recording of such plat shall constitute an offer of dedication of such roads. The County shall have the discretion to require a public right-of-way connection for safety or access purposes.
- B. The recorded plat of any subdivision that includes a private road shall clearly state that such road is a private road. Further, the initial purchasers of a newly-created lot served by a private road shall be furnished by the seller with a disclosure

Thoroughfare Dedication

statement outlining the maintenance responsibilities for the road, in accordance with the requirements set forth in G.S. § 136-102.6.

- C. All private roads shall be maintained by a homeowners association established in accordance with the requirements of §5.11.
- D. Where private roads are later made public through dedication to NCDOT, such roads must be brought up to public construction and maintenance standards, prior to their acceptance by the State.

Commentary: *Except in very large developments with thousands of units and professional managers, and in some very expensive smaller developments, private roads tend to be inadequately maintained. Owners' associations typically do not budget adequately for annual maintenance and do not create sufficient sinking funds for major resurfacing at periodic intervals. Residents of such developments, despite disclaimers placed in land records, tend to blame public officials and to expect them to do something about it. It is unlikely that NCDOT will be willing to take over substandard, unmaintained roads, leaving the County in an unfortunate position with affected residents and taxpayers. So, the above standards discourage use of private roads.*

§5.4.7. Thoroughfare Dedication

- A. Whenever a parcel of land included within any proposed development plan embraces any part of a thoroughfare shown on the County Transportation Plan, such part of such proposed public way shall be platted and dedicated in the location and width indicated on the plans. It is the responsibility of the applicant to take future roadway plans of the County and the NCDOT into account when laying out a development plan.
- B. Developments which embrace only one side of an existing or planned thoroughfare right-of-way will only be required to plat and dedicate additional right-of-way for that portion of roadway with which the development has frontage. Such dedications shall be in conformance with County standards and shall be measured from the right-of-way centerline.

§5.4.8. Road Classification

In all new subdivisions, roads shall be classified in accordance with §5.4.9.

- A. The classification shall be based upon the projected volume of traffic to be carried by the road, stated in terms of the number of trips per day or during the peak hour of the day;
- B. The number of dwelling units to be served by the road may be used as a useful indicator of the number of trips but is not conclusive; and
- C. Whenever a subdivision road continues on an existing road or it is expected that a subdivision road will be continued beyond the subdivision at some future time, the classification of the road will be based upon the road in its entirety, both within and outside of the subdivision.

§5.4.9. Road Types

A. Principal Arterial Road (Freeway)

Principal arterial roads connect to a network of continuous routes that serve statewide or interstate travel.

B. Minor Arterial Road (Boulevard)

Minor arterial roads connect to a thoroughfare network that links cities, larger towns, and major traffic generators. Such roads generally serve intrastate and inter-county travel.

C. Major Collector Road (Avenue)

Major collector roads serve as a connector road between local roads and the thoroughfare system. Such roads generally serve intra-county access to schools, shipping points, county parks, significant mining and agricultural areas.

D. Minor Collector Road (Road)

Minor collector roads collect traffic from local roads and bring all developed areas within a reasonable distance of a major collector road. A minor collector also provides services to smaller communities, and links important traffic generators with less populated areas.

E. Local Road

1. Local roads are generally cul-de-sacs, loop roads less than 2,000 feet in length, or roads less than one mile in length that do not connect thoroughfares or serve major traffic generators and do not collect traffic from more than one hundred dwelling units.
2. Residential collector roads are also classified as local roads when they serve as the connecting road system between local residential roads and the thoroughfare system.

F. Alley

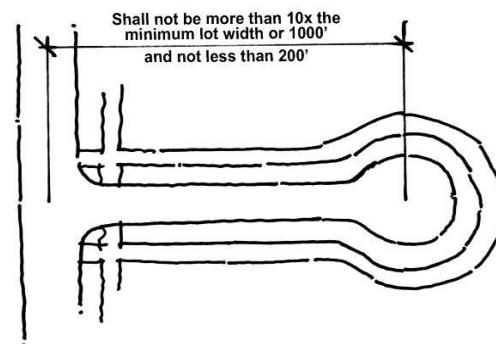
A public vehicular way providing service access along rear or side property lines of lots which are also served by one of the other listed road types.

§5.4.10. Road Widths

- A. Road widths and cross-sections shall be subject to the approval of the County and NCDOT.
- B. Subdivisions along existing roads of inadequate or undedicated right-of-way shall provide additional right-of-way to meet the minimum widths specified by the County's Construction Standards. The entire right-of-way shall be provided where any part of a new subdivision is on both sides of an existing road, and one-half the required right-of-way, measured from the center line of the existing road, shall be provided where a new subdivision is located on one side of an existing road.

§5.4.11. Cul-de-sac Roads

- A. Cul-de-sac roads shall be used only when it is determined by the Board of Commissioners that extension of the road to an adjacent property is impractical



Half Roads

or unnecessary. Alternative turnaround designs on residential roads serving six dwelling units or less may be considered on a case-by-case basis. Alternative designs must readily accommodate emergency vehicles and other necessary truck traffic.

B. Cul-de-sac roads shall not be less than 200 feet or longer than ten times the minimum lot width or 1000 feet, whichever is less, and shall be terminated by a circular road having a minimum diameter as determined by NCDOT. The length of cul-de-sac roads shall be measured from the center point of its turnaround, along the centerline of its right-of-way and that of any intervening roads, to the centerline of the right-of-way of the nearest through road.

§5.4.12. Half Roads

The dedication of half roads at the perimeter of a new subdivision is prohibited. When a half road exists along the perimeter of an adjoining subdivision, the remaining half must be provided by the proposed subdivision.

§5.4.13. Road Signs

The subdivider shall either provide and erect road name signs at all road intersections within the subdivision in accordance with all NCDOT standards or be required to reimburse Lincoln County for providing said signs. Any such fee shall be paid to the Director prior to final plat approval.

§5.4.14. Road Names

Road names shall be subject to the approval of the Board of Commissioners. New road names shall not duplicate or be similar to existing road names in Lincoln County. Existing road names, however, shall be protected where appropriate in accordance with the Lincoln County Addressing Ordinance.

§5.5. Sidewalks

A. In order to enhance pedestrian safety and mobility, sidewalks a minimum of five feet in width shall be required on one side of all roads, provided however that sidewalks shall not be required on the following roadways:

1. In residential developments with minimum lot sizes one acre or greater, except where an existing school, park, recreation and open space, trail or greenway lies within $\frac{1}{4}$ -mile of the boundaries of the proposed subdivision, in which case a safe pedestrian connection between the subdivision and the off-site facility is required;
2. Residential roads serving less than or equal to ten dwelling units, provided that:
 - (a) Corner lots that have frontage on both a residential road and a connective or loop road shall not be included in determining the number of dwelling units served by the road; and
 - (b) Road stubs temporarily serving ten lots or less shall provide sidewalks on one side of the road.

B. Handicapped access ramps shall be provided at all intersections where curb and gutter are provided, and where sidewalks and/or greenway trails intersect any road.

§5.6. Lots and Blocks

§5.6.1. Lots

- A. Every lot shall have a minimum of 35 feet of frontage on public right-of-ways or private right-of-ways pursuant to §5.4.6, except where otherwise specifically allowed by the dimensional standards of §2.4, and shall contain the minimum required lot width of the applicable zoning district within 100 feet of the road right-of-way adjoining the front yard, except for lots created pursuant to §9.6.6.A.3 and lots in family subdivisions as authorized below.
 - 1. Lots in a family subdivision created pursuant to §9.6.10, Family Subdivisions, need not have frontage on public right-of-ways, and all lots must meet or exceed the minimum lot size of the Lincoln County Water Supply Watershed Protection Ordinance.
 - 2. Lots in family subdivisions must either comply with subsection A, above, or have a minimum of 35 feet of frontage on either a newly created private road easement that has a minimum width of 45 feet or an easement that existed prior to May 14, 1996, provided the pre-existing easement has a minimum private road easement width of 20 feet. Such easement shall provide access to a NCDOT maintained road. Irrespective of this minimum width, the road easement shall be of appropriate width to accommodate the placement of utilities.
 - 3. In no instance may one unpaved private road easement intersect with another unpaved private road easement.
- B. Lot sites, shapes, and locations shall be made with due regard to topographic conditions, contemplated uses, and the surrounding areas.
- C. Through lots shall be avoided, except when lots adjoin a thoroughfare and access is desirable by a road of residential scale, and discouraged or prohibited on the thoroughfare.
- D. Side lot lines shall be substantially at right angles or radial to road lines.
- E. Panhandle lots may be created in any zone if all of the following requirements are met:
 - 1. No panhandle lot may be adjacent to more than one panhandle lot;
 - 2. The access portion of the lot shall be at least 35 feet in width;
 - 3. The depth of the panhandle shall not exceed 100 feet as measured from the adjacent public or private road;

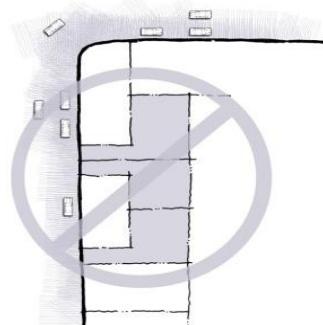


Figure 79. Panhandle Lots

Blocks

4. The panhandle portion of the lot shall not be included in calculating lot size; and
5. Panhandle lots may not be further subdivided following initial subdivision approval.

§5.6.2. Blocks**A. Layout**

1. Blocks shall be laid out with special consideration given to the type of land use proposed within the block.
2. Block length shall not exceed 1,500 feet.
3. Blocks width shall be sufficient to provide for two tiers of lots of appropriate depth, except where otherwise required to separate residential development from through traffic.

B. Pedestrian Connection

1. A pedestrian connection not less than ten feet in width may be required near the center and entirely across any block in excess of 900 feet in length to provide adequate access to schools, shopping centers, churches, or transportation facilities.
2. A pedestrian connection through a cul-de-sac not less than ten feet in width may be required when the cul-de-sac helps provide adequate access to schools, shopping centers, churches, or transportation facilities.

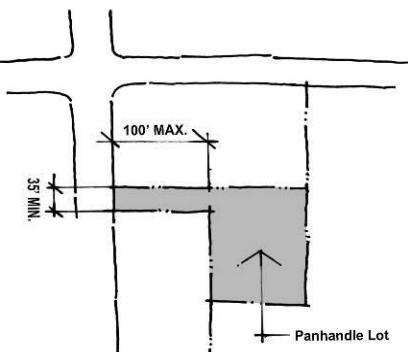


Figure 80. Panhandle Lots

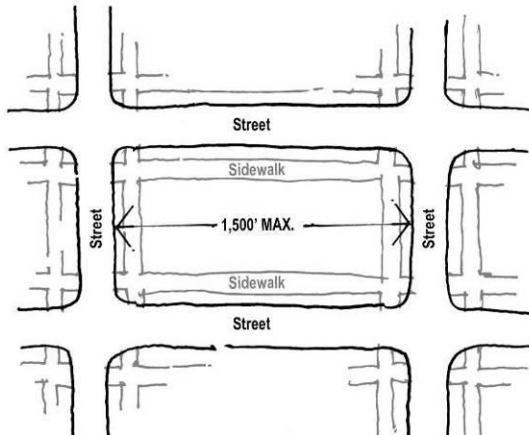


Figure 81. Blocks

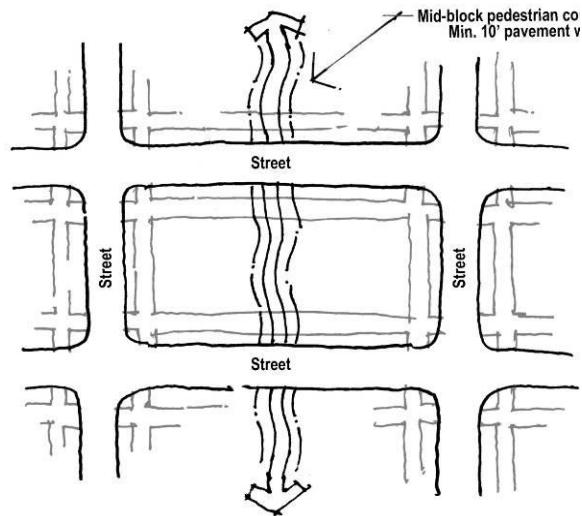


Figure 82. Pedestrian Connection

§5.7. Utilities

§5.7.1. Water and Sewer

A. General

1. All lots in subdivisions shall have a suitable source of water supply and sanitary sewage disposal which complies with the regulations of all appropriate agencies.
2. Wherever it is legally possible and practical, as determined by the County after consideration of documented property ownership, topography and supporting cost and engineering data supplied by the subdivider, to connect lots to a public water and/or sewer system, such connections shall be made at subdivider's expense.
3. If the tract in question is proposed to be subdivided with the number of dwelling units indicated in the left hand column of the following table or with a nonresidential use that places a comparable demand on the water or sewer system, then the distance within which the tract must be connected is indicated in the right hand column of that table:

Dwelling Units	Distance (feet)
15-20	300
21-50	600
51-100	1000
101+	1500

4. In determining the number of dwelling units to be proposed for a site, connection to such water or sewer line shall not be deemed legally possible if, after diligent effort by the subdivider:
 - (a) Easement(s) necessary to cross property(s) not owned by the subdivider cannot be obtained; or
 - (b) If the system is maintained by a public agency, the agency cannot provide adequate service at the present time according to State or Federal standards.

B. Water Service Alternatives

If the system provided by the governmental body is not able to provide adequate service at the time the developer is ready for water service or if the system will not be able to provide adequate water service at that time, the subdivider has the following options:

1. Private Wells

- (a) Provide a private system that meets the standards of the governmental water system that can be used until the governmental system is improved to the point of providing adequate service to the homes or buildings of the subdivision.
- (b) Provide improvements to the governmental system at their own expense to improve the water system to the point that it can provide adequate service to the development.

Stormwater Drainage

- (c) All property owners, within any subdivision that has been supplied by a private water system or a private well, who desire to hook on to the County water system when it is able to provide adequate service, shall be required to pay all current applicable fees.
- (d) Otherwise, where the subdivider intends to not install water and sewer lines and the distance considerations as herein indicated are met, he shall nonetheless provide the County with cost figures and supporting engineering data for such extensions.

2. Water Alternatives

Where connections to a public water system are not proposed, alternative water supply systems may be considered.

- (a) Potable water shall be provided by either a public water system or a private water system subject to the construction and maintenance standards established in Title 15A of the North Carolina Administrative Code. However, the following statement shall appear in all final plats containing lots which have a community water system serving 15 or more service connections, or a private water supply system:

In approving this plat, Lincoln County does not guarantee the suitability of any community water supply system nor does Lincoln County guarantee that such a system will be suitable for conversion to a public water system owned and operated by a local government or public water authority.

3. Sewer System Alternatives

In cases where connections to a public sewer system are not proposed, alternative sewer disposal systems may be considered.

- (a) Sewer disposal systems using package treatment plants as the main treatment facility shall be designed to accommodate the eventual connection to a public sewer system at the time said connection becomes feasible.
- (b) The subdivider of a subdivision containing a package sewage treatment plant shall adequately demonstrate to the County that the plant, where located, shall satisfactorily serve as a means of waste treatment in a manner which is compatible with the environment and which will not adversely impact any public water supply system.
- (c) Septic tanks (i.e., private sewage disposal systems) may be allowed as a means of sewage disposal in cases where connection to a public sewer system is not feasible. However, the following statement shall appear on all final plats containing lots which are not connected to a public sewer system:

In approving this plat, Lincoln County does not guarantee the suitability of any lot for the placement of a septic tank system.

§5.7.2. Stormwater Drainage

The subdivider shall provide stormwater drainage in accordance with §3.8.

§5.7.3. Other Utilities

- A. The applicant shall arrange for the coordinated installation of all other proposed utilities, including gas, electricity, and communications improvements, and shall ensure that site plans, preliminary plats, and final plats clearly show all related easements and roads.
- B. Utilities shall be installed underground unless it is not feasible to do so, as determined by the Director.

§5.8. Public Facilities**§5.8.1. School Sites**

- A. When a subdivision plat is submitted for approval in which, according to the land use or land development plan, a school site should be reserved, the Director shall notify the County Board of Education that the subdivision has been submitted for approval and that under this UDO a school site may be reserved therein.
- B. In reviewing the subdivision and giving approval the Director shall consult the Board of Education in determining the exact size and location of any school site to be reserved therein.
- C. Before the final plat of the subdivision is approved, the Board of Education shall determine whether or not it wishes to have a school site reserved in the subdivision. If the Board of Education does wish to have a school site reserved in the subdivision, the subdivision as finally approved shall reserve a school site of a size and location agreeable to the Board of Education and to the Board of Commissioners. The Board of Education shall then have 18 months, beginning on the date of the final approval of the subdivision, within which to acquire the site. If the Board of Education has not purchased or begun proceedings to acquire the site within 18 months after the subdivision is finally approved, the applicant may proceed to dispose of it in accordance with the subdivision procedure and provisions of this UDO.

§5.8.2. Recreation and Open Space

The minimum recreation and open space requirements for conservation residential subdivisions are set forth in §3.3.2 and for planned development, in §2.4.9.

§5.9. Responsibility for Payment for Installation Costs**§5.9.1. Required Improvements**

Required improvements shall include: roads, road signs and traffic control devices, pedestrian facilities, easements and utilities, water system, sanitary sewer, stormwater drainage, public areas and recreation, open space, and road lighting.

§5.9.2. Payment for Required Improvements

The subdivider or developer is responsible for payment of all costs of materials and installation of required improvements (infrastructure and public improvements needed to serve the development), unless otherwise provided, in accordance with the requirements of this UDO and the County's construction standards. The specific plans and specifications for such improvements shall be approved by the appropriate County, State or Federal agencies.

§5.9.3. Oversized Improvements

The Board of Commissioners may require installation of certain oversized utilities or the extension of utilities to adjacent property(s) when it is in the interest of future development. If the Board of Commissioners requires the installation of improvements in excess of the standards required in this UDO, including all standards adopted by reference, the County shall assure that the cost differential between the oversized improvement required and the standards which would otherwise apply to the proposed subdivision is not incurred by the subdivider. In this manner, the applicant shall not bear the costs of providing oversized improvements required by the County.

§5.10. Guarantee of Improvements**§5.10.1. General**

- A. No final plat will be accepted for review by the Director unless the applicant has complied with §5.10.2 and §5.10.3, below.
- B. If the subdivision is to be phased or developed in sections, the Director shall withhold final plat approval for the most recent phase until improvements in prior stages have been completed or guaranteed. No certificates of occupancy may be issued until all required improvements have been completed in accordance with approved plans.

§5.10.2. Performance Guarantees

- A. In lieu of requiring the completion, installation and dedication of all improvements required by this article prior to final plat approval, Lincoln County may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements. The agreement must specifically provide that full, unrestricted, and complete ownership, access and control of all such improvements will be conveyed to the appropriate government agency upon completion. Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the Board of Commissioners, if all other requirements of this UDO are met.
- B. The subdivider shall provide, for the purpose of obtaining approval of a final plat, a financial guarantee that such improvements will be constructed and installed according to the County's specifications at the applicant's expense. Such guarantee may be in the form of a performance bond, letter of credit, or certified check drawn in favor of the County or cash deposited with the County. Such guarantee shall be in an amount of not less than 125 percent of the estimated cost of the construction of the required improvements. The form of the guarantee and the amount shall be subject to the approval of the Board of Commissioners. Performance guarantees shall run for a minimum period of one year upon written approval of the Board of Commissioners.
- C. If cash or other instrument is deposited in escrow with a financial institution as herein provided, or if a bond, letter of credit or other obligation is provided as a financial guarantee, the subdivider shall then file with the Board of Commissioners an agreement between the financial institution and himself guaranteeing the following:

1. That said escrow account shall be held in trust until released by the Board of Commissioners and may not be used or pledged by the subdivider in any other matter during the term of the escrow; and
2. That in case of a failure on the part of the subdivider to construct and install said improvements required by the County specifications, the financial institution shall release the amount needed to complete the improvements as determined by an engineer's estimate and as approved by the County. Said funds shall be released immediately to the County up to the balance of the escrow account. Additionally, if the subdivider has failed to pay contractors and subcontractors for work already performed as to the construction and installation of the improvements, and if (1) said contractors or subcontractors have filed valid lien claims, or (2) said contractors or subcontractors have the ability to file lien claims as provided by the North Carolina General Statutes, then the financial institution shall release sufficient funds to pay in full those lien claims or potential lien claims, up to the balance remaining in the escrow account or other financial instrument.

§5.10.3. Reserved**§5.10.4. Inspection and Acceptance**

- A. Whether the required improvements are completed prior to or following approval of the final plat, the applicant shall grant to the County and its assignees authority to inspect all construction of the required improvements, and moreover, shall advise the County at least two days in advance of beginning work on any of the various improvements. However, such right of inspection shall not constitute duty to inspect, nor shall it guarantee final acceptance by the County of any required improvements.
- B. If improvements are guaranteed by a bond or cash deposit, failure by the applicant to perform the work to the County's standards shall free the County, at the discretion of the Board of Commissioners, to liquidate the bond or cash deposit, in order to finance the necessary repairs. This provision shall extend through the one-year warranty period. The County will provide the applicant with a written notice of its intent to carry out this provision at least two weeks prior to such liquidations, and shall also provide the applicant during this period a hearing at a regularly scheduled meeting of the Board of Commissioners.
- C. The County's final acceptance of required improvements in the event of their construction following final plat approval shall be evidenced by a written letter from the Director as specifically authorized by the Board of Commissioners.
- D. The Director may require that a pre-qualified engineer be hired by the applicant to perform the required inspections, or to review all or part of the plans prepared by the applicant's engineer and verify the work done by the contractor meets all approved plans. The cost of the inspection shall be paid for by the applicant. Engineers selected to complete the required inspections shall be selected from a list of engineers established and approved by the Board of Commissioners on a biennial basis. Other engineers may be used with the advance written approval of the Board of Commissioners.

§5.11. Homeowners Associations

§5.11.1. Establishment

- A. If a homeowners association or similar legal entity is to be responsible for the maintenance and control of recreation and open space, recreational facilities, or other common areas and facilities associated with a subdivision, it must be established so that it has clear legal authority to maintain and exercise control over the common areas and facilities, including the power to compel contributions from subdivision residents to cover their proportionate share of the costs associated with the maintenance of the common areas and facilities.
- B. Such association or similar legal entity must be established before any dwelling unit or lot in the subdivision is sold or any building in the subdivision occupied.

§5.11.2. Documentation

- A. Membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors.
- B. If the association will be responsible for maintaining any common open space, buffers, stormwater facilities, or roads, the covenants shall include the following language or language of similar effect approved by the County Attorney:

If at any time the association fails to maintain any external open space, buffer, stormwater facility or road, the County shall have the right but not the obligation to complete required maintenance, to charge the costs of such maintenance to the homeowners' association, and, if not paid, collect such cost from the members as assessments by the association. This assessment shall not be subject to general limitations imposed on assessments by the association, such as those limiting the total amount of an assessment, limiting annual increases in assessments and/or requiring membership votes on specific assessments.
- C. Documents providing for the establishment of a homeowners association or similar legal entity in accordance with this section must be submitted to, and approved by, the Director and the County Attorney before any plat for the development is recorded.
- D. The Director's review is limited to ensuring that the homeowners association or similar legal entity is established so that it has clear legal authority to maintain and exercise control over the common areas and facilities, including the power to compel contributions from subdivision residents to cover their proportionate shares of the costs associated with the maintenance of the common areas and facilities. The purpose of the County Attorney's review is to ensure that the County has all necessary authority to remedy a default in the maintenance obligations of the association and to recover the costs of such remedy from the association or its members.

ARTICLE 6. RESERVED

RESERVED FOR FUTURE CODIFICATION

ARTICLE 7. NATURAL RESOURCE PROTECTION

§7.1. General

This article is not intended to modify or repeal any provision of State or Federal Law. The requirements of this article are in addition to the other provision of law. Where any provision of this article imposes restrictions different from those imposed by any other State or Federal Law, whichever provision is more restrictive or imposes higher protective standards for human or environmental health, safety, and welfare shall control.

§7.2. Resource Conservation Areas

§7.2.1. Defined

- A. All resource conservation areas shall be unoccupied or predominately unoccupied by buildings or other impervious surfaces. Unoccupied or predominately unoccupied by buildings or other impervious surfaces shall mean that not more than five percent of the area of any resource conservation area shall be occupied by such surfaces.
- B. Resource conservation areas shall be identified on plats as being permanently set aside. No resource conservation area shall be counted towards lot area required by Article 2. This shall not preclude the platting of lots in such areas, provided that adequate lot area outside the resource conservation area is provided to meet the minimum lot area requirements of Article 2.
- C. Resource conservation areas shall be counted towards the recreation and open space requirements as set forth in §3.3.

§7.2.2. Determination of Resource Conservation Areas

The following are considered resource conservation areas and shall be unoccupied or predominately unoccupied by buildings or other impervious surfaces, unless the applicant demonstrates to the Board of Commissioners that this provision would constitute an unusual hardship and is counter to the purposes of this UDO:

- A. The 100-year floodplain including water bodies, such as lakes, ponds, streams, creeks and rivers;
- B. Streamside buffer areas (see §7.5);
- C. Slopes above 25 percent of at least 20,000 square feet contiguous area; and
- D. Jurisdictional wetlands under Federal law (Section 404) that meet the definition applied by the Army Corps of Engineers.

§7.2.3. Resource Conservation Areas Shown on Plat

All resource conservation areas shall be shown on all preliminary or final plat by metes and bounds description.

§7.2.4. Permitted Uses of Resource Conservation Areas

Uses of resource conservation areas may include the following:

- A. Conservation areas for natural, archeological or historical resources;

Prohibited Uses of Resource Conservation Areas

- B.** Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
- C.** Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts;
- D.** Walking or bicycle trails, provided they are constructed of pervious paving or natural materials;
- E.** Easements for drainage, access, and underground utility lines; and
- F.** Other conservation-oriented uses compatible with the purposes of this UDO.

§7.2.5. Prohibited Uses of Resource Conservation Areas

Use of resource conservation areas may not include the following:

- A.** Stormwater management facilities;
- B.** Roads, parking lots and impervious surfaces, except as specifically authorized; and
- C.** Golf courses, agricultural and forestry activities not conducted according to accepted best management practices.

§7.2.6. Ownership and Maintenance

A. Ownership

Resource conservation areas shall be accepted and owned by one of the following entities:

1. Land Conservancy or Land Trust

The responsibility for maintenance shall be borne by a land conservancy or land trust.

2. Homeowners Association

A homeowners' association representing residents of the subdivision shall own the resource conservation areas. Membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The homeowners' association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintenance shall be borne by the homeowners' association.

3. Private landowner

A private landowner may retain ownership of the resource conservation areas. The responsibility for maintenance shall be borne by the private landowner.

B. Maintenance

Resource conservation area maintenance is limited to removal of litter, dead tree and plant materials and brush, which causes a hazard or blocks trails or pathways. Natural water courses are to be maintained as free-flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels. Unless otherwise specified by the Board of Commissioners, maintenance is limited to insuring that there exist no hazards, nuisances or unhealthy conditions.

C. Legal Instrument for Permanent Protection

- 1.** Resource conservation areas shall be protected in perpetuity by a binding legal instrument that is recorded with the deed.

2. The instrument for permanent protection shall include clear restrictions on the use of the resource conservation area. These restrictions shall include all restrictions contained in this section, as well as any further restrictions the applicant chooses to place on the use of the resource conservation areas. Where appropriate, the instrument shall allow for stream or habitat restoration.

§7.3. Watershed Protection

§7.3.1. Authority

The Legislature of the State of North Carolina has, in G.S. §160D-926, General Ordinance Authority and in G.S. §143-214.5, Watershed Protection Rules, delegated the responsibility and authority to local governmental units to establish water supply watershed protection programs, to regulate land use and development within water supply watersheds, and to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.

§7.3.2. Applicability

A. Unless specifically exempt below, the provisions of this section shall apply to development within the Watershed Protection Overlay (WPO), as established in 0.

B. These regulations shall not be interpreted to interfere with any easement, covenant or other agreement between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.

C. These requirements shall not apply to development existing as of January 1, 1994 (existing development) except as provided in 0, Nonconformities and shall not apply to single-family detached, zero lot line, or alley-loaded unit developed on an existing lot. Expansion of structures classified as existing development (on any lot other than a lot containing a single-family residential development as the principal use) must meet the requirements of this section; however, the impervious surface area of existing development is not required to be included in the density calculations. An example of how this is to be interpreted is as follows:

EXAMPLE A

Facts

1. Property in the WS-IV Protected Area
2. Low density option used
3. Total lot area = 65,000 sq. ft.
4. Existing impervious surface area of 14,000 sq. ft.
5. 51,000 sq. ft. Of undeveloped land

Development Capabilities

1. Existing development (i.e. 14,000 sq. ft. Not to be included in calculation)
2. Additional lot coverage permitted of up to 12,240 sq. ft.
(51,000 sq. ft. X 24% maximum impervious surface area = 12,240 sq. ft.)

D. Nonconforming lots of record may be developed subject to the requirements of §10.6.

§7.3.3. Public Health Requirements

No activity, situation, structure or land use shall be allowed within the WPO district which poses a threat to water quality and the public health, safety, and welfare. Such

Density and Impervious Surfaces Limitations

conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the absence or improper implementation of a spill containment plan for toxic and hazardous materials; the improper management of stormwater runoff, or any other situation found to pose a threat to water quality.

§7.3.4. Density and Impervious Surfaces Limitations

For the purpose of calculating impervious surface area, total project area shall include total acreage in the parcel on which the project is to be developed.

A. WS-II Watershed Areas -- Critical Area (WS-II-CA)

In order to maintain a predominately undeveloped land use intensity pattern, single-family residential uses shall be allowed at a maximum of one dwelling unit per two acres, or on lots having a minimum area of 80,000 square feet. All other residential and nonresidential development shall be allowed with a maximum 6 percent impervious surface area. No new permitted sites for land application of residuals or petroleum contaminated soils are allowed. No new landfills are allowed.

1. Permitted Uses

The following uses and activities are permitted provided such uses are also permitted in the underlying zoning district and providing that the restrictions stated herein are met:

- (a)** Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990; Agricultural activities conducted after January 1, 1993 shall maintain a minimum ten-foot vegetative buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Animal operations deemed permitted and permitted under 15A NCAC 2H .0217 are allowed. (NOTE: The Soil and Water Conservation Commission is the designated agency responsible for implementing the provisions of this section relating to agricultural activities.)
- (b)** Silviculture, using best management practices (bmps) required to implement the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 1I.6101-.0209).
- (c)** Residential development (single-family detached, zero lot line, alley loaded, two-family, multi-family development, and conservation residential subdivisions).
- (d)** Nonresidential uses, excluding discharging landfills and sludge application sites, mining and quarrying activities, and the storage of toxic and hazardous materials unless a spill containment plan is implemented.

2. Density and Impervious Surfaces

(a) Single-family Residential Development

Single-family residential development, and conservation residential subdivisions development shall not exceed one dwelling unit per two acres on a project-by-project basis; alternatively, lots having an area of at least 80,000 square feet (excluding road right-of-way) are allowed. Conservation residential subdivisions (see Article 2) shall also be allowed.

(b) All Other Residential and nonresidential

All other residential and nonresidential development shall not exceed six percent impervious surface area on a project-by-project basis. For the purpose of calculating impervious surface area, total project area shall include total acreage in the tract on which the project is to be developed.

B. WS-II Watershed Area -- Balance of Watershed (WS-II-BW)

In order to maintain a predominantly undeveloped land use intensity pattern, single-family residential development shall be allowed at a maximum of one dwelling unit per acre; alternatively, lots having an area of at least 40,000 square feet are allowed. All other residential and nonresidential development shall be allowed a maximum of 12 percent impervious surface area. In addition, nonresidential uses may occupy ten percent of the balance of the watershed which is outside the critical area with a 70 percent impervious surface area when approved as a special nonresidential intensity allocation (SNTA). The Board of Commissioners may approve SNTAs consistent with the provisions of this section by special use permit (See §9.11). Non-discharging landfills and sludge application sites are allowed.

1. Permitted Uses

The following uses and activities are permitted provided such uses are also permitted in the underlying zoning district subject to the following:

- (a)** Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990;
- (b)** Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-0209);
- (c)** Residential development (single-family detached, zero lot line, alley loaded, two-family, multi-family development, and conservation residential subdivision development); and
- (d)** Nonresidential development except no NPDES permits will be issued for landfills that discharge treated leachate.

2. Density and Impervious Surfaces**(a) Single-family Residential Development**

Single-family residential development shall not exceed one dwelling unit per acre on a project-by-project basis; alternatively, lots having an area of at least 40,000 square feet (excluding road right-of-way) are allowed. Conservation residential subdivisions (see Article 2) shall also be allowed.

Density and Impervious Surfaces Limitations**(b) All Other Residential and nonresidential**

All other residential and nonresidential development shall not exceed 12 percent impervious surface area on a project-by-project basis. For the purpose of calculating impervious surface area, total project area shall include total acreage in the tract on which the project is to be developed.

C. WS-III Watershed Areas -- Balance of Watershed (WS-III-BW)

In order to maintain a low to moderate land use intensity pattern, single-family residential development shall be allowed at a maximum of two dwelling units per acre; alternatively, lots having an area of at least 20,000 square feet are allowed. All other residential and nonresidential developments shall be allowed a maximum of 24 percent impervious surface area on a project-by-project basis. In addition, nonresidential uses may occupy ten percent of the balance of the watershed outside the critical area (located within the jurisdiction of this UDO) with a 70 percent impervious surface area when approved as a special nonresidential intensity allocation (SNIA). The Board of Commissioners may approve snias consistent with the provisions of this subsection by special use permit (See §9.11). Non-discharging landfills and sludge application sites are allowed.

1. Allowed Uses:

- (a)** Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990.
- (b)** Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).
- (c)** Residential development (single-family detached, zero lot line, alley loaded, two-family, multi-family development, and conservation residential subdivisions); and
- (d)** Nonresidential development except no NPDES permits will be issued for landfills that discharge treated leachate.

2. Density and Impervious Surfaces**(a) Single-family and Two-family Residential**

Single-family residential and two-family residential development shall not exceed two dwelling units per acre, as defined on a project-by-project basis. Alternatively, lots with a minimum area of 20,000 square feet (excluding road right-of-way) shall be allowed. Conservation residential subdivisions (see §7.3.6) shall also be allowed.

(b) All Other Residential and nonresidential

Development shall not exceed 24 percent impervious surface area on a project-by-project basis except that up to ten percent of the balance of the watershed located outside of the critical area and within the jurisdiction of the Ordinance may be approved for nonresidential uses to 70 percent impervious surface area on a project-by-project basis by special use permit (See §9.11). For the purpose of calculating impervious surface area, total project area shall include total acreage in the tract on which the project is to be developed. For expansions to existing development, the existing impervious surface area is not counted toward the maximum allowed 70 percent impervious surface area.

D. WS-IV Watershed Areas -- Critical Area (WS-IV-CA)

Only new development activities that require an erosion/sedimentation control plan under State law or approved local program are required to meet the provisions of this UDO when located in the WS-IV watershed. In order to address a moderate to high land use intensity pattern, single-family residential uses are allowed at a maximum of two dwelling units per acre (or 20,000 square foot lot, excluding road rights-of-way). All other residential and nonresidential development shall be allowed with a maximum impervious surface area of 24-50 percent depending on whether the low or high density option is used. The high density option shall only be allowed for use in the Catawba/Lake Norman Watershed. (See §7.3.9 for information on the high-density option.) No new sites for land application of residuals or petroleum contaminated soils are allowed. Landfills are specifically prohibited.

1. Permitted Uses

(a) Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990. Agricultural activities conducted after January 1, 1993 shall maintain a minimum ten foot vegetative buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Animal operations deemed permitted and permitted under 15A NCAC 2C .0217 are allowed.

Commentary: The Soil and Water Conservation Commission is the designated agency responsible for implementing the provisions of this section relating to agricultural activities.

(b) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 1I.6101-.0209).

(c) Residential development (single-family detached, zero lot line, alley loaded, two-family, multi-family development, and conservation residential subdivisions).

(d) Nonresidential development, excluding landfills, and sites for land application of sludge/residuals or petroleum contaminated soils.

2. Density and Impervious Surfaces**(a) Single-family and Two-family Residential**

Single-family residential development, and conservation residential subdivisions development shall not exceed two dwelling units per acre on a project-by-project basis, or lots shall have an area of at least 20,000 square feet (excluding road right-of-way). Conservation developments (See §7.3.6) shall also be allowed.

(b) All Other Residential and nonresidential

Development shall not exceed 24 percent impervious surface area on a project-by-project basis if the low-density option is used and 50 percent impervious surface area if the high-density option is used. For the purpose of calculating the impervious surface area, total project area shall include total acreage in the tract on which the project is to be developed.

E. WS-IV Watershed Areas -- Protected Area (WS-IV-PA)**1. General**

- (a)** Only new development activities that require an erosion/sedimentation control plan under State law or approved local government program are required to meet the provisions of this UDO when located in a WS-IV watershed. In order to address a moderate to high land use intensity pattern, single-family residential development shall be allowed at a maximum of two dwelling units per acre or 20,000 square foot lots, excluding road rights-of-way, when curb and gutter are provided or three dwelling units per acre when curb and gutter are not provided. All other residential and nonresidential development shall be allowed at a maximum of 24 percent impervious surface area on a project-by-project basis if the low-density option is used, or 36 percent for projects not having curb and gutter, and 70 percent impervious surface area on a project-by-project basis if the high-density option is used. The high density option may only be used in the Catawba/Lake Norman Watershed. Refer to Section 508 for more information on the high-density option.
- (b)** Notwithstanding the above, in the Catawba/Mountain Island Lake, Catawba/Hoyle Creek, Catawba/Lake Wylie, and Catawba/South Fork Catawba River watersheds only, ten percent of the area of each such watershed located in a WS-IV (PA) district may be developed with new nonresidential projects and expansions to existing nonresidential developments with up to 70 percent impervious surface area in addition to the new development otherwise allowed in this district.

2. Permitted Uses

Permitted uses include:

- (a)** Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990;
- (b)** Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209);
- (c)** Residential development, limited to single-family detached, two-family, multi-family development, and conservation residential subdivisions; and
- (d)** Nonresidential development.

3. Density and Impervious Surface Limits**(a) Single-family and Two-family Residential**

Single-family detached and two-family development and conservation residential subdivisions development shall not exceed two dwelling units per acre, on a project-by-project basis, or lots shall have an area of at least 20,000 square feet (excluding road right-of-way), when curb and gutter are provided; or three dwelling units per acre or lots shall have an area of at least 14,520 square feet (excluding road right-of-way) when curb and gutter are not provided. Conservation developments (See §7.3.6) are allowed.

(b) All Other Residential and nonresidential

Development shall not exceed 24 percent impervious surface area (with curb and gutter) or 36 percent impervious surface area (without curb and gutter) on a project-by-project basis if the low-density option is used. Irrespective of the use of curb and gutter, projects may have maximum impervious surface areas of 70 percent if the high density option is used. (NOTE: The high density option is only available in the Catawba/Lake Norman Watershed.) For the purpose of calculating impervious surface areas, total project area shall include total acreage in the tract on which the project is to be developed.

(c) Exception

Notwithstanding the above, up to ten percent of the area located within a Catawba/Mountain Island Lake, Catawba/Hoyle Creek, Catawba/Lake Wylie, and Catawba/South Fork Catawba River watersheds which has a WS-IV (PA) district, may be developed with new nonresidential projects and expansions to existing nonresidential developments with up to 70 percent impervious surface area in addition to the new development otherwise allowed in this district. For expansions to existing development, the existing impervious surface is not counted toward the allocated 70 percent built upon area.

§7.3.5. Interpretation of Watershed Area Boundaries

Where uncertainty exists as to the boundaries of the watershed areas, as shown on the Watershed Map, the following rules shall apply:

- A. Where area boundaries are indicated as approximately following either road, alley, railroad or highway lines or centerlines thereof, such lines shall be construed to be said boundaries.
- B. Where area boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries.
- C. Where the boundaries of a particular -WPO district lie at a scaled distance more than 25 feet from any adjoining lot line, the location of said WS district shall be determined by use of the scale appearing on the Watershed Map.
- D. Where the boundaries of a -WPO district are located at a scaled distance of 25 feet or less from any adjoining lot line, the lot line may be used as said to be a "WS boundary".
- E. Where other uncertainty exists, the Director shall interpret the Watershed Map as to location of such boundaries. This decision may be appealed to the Board of Adjustment in accordance with §9.19.

§7.3.6. Conservation Subdivision

Conservation residential subdivisions (see Article 2) are allowed in the -WPO district (all watershed areas) under the following conditions:

A. Maximum Density

The overall density of the project meets the associated density or stormwater control requirements under these rules. Maximum densities for residential uses shall not exceed that specified for the respective watershed areas (See §7.3.4) and summarized below:

Buffer Required

Watershed Area	Maximum Density (Units/Acre)
WS-II-CA (Critical Area)	0.5
WS-II-BW (Balance of Watershed)	1.0
WS-III-BW (Balance of Watershed)	2.0
WS-IV-CA (Critical Area)	2.0
WS-IV-PA (Protected Area)	2.0, w/ curb and gutter 3.0, w/o curb and gutter

B. Other Requirements

1. Buffers must meet the minimum guidelines established in §7.3.7.
2. All impervious surfaces shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow.
3. Areas of concentrated density development are to be located in upland areas and away, to the maximum extent practicable, from surface waters and drainageways. Areas of concentrated density shall meet stormwater control requirements as described in §7.3.9, High Density Option.
4. The remainder of the tract not developed shall remain in a vegetated or natural state.
5. Conservation residential subdivision development shall transport stormwater runoff by vegetated conveyances to the maximum extent practicable.

§7.3.7. Buffer Required

- A. A minimum 100 foot vegetative buffer is required for all new development activities that employ the high-density option; otherwise, a minimum 30 foot vegetative buffer for development activities is required along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Desirable artificial stream bank or shoreline stabilization is permitted.
- B. No new development is allowed in said buffer except for water-borne structures (e.g., piers, docks, etc.) Or other structures such as flag poles, signs and security lights, which result in only de minimus increases in impervious area and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize impervious surface area, direct runoff away from the surface waters and maximize the utilization of stormwater Best Management Practices.

§7.3.8. Nonconformities

See §10.7.

§7.3.9. High Density Option**A. General Requirements**

1. In any designated WS-IV watershed, any development (other than a single-family residential development) may occur using the high density option subject to approval by the Board of Commissioners under the rules and

guidelines herein outlined. The use of the high density option for any particular project may be approved by special use permit (See §9.11). Where deemed necessary by the Board of Commissioners, such applications may be submitted to the Division of Environmental Management's Water Quality Section for review and recommendation.

2. The use of the high density option for any single-family residential development shall be prohibited. Use of the high-density option within any WS-II or WS-III district shall also be prohibited.

B. High Density Options Development Standards

The Board of Commissioners may approve a project using the high density option (other than one for a single-family residential development) consistent with the following standards:

1. If the area proposed to be developed lies in a designated WS-IV Critical Area watershed, engineered stormwater controls shall be used to control runoff from the first inch of rainfall for development which contains a built-upon area of 24-50 percent.
2. If the area proposed to be developed lies in a designated WS-IV Protected Area watershed, engineered stormwater controls shall be used to control runoff from the first inch of rainfall for development which contains an impervious surface area of 24-70 percent (except that projects not using curb and gutter may be allowed to have built upon areas of up to 36 percent using the low-density option).

C. Inspection Fees

1. Inspection of all stormwater control structures will be conducted:
 - (a) Prior to the structure being placed into operation;
 - (b) Annually once the stormwater control structures have been approved by the County, and
 - (c) Any time after improvements, modifications or changes to said structures have been made by the owning entity.
2. A fee pursuant to §9.2.2.B, shall be required to be paid by the owning entity prior to each such inspection being conducted.

D. Operations and Maintenance Plan

1. Any stormwater control structure approved by the Board of Commissioners shall be predicated on the developer and the County entering into a binding operations and maintenance plan. Said plan shall require the owning entity of the structure(s) to maintain, repair, and, if necessary, reconstruct said structure(s) in accordance with the operation and maintenance plan provided by the developer to the County. Said plan must be approved by the Board of Commissioners prior to or in conjunction with approval of the high density option for said project.
2. A separate plan must be provided by the developer for each stormwater control structure, containing, at a minimum, what operation and maintenance actions are needed and will be undertaken, what specific quantitative criteria will be used for determining when those actions are to be taken, and who is

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responsible for such actions. The Plan shall clearly indicate what steps will be taken for restoring a stormwater control structure to design specifications if a failure occurs.

3. Amendments to the Plan and/or specifications of the stormwater control structure(s) may only be approved by the Board of Commissioners. Proposed changes shall be prepared by a North Carolina registered professional engineer or landscape architect (to the extent that the General Statutes allow) and submitted to the County for approval. Such amendments shall be accompanied by all information and fees prescribed in §9.2.2.
4. If the Board of Commissioners finds that the Plan, once approved, is inadequate for any reason, the Director shall notify the owning entity of any changes mandated by the County and a time frame in which changes to the Plan shall be made.

E. Financial Guarantees

All new stormwater control structures approved employing the high density option shall be conditioned on the posting of adequate financial assurance for the purpose of constructing, maintaining, repairing or reconstructing said devices.

1. If the Board of Commissioners approves the use of the high density option for a particular project, it may do so only after the applicant has posted a surety bond, cash, or equivalent security, in an amount not less than 1.25 times the cost of constructing the necessary stormwater control structure(s). Such financial security shall be made payable to Lincoln County and shall be in a form prescribed by the Board of Commissioners. All construction costs shall be verified by the County and the County may assess the applicant for actual costs associated with such verification. The total cost of the stormwater control structure shall include the value of all materials such as piping and other structures, seeding and soil stabilization, design and engineering, grading, excavation, fill, and etc. The costs shall not be prorated as part of a larger project, but rather shall be priced as an individual project.
2. Once the stormwater control structure(s) has been constructed and inspected in the manner provided in §7.3.9.G, and approved by the Board of Commissioners, the Board of Commissioners may authorize the release of up to 75 percent of the surety bond or other equivalent device outlined in §7.3.9.E.1. The remaining portion of the surety bond or equivalent device may be released to the owning entity in accordance with §7.3.9.G.
3. Prior to said release, however, the applicant shall be required to deposit with the County either cash or similar instrument approved by the Board of Commissioners in an amount equal to 15 percent of the total construction cost (See §7.3.9.E) or 100 percent of the cost of maintaining, repairing or reconstructing said structure over a 20 year period, whichever is greater. The estimated cost of maintaining the stormwater control structure shall be consistent with the approved operation and maintenance plan provided by the applicant as outlined in §7.3.9.D.

F. Default

1. Upon default of the applicant to complete the stormwater control structure as spelled out in the performance bond or other equivalent security, the Board of

Commissioners may obtain and use all or any portion of the funds necessary to complete the improvements based on actual construction costs. The Board of Commissioners shall return any funds not spent in completing the improvements to the owning entity.

2. Upon default of the owning entity to maintain, repair and, if necessary, reconstruct the stormwater control structure in accordance with the approved operations and maintenance plan, the Board of Commissioners shall obtain and use any portion of the security outlined in §7.3.9.F to make necessary improvements based on the actual costs borne by the County to make such improvements.

G. Inspections

1. Inspections of Newly Constructed Stormwater Structures

All new stormwater control structures shall be inspected by the County after the owning entity notifies the Director that all construction has been completed. At this inspection the owning entity shall provide:

- (a) A signed deed, related easements and survey plat for the structure in a manner suitable for filing with the Lincoln County Register of Deeds Office, if ownership of the stormwater control structure(s) is to be transferred to another person, firm, or entity. (This requirement will be waived for any repair work when such deed has previously been filed.)
- (b) A certification by an engineer or landscape architect (to the extent allowable by the General Statutes) stating that the stormwater control structure is complete and consistent with the approved Plan and all specifications previously stipulated by the County.
- (c) The Director shall forthwith present the materials submitted by the owning entity along with the County's inspection report to the Board of Commissioners for their review and approval. If the Board of Commissioners approves the inspection report and accepts the certification, deed and easements, the Director shall forthwith file said deed with the Lincoln County Register of Deeds Office. Release of up to 75 percent of the surety bond or equivalent security as called for in §7.3.9.E.1 shall be made in a manner as prescribed in §7.3.9.E.2. And §7.3.9.E.3.
- (d) If deficiencies are found as a result of the inspection, the Board of Commissioners shall direct the owning entity to make necessary improvements. Reinspections will be made thereafter. No release of any funds shall be made by the County until all deficiencies are properly addressed to the County's satisfaction.
- (e) No sooner than one year after approval of the stormwater control structure(s) by the County, the owning entity may petition the Board of Commissioners to release the remaining value of the posted bond or security called for in §7.3.9.E.1. Upon receipt of said petition, the County shall forthwith inspect the stormwater control structure to determine whether the structure is performing as designed and intended. Once the inspection is made, the Director shall forthwith present the inspection report and recommendations to the Board of Commissioners.

High Density Option

(f) An occupancy permit shall not be issued for any structure within the permitted development until the Board of Commissioners approves the stormwater control structure in the manner as herein prescribed.

2. Annual Inspection of Stormwater Structures

(a) All stormwater control structures shall be inspected by the County on an annual basis to determine whether the structures are performing as designed and intended. Records of inspection shall be maintained on forms approved or supplied by the North Carolina Department of Environment and Natural Resources (NCDENR). Annual inspections shall begin within one year of approval of the Board of Commissioner's approval of the filing date of the deed for the stormwater control structure. A fee, in accordance with a fee schedule adopted by the Board of Commissioners shall be charged to the owning entity for annual inspections (and re-inspections) made. A copy of each inspection report shall be filed with the Director.

(b) In the event the County's report indicates the need for corrective action or improvements, the Director shall notify the owning entity of the needed improvements and the date by which such improvements are to be completed. All improvements shall be consistent with the adopted operations plan and specifications. Once such improvements are made, the owning entity shall forthwith contact the Director and ask that an inspection be made.

H. Vegetation and Grounds Management

1. Landscaping and grounds management shall be the responsibility of the owning entity of said structure(s). However, vegetation shall be not established or allowed to mature to the extent that the integrity of the structure(s) is in any way threatened or diminished, or to the extent of interfering with any easement of access to the structure.
2. Except for routine landscaping and grounds maintenance, the owning entity shall notify the Director prior to any repair or reconstruction of the structure. All improvements shall be consistent with the approved Plan and specifications for that structure. After notification by the owning entity, County staff shall inspect the completed improvements and inform the owning entity of any required additions, changes, or modifications needed to complete said improvements. A time period for making such changes shall also be stipulated by the County. A fee, in accordance with a fee schedule adopted by the Board of Commissioners, shall be charged to the owning entity for each inspection (or re-inspection) made.

I. Stormwater Control Structure Specifications

1. All stormwater control structures shall be designed by either a North Carolina registered professional engineer or landscape architect (to the extent that the General Statutes allow).
2. Stormwater runoff shall be controlled through the use of Best Management Practices (bmpps) that comply with the following standards:

- (a) All structural stormwater treatment systems shall be designed to achieve a minimum of 85 percent average annual removal for Total Suspended Solids (TSS). Two or more bmps can be used in series to achieve this requirement.
- (b) Stormwater management measures must comply with the General Engineering Design Criteria for all projects requirements listed in 15A NCAC 2H.1008(c).
- (c) Stormwater management measures shall be designed to control and treat runoff from the first one-inch of rain.
- (d) The discharge rate following a one-inch rainfall shall draw down the temporary storage volume between 48 and 120 hours.

Commentary: Low Impact Development (LID) techniques are encouraged and may be used to assist in meeting the above stormwater requirements.

3. The Design Manual includes a list of acceptable stormwater control measures, including specific design criteria for each stormwater practice.
4. If the specifications or guidelines of the Design Manual are more restrictive or apply a higher standard than other laws or regulations, that fact shall not prevent application of the specifications or guidelines in the Design Manual.
5. All land areas outside of any stormwater control structure shall be stabilized to restrain erosion within 21 calendar days after any land disturbance is complete. Upon completion of the stormwater control structure, a permanent ground cover shall be established and maintained as part of the maintenance agreement described in §7.3.9.D.
6. Should ownership (and maintenance) of the stormwater control structure be transferred to another person, firm, or entity, a description of the area containing the stormwater control structure shall be prepared and filed, consistent with §7.3.9.G.1(a) as a separate deed with the Lincoln County Register of Deeds Office along with any easements necessary for general access to the stormwater control structure. The deeded area shall include all stormwater control structures, pipes, berms, dikes, etc., and sufficient area to perform inspections, maintenance, repairs, and reconstruction.
7. The pervious portions of any stormwater control structure(s) approved by the Board of Commissioners shall not be included when computing impervious surface.
8. In addition to the required vegetative filters, all land areas outside of the pond shall be provided with ground cover sufficient to restrain erosion within 30 days after any land disturbance. Upon completion of the stormwater control structure, a permanent ground cover shall be established and maintained as part of the maintenance agreement described in §7.3.9.D.
9. A description of the area containing the stormwater control structure shall be prepared and filed, consistent with §7.3.9.G.1 as a separate deed, with the Lincoln County Register of Deeds Office along with any easements necessary for general access to the stormwater control structure, should ownership (and maintenance) of the stormwater control structure be transferred to another person, firm, or entity. The deeded area shall include the detention pond,

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vegetative filters, all pipes and water control structures, berms, dikes, etc., and sufficient area to perform inspections, maintenance, repairs and reconstruction.

10. The pervious portions of any stormwater control structure(s) approved by the County Board of Commissioners shall not be included when computing impervious surface.

§7.3.10. Changes and Amendments

Under no circumstances shall the Board of Commissioners adopt such amendments, supplements, or changes that would cause this section to violate the Water Supply Watershed Protection Rules as adopted by the State. All amendments must be approved and filed with the State.

§7.4. Floodplain Protection**§7.4.1. Authorization****A. General**

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143 and Chapter 160D-923 of the North Carolina General Statutes delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare. Therefore, the Board of Commissioners of Lincoln County, North Carolina, does ordain as follows:

B. Findings of Fact

1. The flood prone areas within the jurisdiction of Lincoln County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

C. Purpose

It is the purpose of this section to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

1. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
4. Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and

5. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

D. Objectives

The objectives of this section are to:

1. Protect human life, safety, and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business losses and interruptions;
5. Minimize damage to public facilities and utilities (i.e. Water and gas mains, electric, telephone, cable and sewer lines, roads, and bridges) that are located in flood prone areas;
6. Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
7. Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

§7.4.2. Provisions for Flood Hazard Reduction

A. General Standards

In all Special Flood Hazard Areas the following provisions are required:

1. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
3. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
4. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the Regulatory Flood Protection Elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

Provisions for Flood Hazard Reduction

8. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this section, shall meet the requirements of "new construction" as contained in this section.
9. Nothing in this section shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this section and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this section.
10. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified in accordance with the provisions of §9.16.5.
11. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
12. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
13. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
14. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
15. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.
16. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest base flood elevation shall apply.

B. Specific Standards

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in §9.16.2, Basis for Establishing, or §7.4.3, Standards for Floodplains without Established Base Flood Elevations, the following provisions, in addition to the provisions of §7.4.2.A, General Standards, are required:

1. Residential Construction

New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Article 12.

2. Nonresidential Construction

New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Article 12. Structures located in A, AE, AO, and A1-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Director as set forth in §9.16.5, Certification Requirements, along with the operational and maintenance plans.

C. Manufactured Homes

1. New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in Article 12.
2. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above 36 inches in height, an engineering certification is required.
3. All enclosures or skirting below the lowest floor shall meet the requirements of §7.4.2.B, Specific Standards.
4. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Director and the local emergency management coordinator.

D. Elevated Buildings

Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

1. Shall not be designed or used for human habitation, but shall only be used for parking of vehicles,

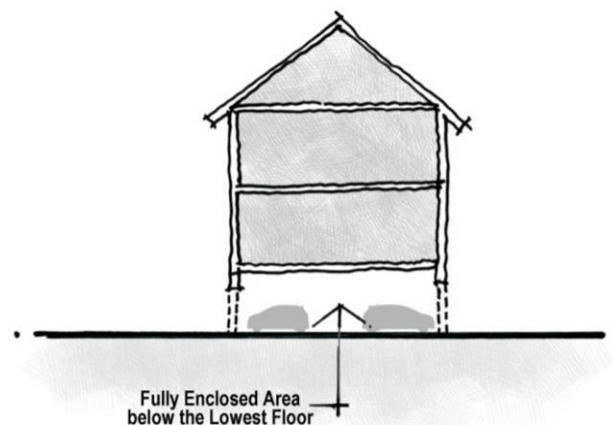


Figure 83. Elevated Buildings

Provisions for Flood Hazard Reduction

building access, or limited storage of maintenance equipment used in connection with the premises;

- (a) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator);
- (b) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
- 2. Shall be constructed entirely of flood resistant materials;
- 3. Shall include, in Zones A, AO, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - (a) A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - (b) The total net area of all flood openings must be at least one square inch for each square foot of enclosed area subject to flooding;
 - (c) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - (d) The bottom of all required flood openings shall be no higher than one foot above the adjacent grade;
 - (e) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - (f) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

E. Additions/Improvements

- 1. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (a) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure; or
 - (b) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- 2. Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

3. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (a) Not a substantial improvement, the additions and/or improvements only must comply with the standards for new construction; or
 - (b) A substantial improvement, both the existing structure and the additions and/or improvements must comply with the standards for new construction.

F. Recreational Vehicles

Recreational vehicles shall either:

1. Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
2. Meet all the requirements for new construction.

G. Temporary nonresidential Structures

Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Director a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Director for review and written approval:

1. A specified time period for which the temporary use will be permitted. Time specified may not exceed three months, renewable up to one year;
2. The name, address, and phone number of the individual responsible for the removal of the temporary structure;
3. The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
4. A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
5. Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

H. Accessory Structures

1. When accessory structures (sheds, detached garages, etc.) Are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
 - (a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
 - (b) Accessory structures shall not be temperature-controlled;
 - (c) Accessory structures shall be designed to have low flood damage potential;
 - (d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

Standards for Floodplains without Established Base Flood Elevations

- (e) Accessory structures shall be firmly anchored in accordance with the provisions of §7.4.2.A.1;
- (f) All service facilities such as electrical shall be installed in accordance with the provisions of §7.4.2.A.4; and
- (g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with the provisions of §7.4.2.D.

2. An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with §9.16.5.

§7.4.3. Standards for Floodplains without Established Base Flood Elevations

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in §9.16.2, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of §7.4.2.A shall apply:

- A. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of 20 feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. The BFE used in determining the regulatory flood protection elevation shall be determined based on the following criteria:
 1. When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this section and shall be elevated or flood proofed in accordance with standards in §7.4.2.A and §7.4.2.B.
 2. When floodway data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway areas shall also comply with the requirements of §7.4.2.B and §7.4.2.F.
 3. All subdivision, manufactured home parks and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five acres or has more than fifty lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with §9.16.2 and utilized in implementing this section.
 4. When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or flood proofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Article 12. All other applicable provisions of §7.4.2.B, Specific Standards, shall also apply.

§7.4.4. Standards for Riverine Floodplains with BFE but without Established Floodways or Non-encroachment Areas

Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a

Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- A.** Standards of §7.4.2.A and §7.4.2.B; and
- B.** Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

§7.4.5. Floodways and Non-encroachment Areas

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in §9.16.2. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in §7.4.2.A and §7.4.2.B, shall apply to all development within such areas:

- A.** No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
 - 1.** It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Director prior to issuance of floodplain development permit; or
 - 2.** A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.
- B.** If the requirements of subsection A, above, are satisfied, all development shall comply with all applicable flood hazard reduction provisions of this section.
- C.** No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
 - 1.** Anchoring and the elevation standards of §7.4.2.C; and
 - 2.** No encroachment standard of subsection A, above.

§7.4.6. Legal Status Provisions

A. Effect on Rights and Liabilities under the Existing Flood Damage Prevention Ordinance

- 1.** This section in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted December 7, 1981, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this section shall not affect any action, suit or proceeding instituted or pending.

2. The date of the initial flood damage prevention ordinance for each municipal jurisdiction within Lincoln County is as follows:

City of Lincolnton May 5, 1987

B. Effect upon Outstanding Floodplain Development Permits

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Director or his or her authorized agents before the time of passage of this section; provided that when construction is not begun under such outstanding permit within a period of six months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this section.

§7.5. Streamside Buffers

§7.5.1. General Provisions

A. Intent

The streamside buffer regulations contained herein are intended to limit exposure of perennial and intermittent streams to the cumulative and secondary impacts of development. These impacts include increased stormwater runoff from impervious surface areas, altered hydrographic conditions, nutrient loading and pesticide contamination from point and non-point sources.

B. Effect of Streamside Buffer Regulations

The streamside buffer regulations are applied in combination with zoning districts and have the effect of modifying the requirements, regulations and procedures applying in the applicable zoning district to the extent expressly indicated in this section. Whenever the provisions of any other ordinance, statute or agreement require more restrictive standards than are required in this section, the provisions of such ordinance, statute or agreement shall govern.

C. Applicability

1. Redevelopment of impervious surface areas of existing development is allowed if the rebuilding activity does not have a net increase in impervious surface area.
2. Single-family detached dwellings may be expanded, redeveloped or replaced in accordance with the other requirements of the UDO without being subject to the restrictions of this section.
3. Existing development as defined herein.

D. Prior Approvals

This section shall render no valid permitted structure or conforming use nonconforming. An existing structure may be rebuilt if damaged or destroyed even if the structure fails to conform to these regulations.

§7.5.2. Streamside Buffer Zones

A. A streamside buffer, consisting of an undisturbed vegetative cover, the width of the 100-year floodplain, as identified on the current Flood Insurance Rate Map (FIRM) published by FEMA, shall be established and maintained along all

indicated or identified perennial and intermittent waters. Where the floodplain width is less than 50 feet measured from the top of the stream bank or no flood plain exists, a minimum 50-foot streamside buffer is required along all indicated or identified perennial and intermittent waters. Streamside buffers shall be shown by metes and bounds on all appropriate plans and plats. For the 50-foot streamside buffer, the following shall be required and in no case shall disturbance exceed the following:

- B.** No development, including land-disturbing activities, shall occur within streamside buffers except as listed in §7.5.3 below.

1. Buffer Zone 1

Buffer Zone 1 shall be a minimum of 30 feet from the top of bank and shall remain undisturbed. No new development is permitted within the Buffer Zone 1 except for artificial stream bank or shoreline stabilization, water dependent structures and public or private projects such as road or utility crossings or installations of greenways where no practical alternatives exist. Activities within buffer areas shall minimize impervious coverage, direct runoff away from surface waters and maximize the utilization of stormwater best management practices.

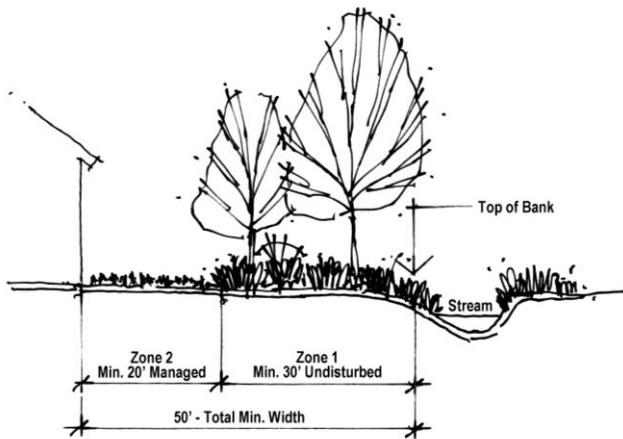


Figure 84. Streamside Buffer Zones

2. Buffer Zone 2

Buffer Zone 2 shall be a minimum of 20 feet extending landward from Buffer Zone 1. This buffer is an area of managed vegetation and shall be vegetated by grass, other ground cover or natural vegetation. Disturbance of existing vegetation shall be minimized to the greatest extent possible except for the installation of artificial stream bank or shoreline stabilization, water dependent structures and public or private projects such as utility service lines, road crossings or greenways where no practical alternatives exists.

§7.5.3. Limited Activity Permitted Within and Adjacent to Buffers

Except for the following limited activities, lands within and adjacent to buffer areas shall remain undisturbed.

- A.** Agriculture is subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990.
- B.** Agricultural activities must maintain a minimum 10-foot wide vegetated buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters located within the critical area of water supply watersheds.

Variances and Waivers

- C.** Animal operations greater than 100 animal units shall employ best management practice. The Soil and Water Conservation Commission is responsible for implementing these provisions pertaining to agricultural activities.
- D.** Silviculture activities shall be subject to the provisions of the Forest Practices Guidelines related to Water Quality (15A NCAC 01I .0101-0209). The North Carolina Division of Forest Resources is responsible for implementing these provisions pertaining to silviculture activities.
- E.** New nonresidential uses requiring an erosion/sedimentation control plan under local or State law shall incorporate adequately designed, constructed and maintained spill containment structures if hazardous materials are either used, stored or manufactured on the premises.
- F.** Road construction shall use bmps outlined in the North Carolina Department of Transportation document entitled, "Best Management Practices for the Protection of Surface Waters."
- G.** Diffuse flow of runoff shall be maintained in the riparian buffer by dispersing concentrated flow and reestablishing vegetation.
- H.** Vegetative cover shall be reestablished for all areas disturbed by land development activities on sites adjoining the buffer area and shall be maintained on a permanent basis.
- I.** Bmps shall not be constructed within jurisdictional waters.
- J.** Construction activities within jurisdictional waters shall require prior approval from the U.S. Army Corps of Engineers and/or the N.C. Division of Water Quality.

§7.5.4. Variances and Waivers

- A.** Applicants may seek variances from this section pursuant to §9.18, Variance.
- B.** Waivers may be approved by the Director, as follows:
 - 1.** Buffer widths may be averaged across the affected property. In no cases shall less than a 30 foot wide buffer be maintained.
 - 2.** Encroachment may be approved into the required buffer zones for the construction of a required public improvement including, water, sewer, and roadways when a finding of no practical alternative is made. In making this determination the Director or their appointed designee shall consider terrain, accessibility, system function, cost, safety, and timing.

§7.5.5. Revegetation

All disturbed areas within the streamside buffer area, permitted or not, shall be revegetated with perennial vegetation as soon as practical (immediately) after the disturbance. Any noncompliance shall be treated as a violation of this UDO and be subject to enforcement as described in Article 11, Enforcement and Penalties. Plant materials shall be limited to those on the approved plant species list, which is available in the Planning and Inspections Department.

ARTICLE 8. REVIEW BODIES AND OFFICIALS

§8.1. Board of Commissioners

§8.1.1. Powers and Duties

- A. The Board of Commissioners shall be responsible for the adoption of comprehensive land use plans for Lincoln County or portions thereof and amendments to those plans.
- B. In execution of the provisions of this UDO, the Board of Commissioners shall be responsible for final action regarding the following:
 - 1. Text amendments (§9.3);
 - 2. Rezonings (§9.4);
 - 3. Planned development review (§9.5);
 - 4. Preliminary plat review (§9.6);
 - 5. Waivers of subdivision standards (§9.6);
 - 6. Major site plan review (§9.7);
 - 7. Appeals of final decisions on TIA (§9.8);
 - 8. Special use review (§9.11); and
 - 9. Zoning vested rights (§9.20).

§8.2. Planning Board

§8.2.1. Establishment and Composition

The Planning Board is established pursuant to G.S. §160D-301.

§8.2.2. Composition

A. Number and Term

The Planning Board shall consist of nine members, one member from each township and four at-large. Members of the Planning Board shall be appointed by the Board of Commissioners for designated terms. A Planning Board member may be appointed to a maximum of three successive three-year terms but to no more than two successive terms in the same seat.

B. Membership

All of the members of the Planning Board shall be residents of Lincoln County.

§8.2.3. Proceedings

A. Meetings and Hearings

All meetings and hearings of the Planning Board shall be held at a regular place and shall be open to the public and shall be conducted in accordance with the procedure set forth in these regulations and rules of procedure adopted by the Planning Board.

B. Minutes

1. The Planning Board shall keep permanent minutes of all meetings. The minutes shall record attendance of its members, its resolutions, findings, recommendations and final actions.
2. The minutes of the Planning Board shall be public record.

C. Quorum

No final action shall be taken on any issue unless a quorum is present.

§8.2.4. Powers and Duties

In execution of the provisions of this UDO, the Planning Board shall have the following power and duties:

A. General Authority

1. The Planning Board may exercise additional powers as may be described elsewhere in this UDO and as permitted by North Carolina General Statutes.
2. The Planning Board shall perform related duties as directed by the Board of Commissioners.

B. Review Authority

The Planning Board shall make recommendations regarding the following:

1. Text amendments (§9.3);
2. Rezonings (§9.4);
3. Planned development review (§9.5); and
4. Major site plan review (§9.7).

§8.3. Board of Adjustment**§8.3.1. Establishment**

The Board of Adjustment is established pursuant to G.S. §160D-302.

§8.3.2. Composition**A. Number and Term**

1. The Board of Adjustment shall consist of five members, each to be appointed for three years. Once appointed, the Board of Commissioners may reappoint a Board of Adjustment member for one successive term.
2. In appointing the original members or in the filling of vacancies caused by the expiration of the terms of existing members, the Board of Commissioners may appoint certain members for less than three years to the end that the terms of all members shall not expire at the same time.

B. Membership

All of the members of the Board of Adjustment shall be residents of Lincoln County.

C. Alternate Members

1. The Board of Commissioners may, in its discretion, appoint two alternate members to serve on the Board of Adjustment in the absence of any regular member.
2. Alternate members shall be appointed for three year terms.
3. Each alternate member, while attending any regular or special meeting and serving in the absence of any regular member, shall have and may exercise all the powers and duties of a regular member.

§8.3.3. Proceedings**A. Meetings and Hearings**

All meetings and hearings of the Board of Adjustment shall be held at a regular place and shall be open to the public and shall be conducted in accordance with the procedure set forth in these regulations and rules of procedure adopted by the Board of Adjustment.

B. Minutes

1. The Board of Adjustment shall keep permanent minutes of all meetings. The minutes shall record attendance of its members, its resolutions, findings, recommendations and final actions.
2. The minutes of the Board of Adjustment shall be public record.

C. Quorum

No final action shall be taken on any issue unless a quorum is present.

§8.3.4. Powers and Duties

In execution of the provisions of this UDO, the Board of Adjustment shall have the following powers and duties:

A. General Authority

The Board of Adjustment may exercise additional powers as may be described elsewhere in this UDO and as permitted by North Carolina General Statutes.

B. Final Authority

The Board of Adjustment shall be responsible for final action regarding the following:

1. Variances (§9.18); and
2. Administrative appeals (§9.19).

§8.4. Historic Preservation Commission**§8.4.1. Establishment**

There is hereby established the Lincoln County Preservation Commission, hereafter referred to as the "Commission."

§8.4.2. Composition

A. Number and Term

1. The Commission shall consist of five regular members and two alternates. Members are appointed by the Lincoln County Board of Commissioners and the Lincolnton City Council.
2. Members of the Commission shall serve overlapping terms of three years. Initially, however, the following appointments shall be made:
 - (a) Two regular members and one alternate member shall be appointed for a term of one year a piece; and
 - (b) Two regular members and one alternate member shall be appointed for a term of two years a piece; and
 - (c) One regular member shall be appointed to a term of three years.
3. Thereafter, all appointments shall be for a term of three years. A member may be reappointed for up to two consecutive three-year terms. However, if a member serves for six consecutive years or after the expiration of the member's second appointment to the Commission, whichever comes first, a member shall be ineligible for reappointment until one calendar year has thereafter elapsed.
4. Any member of the Commission who misses more than three consecutive regular meetings or more than half the regular meetings in a calendar year shall lose his or her status as a member of the Commission and shall be replaced or reappointed by the Board of Commissioners. Absence due to sickness, death or other emergencies of like nature shall be recognized as approved absences and shall not affect the member's status on the Commission except that in the event of a long illness or other such cause for prolonged absence, the member shall be replaced.

B. Membership

The Commission shall be composed of nine (9) members whose terms of office are set by the Lincoln County of Commissioners. The City of Lincolnton shall have two (2) appointments to the Commissions, which, along with the appointments from the Lincoln County Board of Commissioners, totals nine (9). The majority of the regular members shall have demonstrated special interest, experience or education in history, architecture, archaeology or related fields. No member shall vote on any matter concerning an application for a Certificate of Appropriateness unless that member shall have been present during the hearing and deliberation concerning said application.

§8.4.3. Proceedings

A. Meetings

The Commission shall establish a meeting time, and shall meet at least quarterly and more often as it shall determine and require. All meetings of the Committee shall be open to the public and reasonable notice of the time and place thereof shall be given to the public. All meetings shall conform to the North Carolina Open Meetings Law (G.S. § 143-33C).

B. Rules of Procedure

The Committee Commission shall adopt and make available to the public rules of procedure for the conduct of its business.

C. Meeting Minutes

1. The Commission shall keep permanent minutes of all its meetings. The minutes shall record attendance of its members, its resolutions, findings, recommendations and actions.
2. The minutes of the Commission shall be a public record.

D. Annual Report

An annual report shall be prepared and submitted by the first day of December of each year to the Board of Commissioners. Such report shall include a comprehensive and detailed review of the activities, problems and actions of the Commission, as well as any budget requests and/or recommendations.

§8.4.4. Powers and Duties

In execution of the provisions of this UDO, the Commission shall have the following powers and duties:

1. Undertake an inventory of properties of historical, prehistorical, architectural, and/or cultural significance;
2. Recommend to the municipal governing board areas to be designated by ordinance as "Historic Districts," and individual structures, buildings, sites, area, or objects to be designated by ordinance as "Landmarks."
3. Acquire by any lawful means the fee or any lesser included interest, including options to purchase, to properties within established districts or to any such properties designated as landmarks; to hold, manage, preserve, restore and improve the same such properties, and to exchange or dispose of the property by public or private sale, lease or otherwise, subject to covenants or other legally binding restrictions which will secure appropriate rights of public access and promote the preservation of the property;
4. Restore, preserve and operate historic properties.
5. Recommend to the governing board that designation of any area as a historic district or part thereof, or designation of any building, structure, site, area, or object as a landmark, be revoked or removed for cause.
6. Conduct an educational program with respect to historic properties and districts within its jurisdiction.
7. Cooperate with the State, federal, and local governments in pursuance of the purposes of this Part. The governing board or the commission when authorized by the governing board may contract with the State, or the United States of America, or any agency of either, or with any other organization provided the terms are not inconsistent with State or Federal law;

Appeals

8. Enter, solely in performance of its official duties and only at reasonable times, upon private land for examination or survey thereof. However, no member, employee or agent of the commission may enter any private building or structure without the express consent of the owner or occupant thereof;
9. Prepare and recommend the official adoption of a preservation element as part of the municipality's local government's comprehensive plan.
10. Review and act upon proposals for alterations, demolitions, or new construction within historic districts, or for the alteration or demolition of designated landmarks, pursuance to this Part; and
11. Negotiate at any time with the owner of a building, structure, site, area, or object for its acquisition or its preservation, when such action is reasonably necessary or appropriate.

§8.4.5. Appeals

Any appeals of decisions on certificates of appropriateness shall be made to the Superior Court as provided in G.S. 106D-1402.

§8.5. Reserved**§8.6. Director****§8.6.1. Designation**

The Director, or his/her designee, shall administer certain provisions of this UDO as may be required below. If this position should at any time be vacant, then the County Manager shall designate another County official to act as Director until the office is filled.

§8.6.2. Delegation of Authority

The Director may designate any staff member to represent the Director in any function assigned by this UDO but shall remain responsible for any final action.

§8.6.3. Powers and Duties

In execution of the provisions of this UDO, the Director shall have the following powers and duties:

A. General Authority

1. The Director shall serve as the subdivision administrator and be responsible for review of subdivisions.
2. The Director shall serve as the floodplain administrator and be responsible for performing all the duties described in §8.7.
3. The Director shall perform related duties as directed by the County Manager.
4. The Director may exercise additional powers as may be described elsewhere in this UDO and as permitted by North Carolina General Statutes.

B. Streamside Buffer Variances

The Director shall report all streamside buffer variances (See §7.5) granted each calendar year to the Environmental Management Commission and Wildlife Resources Commission on or before January 1st of the following year.

C. Watershed Protection Overlay

1. The Director shall monitor land use activities within the -WPO district to identify situations that may pose a threat to water quality.
2. The Director shall report all findings to any appropriate public agency or official and request recommendations and assistance.
3. Where the Director finds a threat to water quality and the public health, safety, and welfare, the Director shall institute any appropriate action to remedy the threat.
4. The Director shall issue zoning permits (zoning compliance permits) in the -WPO district. A record of all permits shall be kept on file and shall be available for public inspection during regular office hours.
5. The Director shall keep records of the County's use of the provision which allows a maximum of 70 percent of the regulated area to be developed at a maximum of 70 percent impervious surface area. Records shall include the total areas of non-critical watershed area, total acres eligible to be developed at this option, and total acres approved for this development option. Individual records which include location, type of use, number of developed acres and stormwater management plans shall be kept for each project.
6. The Director shall keep records of all amendments to this section, and shall provide copies of all amendments upon adoption to the appropriate State agency.
7. The Director shall keep a record of variances to §7.3. This record shall be submitted to the appropriate State agency on an annual basis on or before January 1, and shall provide a description of each project receiving a variance and the reasons for granting the variance.
8. The Director shall monitor land use activities within all the -WPO districts to identify situations that may pose a threat to water quality. Where the Director or Board of Commissioners finds a threat to water quality and the public health, safety and welfare, the Board of Commissioners shall institute any appropriate action or proceeding to restrain, correct or abate the condition and/or violation as herein authorized.

D. Review Authority

The Director shall make recommendations regarding the following:

1. Text amendments (§9.3);
2. Rezoning (§9.4);
3. Planned development review (§9.5);
4. Preliminary plat review (§9.6);
5. Major site plan review (§9.7);
6. Special use review (§9.10);

Designation

7. Conditional use review (§9.11);
8. Variances (§9.18); and
9. Zoning vested rights (§9.20).

E. Final Authority

The Director shall be responsible for final action regarding the following:

1. Minor plat review (§9.6);
2. Family plat review (§9.6);
3. Final plat review (§9.6);
4. Minor site plan review (§9.7);
5. Traffic impact analyses (§9.8);
6. Zoning permits (§9.9);
7. Temporary use permits (§9.13);
8. Sign permits (§9.14);
9. Common signage plans (§9.15);
10. Floodplain development permits (§9.16); and
11. Written interpretations (§9.17).

§8.7. Floodplain Administrator**§8.7.1. Designation**

The Director as designated in §8.6, shall serve as the floodplain administrator for floodplain development permits of §9.16 and the floodplain regulations of §7.4, and shall administer certain provisions of this UDO as may be required below.

§8.7.2. Powers and Duties**A. General**

The Floodplain Administrator shall perform the following duties:

1. Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this section and §7.4 have been satisfied.
2. Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State and Federal permits have been received.
3. Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.

5. Prevent encroachments into floodways and non-encroachment areas prior to compliance with the certification and flood hazard reduction provisions of §7.4.2.
6. Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with §9.16.5.
7. Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been flood proofed, in accordance with the provisions of §9.16.5.
8. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of §9.16.5.
9. When flood proofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of §9.16.4 and §9.16.5.
10. Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
11. When Base Flood Elevation (BFE) data has not been provided in accordance with §9.16.2, obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to §9.16.9.B.2 in order to administer the provisions of this section.
12. When Base Flood Elevation (BFE) data is provided but no floodway or non-encroachment area data has been provided in accordance with §9.16.2, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this section.
13. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the Base Flood Elevation, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the floodplain development permit file.
14. Permanently maintain all records that pertain to the administration of this section and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
15. Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises

Establishment and Composition

within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

16. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this section, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
17. Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
18. Make periodic inspections throughout the special flood hazard areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
19. Follow through with corrective procedures of §9.16.9.
20. Review, provide input, and make recommendations for variance requests.
21. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with §9.16.2, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
22. Coordinate revisions to FIS reports and firms, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

B. Final Authority

The Floodplain Administrator shall be responsible for final action regarding the following:

1. Floodplain development permits (§9.16).

§8.8. Technical Review Committee**§8.8.1. Establishment and Composition**

The Technical Review Committee is hereby established and composed of representatives of County and State agencies with development review responsibilities.

§8.8.2. Meetings

Meetings shall be held monthly or as determined necessary by the Director.

§8.8.3. Powers and Duties

In execution of the provisions of this section, the Technical Review Committee shall have the following powers and duties:

A. Review Authority

The Technical Review Committee shall make recommendations regarding the following:

1. Planned development review (§9.5);
2. Final plat review (§9.6);
3. Major site plan review (§9.7); and
4. Other reviews as determined necessary and at the discretion of the Director.

ARTICLE 9. DEVELOPMENT REVIEW

§9.1. Summary of Review Authority

The following table summarizes review and approval authority under this UDO.

	Technical Review Committee	Director	Historic Committee	Board of Adjustment	Planning Board	Board of Commissioners	
	TRC	DIR	HC	BOA	PB	BOC	
Text Amendment		Review			<review>	<decision>	§9.3
Rezoning		Review			<review>	<decision>	§9.4
Planned Development Review	Review	Review			<review>	<decision>	§9.5
Minor Plat Review		Decision					§9.6
Family Plat Review		Decision					§9.6
Preliminary Plat Review		Review				<decision>	§9.6
Final Plat Review	Review	Decision					§9.6
Minor Site Plan Review		Decision					§9.7
Major Site Plan Review	Review	Review			Review	Decision	§9.7
Traffic Impact Analysis		Decision					§9.8
Zoning Permit		Decision					§9.9
Special Use Review		Review				<decision>	§9.11
Certificate of Appropriateness		Review	Decision				§9.12
Temporary Use Permit		Decision					§9.13
Sign Permit		Decision					§9.14
Common Signage Plan		Decision					§9.15
Floodplain Development Permit		Decision					§9.16
Floodplain Development Permit Variance		Review		Decision			§9.16
Written Interpretation		Decision					§9.17
Variance		Review		<decision>			§9.18
Administrative Appeal				<decision>			§9.19
Vested Right		Review				<decision>	§9.20
				<public hearing required>			

§9.2. Common Review Procedures

§9.2.1. Pre-application Conference

- A. Before submitting an application for development approval, each applicant may schedule a pre-application conference with the Director to discuss the procedures, standards and regulations required for development approval in accordance with this UDO.
- B. A pre-application conference with the Director shall be required for the following:
 1. Rezoning (§9.4);
 2. Planned development review (§9.5);
 3. Subdivision review (§9.6);
 4. Site plan review (§9.7);
 5. Traffic impact analysis (§9.8); and
 6. Special use review (§9.10).

§9.2.2. Application Requirements

A. Forms

Applications required under this UDO shall be submitted on forms and in such numbers as required by the Director.

B. Fees

1. All applications and associated fees shall be filed with the Director.
2. Filing fees shall be adopted by resolution of the Board of Commissioners from time to time to defray the actual cost of processing the application.
3. An applicant who has paid the appropriate fee pursuant to the submission of an application, but who chooses to withdraw such application prior to its distribution for review shall be entitled to a refund of the amount paid minus a processing fee upon written request to the Director. Once review has begun, no refund shall be available.

C. Completeness Review

1. All applications shall be sufficient for processing before the Director is required to review the application.
2. An application shall be sufficient for processing when it contains all of the information necessary to decide whether or not the development as proposed will comply with all of the requirements of this UDO.
3. The presumption shall be that all of the information required in the application forms is necessary to satisfy the requirements of this section. However, it is recognized that each application is unique, and therefore more or less information may be required according to the needs of the particular case. The applicant may rely on the recommendations of the appropriate department as to whether more or less information should be submitted.
4. Once the application has been determined sufficient for processing, copies of the application shall be referred by the Director to the appropriate reviewing entities.
5. The Director may require an applicant to present evidence of authority to submit the application.
6. If an applicant is a corporate entity (corporation, LLC, LLP, general partnership or other), the application shall include a certificate of good standing from the applicant's jurisdiction of incorporation. If an applicant is a corporate entity registered in a jurisdiction other than North Carolina, the applicant shall obtain and provide proof that it has obtained a certificate of authority to transact business in North Carolina prior to undertaking any development work.

D. Application Deadline

Applications sufficient for processing shall be submitted to the Director in accordance with the published calendar schedule. Schedules indicating submittal dates shall be developed each year and made available to the public.

E. Staff Consultation after Application Submitted

1. Upon receipt of an application sufficient for processing, the Director shall review the application and confer with the applicant to ensure an understanding of the applicable requirements of this UDO; that the applicant has submitted all of the information they intend to submit; and that the application represents precisely and completely what the applicant proposes.
2. Once the applicant indicates that the application is as complete as the applicant intends to make it, the application shall be placed on the agenda of the appropriate review board in accordance with standard procedures. However, if the Director believes the application is incomplete, a recommendation to deny the application on that basis shall be provided to the appropriate reviewing entity.

F. Concurrent Applications

1. If approved by the Director, applications for development approvals may be filed and reviewed concurrently. Any application that also requires a variance shall not be eligible for final approval until the variance has been granted.
2. Applications submitted concurrently are subject to approval of all other related applications; denial or disapproval of any concurrently submitted application shall stop consideration of any related applications until the denied or disapproved application is resolved.

§9.2.3. Notice and Public Hearings

A. Summary of Notice Required

Notice shall be required for applications for approval as shown below.

	Published	Mailed	Posted	
Text Amendment	■			§9.3
Rezoning	■	■	■	§9.4
Planned Development Review	■	■	■	§9.5
Preliminary Plat	■	■	■	§9.6
Major Site Plan	■	■	■	§9.7
Special use review	■	■	■	§9.11
Variance	■	■	■	§9.18
Zoning Vested Right	■	■	■	§9.20

B. Public Notice Requirements

1. Published Notice

Where published notice is required, a distinctive advertisement shall be placed by the County in a local newspaper of general circulation once a week for two successive calendar weeks, the first notice being published not less than ten days nor more than 25 days before the date fixed for the public hearing.

2. Posted Notice (Sign)

Where posted notice is required, a sign shall be posted by the County not less than ten days prior to the public hearing at which the application shall be reviewed. The sign shall be posted on the property or at a point visible from the nearest public road.

3. Mailed Notice

Notice and Public Hearings

- (a) Where mailed notice is required, the County shall notify by first-class mail (at the last addresses listed for such owners in the County tax records) the applicant and the owners of all properties that lie within 660 feet of any portion of the property(s) in question.
- (b) The notice shall be mailed at least ten but not more than 25 days prior to the date of the public hearing.
- (c) Mailed notice under this section shall not be required if a rezoning (including a planned development rezoning) directly affects more than 50 properties owned by a total of at least 50 different property owners, and the County elects to use the following expanded notice requirements:
 - (1) Published notice of the hearing shall be provided as set forth in paragraph 1 above. The advertisement shall not be less than one-half of a newspaper page in size.
 - (2) Mailed notice of the hearing shall be provided (as set forth in paragraphs (a) and (b) above) to all property owners who reside outside of the newspaper's circulation area.

4. Content of Notice

The notice listed above shall contain the following specific information:

(a) Published or Mailed Notice

A published or mailed notice shall provide at least the following:

- (1) Parcel identification number;
- (2) The address of the subject property (if available);
- (3) The general location of the land that is the subject of the application, which may include, a location map;
- (4) A description of the action requested;
- (5) Where a rezoning is proposed, the current and proposed districts;
- (6) The time, date and location of the public hearing;
- (7) A phone number to contact the County; and
- (8) A statement that interested parties may appear at the public hearing.

(b) Posted Notice

Required posted notices shall indicate the following:

- (1) A case number;
- (2) Type of action; and
- (3) A phone number to contact the County.

C. Constructive Notice

Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.

§9.2.4. Required Hearings

A public hearing shall be required for development review as shown below. Where a public hearing is required before both the Planning Board and the Board of Commissioners, such hearings shall be held concurrently and chaired by the Chairman of the Board of Commissioners, unless otherwise determined by the Chairman of the Board of Commissioners.

	Board of Adjustment	Planning Board	Board of Commissioners	
	BOA	PB	BOC	
Text Amendment		■	■	\$9.3
Rezoning	■	■	■	\$9.4
Planned Development Review	■	■	■	\$9.5
Preliminary Plat			■	\$9.6
Special Use Review			■	\$9.11
Variance	■			\$9.18

§9.2.5. Decisions

Unless specifically provided elsewhere, all decisions on land use changes, including rezonings, shall require an affirmative vote. Tie votes shall be considered denials of any requested change.

§9.2.6. Notice of Decision

Within 14 days after a decision is made, a copy of the decision shall be sent to the applicant and filed with the Director, where it shall be available for public inspection during regular office hours.

§9.2.7. Withdrawal of Application

- A. An applicant may withdraw an application at any time, by filing a statement of withdrawal with the Director.
- B. The statement of withdrawal shall be signed by all persons who signed the application, or in the event of death or incompetence, by the estate's lawful personal representative.
- C. The Director may withdraw applications due to failure of the applicant to submit required information within 90 days of the initial request.
- D. An applicant may postpone a scheduled public hearing once per application for up to 90 days after the date the first public hearing was scheduled to occur, after which the Director may withdraw the application.

Applicability**§9.3. Text Amendment****§9.3.1. Applicability**

- A. Amendments to the text of this UDO shall be made in accordance with the provisions of this section.
- B. The Board of Commissioners shall consider amendments to the text of this UDO, as may be required from time to time.

§9.3.2. Initiation of Amendment

A request to amend the text of this UDO may be initiated by the Board of Commissioners, Board of Adjustment, Planning Board, Director, or the general public.

§9.3.3. Application Requirements

Applications for a text amendment shall be submitted in accordance with §9.2.2, Application Requirements.

§9.3.4. Notice and Public Hearings

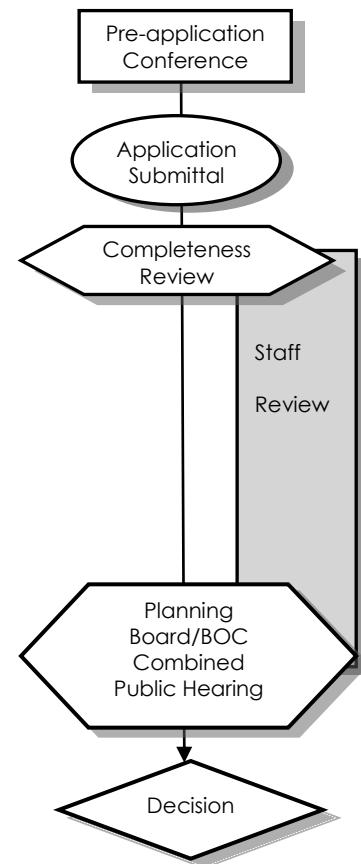
The County shall hold all required public hearings and give notice in accordance with §9.2.3, Notice and Public Hearings.

§9.3.5. Action by Director

- A. The Director shall draft the appropriate amendment and prepare a staff report that reviews the proposed text amendment request.
- B. Following completion of technical review by staff, the Director shall forward the completed request and any related materials to the Planning Board for a recommendation.

§9.3.6. Action by Planning Board

- A. When conducting a review of a proposed text amendment, the Planning Board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Board of Commissioners. If no recommendation is received from the Planning Board within 30 days of referral of the request to the Planning Board, the Board of Commissioners may proceed in its consideration of the request without the Planning Board's recommendation.

Text Amendment

B. Following Planning Board review, the Director shall forward the completed request and any related materials, including the Planning Board recommendation (if applicable), to the Board of Commissioners for final action.

§9.3.7. Action by Board of Commissioners

- A.** Before taking action on a text amendment, the Board of Commissioners shall consider the recommendations of the Planning Board and Director.
- B.** The Board of Commissioners may approve the amendment, deny the amendment, or send the amendment back to the Planning Board for additional consideration.
- C.** When adopting or rejecting any text amendment, the Board of Commissioners shall approved a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan and explaining the reasonableness of the proposed amendment.

§9.3.8. Approval Criteria

- A.** In evaluating any proposed amendment of the text of this UDO, the Planning Board and the Board of Commissioners shall consider the following:
 - 1.** The extent to which the proposed text amendment is consistent with the remainder of the UDO, including, specifically, any purpose and intent statements;
 - 2.** The extent to which the proposed text amendment represents a new idea not considered in the existing UDO, or represents a revision necessitated by changing circumstances over time;
 - 3.** Whether or not the proposed text amendment corrects an error in the UDO; and
 - 4.** Whether or not the proposed text amendment revises the UDO to comply with State or Federal statutes or case law.
- B.** In deciding whether to adopt a proposed text amendment to this UDO, the central issue before the Board of Commissioners is whether the proposed amendment advances the public health, safety or welfare and is consistent with the adopted plans and policies of the County and the specific intent of this UDO.

§9.3.9. Appeal to Court

Any decision by the Board of Commissioners may be appealed in accordance with G.S. § 160D-1401 and 160D-1405(b). An action challenging the validity of a text amendment shall be brought within one year of the accrual of such action. Such an action accrues when the party bringing such action first has standing to challenge the ordinance. A challenge on the basis of an alleged defect in the adoption process shall be brought within three years after the adoption of the text amendment.

Applicability**§9.4. Rezoning****§9.4.1. Applicability**

- A. Amendments to the Zoning Map shall be made in accordance with the provisions of this section. The Board of Commissioners shall consider amendments to the Zoning Map, as may be required from time to time.
- B. Rezonings should correspond with the boundary lines of existing platted lots or parcels. Where the boundaries of a rezoning request stop short of an exterior property line, it must be possible to subdivide and develop that portion of the property outside the proposed rezoning boundary in accordance with the existing zoning and other requirements of this UDO.
- C. All zoning requirements shall be met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, prior to advertisement of the public hearing, the rezoning shall be expanded to include all property necessary to meet zoning requirements.

§9.4.2. Initiation of Amendment

A request for a rezoning may be initiated by the Board of Commissioners, the Planning Board, or the Director. An owner of land within the jurisdiction of the County (or a duly authorized agent or representative) may petition the Board of Commissioners for a rezoning.

§9.4.3. Pre-application Conference

All applicants petitioning for a rezoning shall schedule a pre-application conference with the Director in accordance with §9.2.1.

§9.4.4. Application Requirements

All applications for a rezoning shall be submitted in accordance with §9.2.2, Application Requirements.

§9.4.5. Notice and Public Hearings

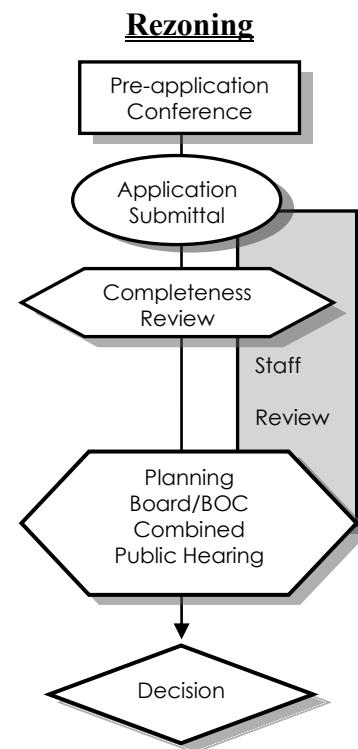
The County shall hold all required public hearings and give notice in accordance with §9.2.3, Notice and Public Hearings.

§9.4.6. Action by Director

The Director shall prepare a staff report that reviews the rezoning request in accordance with the adopted plans and policies of the County and the general requirements of this UDO. Following completion of technical review by staff, the Director shall forward the completed request and any related materials to the Planning Board.

§9.4.7. Action by Planning Board

- A. The Planning Board shall make a recommendation on the rezoning request to the Board of Commissioners. The Planning Board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has



been adopted and other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Board of Commissioners. If no such recommendation is received from the Planning Board within 30 days of referral of the request to the Planning Board, the Board of Commissioners may proceed in its consideration of the request without the Planning Board's recommendation.

B. Following Planning Board review, the Director shall forward the completed rezoning request and any related materials, including the Planning Board recommendation, to the Board of Commissioners for final action.

§9.4.8. Action by Board of Commissioners

A. Before taking action on a rezoning, the Board of Commissioners shall consider the recommendations of the Planning Board and Director.

B. The Board of Commissioners may approve the rezoning, deny the rezoning, or send the rezoning back to the Planning Board for additional consideration.

C. When adopting or denying any map amendment, the Board of Commissioners shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan and explaining the reasonableness of the proposed amendment. The statement of reasonableness may consider, among other factors; (i) the size, physical conditions, and other attributes of any area proposed to be rezoned; the benefits and detriments to the landowners, neighbors, and the surrounding community; (ii) the relationship between the current actual and permissible development and the development permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment. If the amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending the future land use plan map in the approved plan and no additional request or application for a plan amendment shall be required.

§9.4.9. Modification of Application

An applicant in a zoning matter may reduce the geographic scope and or propose a district of lower density or intensity from that requested in the application by filing a statement of modification with the Director.

§9.4.10. Appeal to Court

Any decision by the Board of Commissioners may be appealed in accordance with G.S. §160D-1401 and 160D-1405(a). A cause of action as to the validity of any ordinance amending the zoning map shall accrue upon adoption of such ordinance and shall be brought within sixty days as provided in G.S. §1-54.1.

Applicability**§9.5. Planned Development Review****§9.5.1. Applicability**

- A. Planned development review shall occur in accordance with the provisions of this section.
- B. The Board of Commissioners shall consider planned development rezonings, as may be required from time to time.
- C. All requirements shall be met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, prior to advertisement of the public hearing, the rezoning shall be expanded to include all property necessary to meet zoning requirements.
- D. All subdivisions with 50 or more dwelling units or lots shall be processed as a planned development.

§9.5.2.**Initiation of Amendment**

An owner of land within the jurisdiction of the County (or a duly authorized agent or representative) may petition the Board of Commissioners for planned development rezoning.

§9.5.3.**Pre-application Conference**

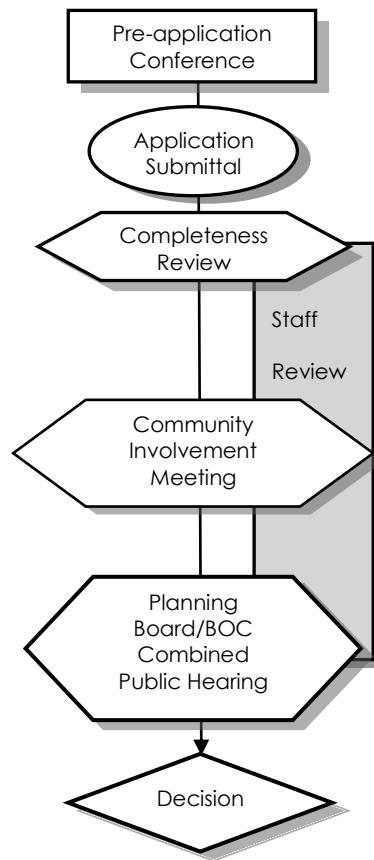
All applicants petitioning for planned development rezoning shall schedule a pre-application conference with the Director in accordance with §9.2.1.

§9.5.4.**Community Involvement Meeting (CIM)**

After the pre-application conference and prior to final acceptance of an application by the Director, all applicants petitioning for planned development rezoning shall hold a community involvement meeting in accordance with the following requirements:

- A. Only the initial application for planned development review shall require a CIM. Subsequent applications for subdivision or site plan review do not require further CIMs.
- B. The purpose of the CIM shall be to inform the neighborhood of the nature of the proposed land use and development features, explain the site plan if any, and solicit comments.
- C. The applicant shall provide notice by mail in accordance with paragraph §9.2.3.B.3. The notice shall be mailed at least ten days but not more than 25 days prior to the date of the CIM.
- D. The applicant shall prepare and submit to the Director detailed minutes that outlines attendance, major points discussed, and any agreements reached between the parties involved.

Planned Development Review



- E. Following the CIM, the applicant shall have the opportunity to make changes to the application to take into account information and comments received. One or more revised copies of the application shall be submitted to the Director for review. No additional fee shall be required to be paid for making such changes provided the Director receives the revised application within 30 days following the CIM. If a revised application is not received during said 30 day period, the Director shall review the original application submitted.
- F. The Director may develop administrative rules pertaining to any additional requirements for the conduct of the meeting.

§9.5.5. Application Requirements

- A. Concurrent with a request for planned development rezoning, an applicant shall submit a master plan to govern the development and maintenance of the land within the planned development. The master plan shall be prepared by a design professional.
- B. All applications for planned development rezoning shall be submitted in accordance with §9.2.2, Application Requirements.
- C. A master plan which meets the requirements for submittal of a preliminary plat may be approved as the master plan for the development and the preliminary plat concurrently.
- D. A traffic impact analysis may be required if the proposed planned development meets the thresholds established in §9.8, Traffic Impact Analysis.

§9.5.6. Notice and Public Hearings

The County shall hold all required public hearings and give notice in accordance with §9.2.3, Notice and Public Hearings.

§9.5.7. Action by Director

- A. Upon submission of a completed application, the Director shall schedule the master plan for review by the Technical Review Committee. The Technical Review Committee shall review the master plan for consistency with the requirements of this UDO.
- B. Upon completion of the technical review, the Director may meet with the applicant to discuss any changes in development design.
- C. The Director shall prepare a staff report that reviews the application in accordance with comments provided by the Technical Review Committee, in accordance with the adopted plans and policies of the County, and the general requirements of this UDO. The report, master plan and any related application materials shall be forwarded to the Planning Board.

§9.5.8. Action by Planning Board

- A. The Planning Board shall make a recommendation on the planned development request to the Board of Commissioners. The Planning Board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the Board of Commissioners that addresses plan consistency and other matters as deemed

Action by Board of Commissioners

appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Board of Commissioners.

- B.** The Planning Board's recommendation shall include a written statement to the Board of Commissioners describing whether its recommendation is consistent with the adopted plans and policies of the County. If no written recommendation is received from the Planning Board within 30 days of referral of the request to the Planning Board, the Board of Commissioners may proceed in its consideration of the application without the Planning Board's recommendation.
- C.** Following Planning Board review, the Director shall forward the completed planned development request and any related materials, including the Planning Board recommendation (if applicable), to the Board of Commissioners for final action.

§9.5.9. Action by Board of Commissioners

- A.** Before taking action on a planned development rezoning, the Board of Commissioners shall consider the recommendations of the Planning Board and Director. The Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Board of Commissioners.
- B.** The Board of Commissioners may approve the rezoning, deny the rezoning, or send the rezoning back to the Planning Board for additional consideration.
- C.** When adopting or denying any rezoning, the Board of Commissioners shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan and explaining the reasonableness of the proposed amendment. The statement of reasonableness may consider, among other factors; (i) the size, physical conditions, and other attributes of any area proposed to be rezoned; the benefits and detriments to the landowners, neighbors, and the surrounding community; (iii) the relationship between the current actual and permissible development and the development permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment. If the amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending the future land use plan map in the approved plan and no additional request or application for a plan amendment shall be required.

§9.5.10. Master Plan Approval Criteria

The master plan review shall include and the applicant shall be responsible for successfully addressing the following:

- A.** Compliance with §2.4.9, Planned Development Districts Standards, and all other applicable requirements of this UDO;
- B.** Conformance of the proposal with the stated purpose of the requested planned development district;
- C.** Compatibility of the proposed development with the adjacent community;
- D.** The quality of design intended for each component of the project and the ability of the overall development plan to ensure a unified, cohesive environment at full build-out;
- E.** Compatible relationships between each component of the overall project;
- F.** Self-sufficiency of each phase of the overall project and phase schedule;
- G.** Documentation that the proposed infrastructure improvements accommodate the additional impacts caused by the development, or documentation to assure that the development, as proposed, will not overtax the existing public infrastructure systems;
- H.** The fiscal impact of the proposal and the proposed financing of required improvements;
- I.** The success of the proposal in providing adequate pedestrian and bicycle links within the development and with the adjacent community;
- J.** The effectiveness with which the proposal protects and preserves the ecologically sensitive areas within the development; and
- K.** Other conditions deemed necessary by the Board of County Commissioners for the success of the project.

§9.5.11. Action after Approval

- A.** Upon approval of a planned development rezoning by the Board of Commissioners and on recordation of the notice of approved the master plan, the district is deemed established. All documents (including the approved master plan) shall be an integral part of the approved proposal.
- B.** The approved planned development and associated master plan shall run with the land and shall be binding on the original applicant as well as any successors, assigns and heirs. Notice of the approved master plan shall be recorded in the Lincoln County Register of Deeds Office and the Zoning Map amended.
- C.** Approval of a planned development rezoning and associated master plan does not constitute site plan approval or subdivision approval (if the property is to be further subdivided), except where the master plan meets the requirements for and is approved as a preliminary plat.
- D.** Property to be further subdivided shall obtain approval in accordance with §§9.6, Subdivision Review. Where a preliminary plat has been approved, the applicant may move forward to provide construction plans and a final plat.
- E.** Property not to be further subdivided shall obtain site plan approval as set forth in §9.7, Site Plan Review.
- F.** Special uses not shown on the approved master plan require approval in accordance with §9.11, Special Use Review.

Approved Master Plan Modifications

G. Discretionary uses not shown on the approved master plan require approval in accordance §9.11, Special Use Review.

§9.5.12. Approved Master Plan Modifications

A. Amendments to an approved master plan, if minor in scope may be approved administratively by the Director. Minor changes shall include:

1. Modifications, up to ten percent, of the original mixture of uses (so long as the minimum and maximum stated are maintained);
2. Minor adjustments to phasing (as long as the quantity of phases remains);
3. The realignment of internal roadways; and
4. Minor changes or adjustments to the sign, lighting and landscape requirements may also be approved administratively by the Director.

B. Major modifications shall require resubmittal to the Board of Commissioners. These shall include:

1. The addition of land modifications to the originally approved mixture of uses in excess of ten percent;
2. A change in the number of phases within the development;
3. The addition or deletion of main vehicular entrances serving the development or their relocation; and
4. Major modifications shall also include any proposed revisions that are deemed by the Director to be inconsistent with the adopted plans and policies of the County.

§9.5.13. Appeal to Court

Any decision by the Board of Commissioners may be appealed in accordance with G.S. §160D-1401 and 160D-1405(a). A cause of action as to the validity of any ordinance amending the zoning map shall accrue upon adoption of such ordinance and shall be brought within sixty days as provided in G.S. §1-54.1.

§9.6. Subdivision Review

§9.6.1. Applicability

Subdivision approval shall be required before the division of land (for any purpose) into two or more parcels, except as expressly exempted below.

§9.6.2. Actions Exempt from Subdivision Requirements

The following shall not be considered “subdivision” subject to review under this section:

- A. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resulting lots are equal to or exceed the standards of this UDO;
- B. The division of land into parcels greater than ten acres where no road right-of-way dedication is involved;
- C. The public acquisition by purchase of strips of land for water or sewer infrastructure or the widening or opening of roads; and
- D. The division of a site in single ownership whose entire area is no greater than two acres into not more than three lots, where no road right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this UDO.
- E. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

§9.6.3. No Subdivision without Plat Approval

- A. No person may subdivide land except in accordance with all of the provisions of this UDO. In particular, no subdivision may occur unless and until a final plat of the subdivision has been approved in accordance with the provisions of this section and recorded in the Lincoln County Register of Deeds Office.
- B. The Lincoln County Register of Deeds Office shall not record a plat of any subdivision within the County jurisdiction unless the plat has been approved in accordance with the provisions of this UDO.
- C. Not all divisions of land constitute subdivisions that are subject to regulation under this UDO. However, to ensure that such divisions are in fact exempt from the requirements of this UDO, all plats creating a division of land shall be presented to the Director before recordation in the Lincoln County Registry and the Director shall indicate on the face of the plat that the division is exempt from the provisions of this UDO if that is the case.
- D. No road shall be maintained or accepted by the State, or shall any road lights, water, or sewer be extended to or connected with any subdivision of land, or shall any permit be issued by any administrative agent or department of the County for the construction of any building or other improvements requiring permit, upon any land for which a plat is to be approved, unless and until the requirements set forth in this UDO have been complied with.
- E. There are a variety of requirements for differing levels of resource protection in Article 7, Natural Resource Protection, which must be met prior to the subdivision of land.

§9.6.4. Delegation of Authority

The Board of Commissioners delegates review and approval authority for all minor plats and final plats to the Director, with review by the Technical Review Committee.

§9.6.5. Unlawful to Record Plat without Final Plat Approval

It shall be unlawful to offer and cause to be recorded any final plat within the jurisdiction of Lincoln County Register of Deeds Office unless the plat bears the endorsement and approval of the Lincoln County Review Officer.

§9.6.6. Definitions**A. Minor Subdivision**

1. A minor subdivision is a subdivision that does not involve any of the following:
 - (a) Creation of a total of more than 20 lots;
 - (b) Creation of any new roads;
 - (c) Extension of any water and/or sewer lines, other than individual service lines; or
 - (d) Installation of drainage improvements through one or more lots to serve one or more other lots.
2. Minor subdivisions require minor plat review and final plat review.
3. Subdivision of a tract or parcel of land in single ownership meeting the following criteria shall require only final plat review:
 - (a) The tract or parcel to be divided is not exempted under §9.6.2.B;
 - (b) No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division;
 - (c) The entire area of the tract or parcel to be divided is greater than five acres;
 - (d) After division, no more than three lots result from the division;
 - (e) After division, all resultant lots comply with all lot dimension requirements;
 - (f) After division, the use of the lots is in compliance with the applicable zoning requirements; and
 - (g) A permanent means of ingress and egress is recorded for each lot.

B. Major Subdivision

1. All other divisions of land not exempted in §9.6.2 above or listed in §9.6.6.A above shall be considered major subdivisions.
2. Major subdivisions require preliminary plat approval and final plat approval.

C. Family Subdivision

1. Subdivisions involving the creation of lots for residential purposes which are to be deeded only to immediate family members and cannot be resold or deeded for three years shall be exempt from certain procedural and administrative requirements of this UDO. Such subdivisions shall neither be

classified as "minor" or "major" subdivisions but shall adhere to the requirements of §9.6.10 and §9.6.11, Final Plat Review.

2. For purposes of this section "immediate family members" shall be defined to include only: husbands, wives, mothers, fathers, brothers, sisters, children (biological, adopted, or step), grandmothers, grandfathers, grandchildren (biological, adopted, or step), aunts, uncles, nieces, and nephews.

§9.6.7. Pre-application Conference and Sketch Plan

- A. All applicants seeking subdivision approval shall schedule a pre-application conference with the Director, in accordance with §9.2.1.
- B. At the time of the pre-application conference, applicants shall submit a sketch plan for review by the Director. This plan should, in simple sketch form, show the proposed layout of roads, lots, and other features in relation to existing conditions (see Planning and Inspections Department for specific submittal requirements).
- C. The Director shall make a determination as to which approval process authorized by this section can be used. The Director may require the applicant to submit supplemental information is necessary to make this determination.

§9.6.8. Minor Plat Review

A. Applicability

The procedure for approval of a minor subdivision plat is intended to simplify processing of routine small subdivisions with due regard to protection of the public interest. The difference between the minor and major subdivision processes is that minor subdivisions do not require preliminary plat review.

B. Application Requirements

All applications for minor plat review shall be submitted in accordance with §9.2.2, Application Requirements.

C. Action by Director

1. Upon submission of a completed application, the Director shall determine whether the plat conforms to the standards of a minor subdivision.
2. If the minor subdivision plat is determined not to be in conformance with the requirements for a minor subdivision, the applicant may proceed with preliminary plat approval.

D. Action Following Approval

The approval of a minor plat does not constitute final plat approval. Upon minor plat approval:

1. A final plat shall be submitted in accordance with the requirements of §9.6.11. The final plat shall be recorded in the Lincoln County Register of Deeds Office.
2. The applicant may begin preliminary site work. All site work shall be performed in compliance with the requirements of this UDO, and other applicable regulations of Lincoln County and the State.

E. Continuing Validity of Minor Plats

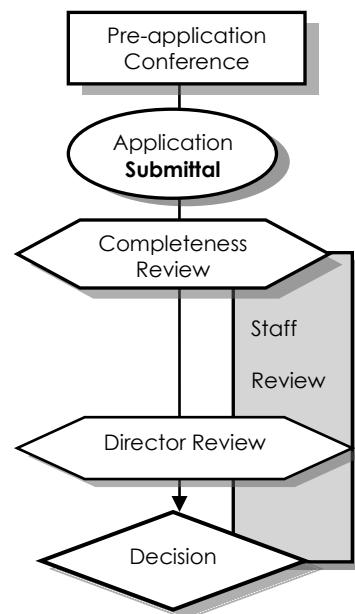
Within 24 months of the date of approval of the minor subdivision plat, the applicant shall submit application for final plat review otherwise the minor subdivision plat shall be null and void.

F. Minor Plat Approval Criteria

Minor subdivision plats shall be approved only when the Director finds that all of the following conditions exist:

1. Consistency with the adopted plans and of policies of the County;
2. The plat complies with the standards of Article 5, Subdivision Standards, and any other applicable requirements of this UDO;
3. The plat indicates that all subject lots will have frontage on existing approved roads;

Minor Plat Review



4. New or residual parcels conform to the requirements of this UDO and other applicable regulations;
5. No new roads are required or are likely to be required for access to interior property;
6. No extension of public sewerage or water lines will be required;
7. The proposed subdivision will not adversely affect permissible development of the remainder of the parcel or of adjoining property; and
8. No waivers from Article 5, Subdivision Standards, have been requested.

Preliminary Plat Review (Major Subdivisions Only)

§9.6.9. Preliminary Plat Review (Major Subdivisions Only)**A. Applicability**

A preliminary plat shall be required for all subdivisions that do not meet the definition of a minor subdivision as set forth in paragraph §9.6.6 above.

B. Application Requirements

1. All applications for preliminary plat review shall be submitted in accordance with §9.2.2, Application Requirements.
2. An application for a waiver from any of the provisions of Article 5, Subdivision Standards, shall be submitted in writing by the applicant at the time the preliminary plat is filed. The application shall state the grounds for the waiver and all the facts relied upon by the applicant.
3. When a subdivision is to be developed in phases, a master plan shall be submitted for the entire development and a preliminary plat shall be submitted for each individual phase. A final plat is submitted for individual phases as each phase is developed. Each new phase shall be developed adjacent to an earlier phase.

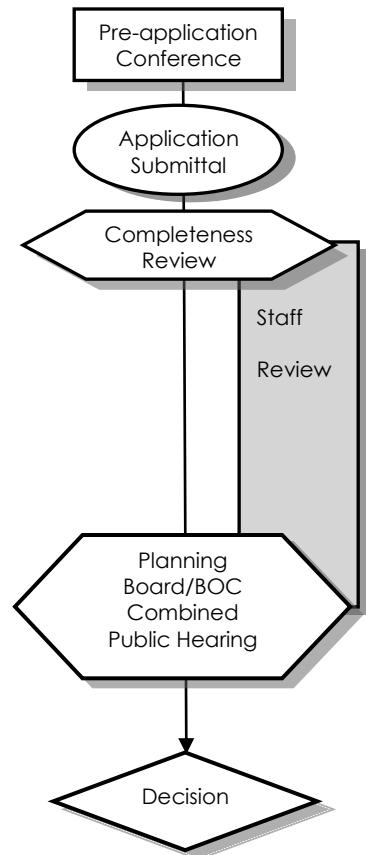
C. Notice and Public Hearings

The County shall hold all required public hearings and give notice in accordance with §9.2.3, Notice and Public Hearings.

D. Action by Director

1. Upon submission of a completed application, the Director shall review the preliminary plat for consistency with the requirements of this UDO.
2. The following agencies shall be given an opportunity to review the proposed plat as needed:
 - (a) County Superintendent of Schools;
 - (b) County health department;
 - (c) State Department of Transportation District Engineer;
 - (d) Lincoln county natural resource commission (lnrc);
 - (e) State Department of Natural Resources and Community Development; and
 - (f) Other agencies and officials as the Director or Planning Board may deem necessary or desirable.
3. The Director shall prepare a report that reviews the application in accordance with comments provided by the Technical Review Committee, and in accordance with the adopted plans and policies of the County, and the general

Preliminary Plat Review



requirements of this UDO. The report, preliminary plat and any related application materials shall be forwarded to the Planning Board.

E. Reserved**F. Waivers**

Where the Board of Commissioners finds that extraordinary hardships or practical difficulties may result from strict compliance with Article 5, Subdivision Standards, and the intent of this UDO may be served to a greater extent by an alternative proposal, a waiver may be granted. A waiver shall not have the effect of nullifying the intent and purpose of this UDO, and the Board of Commissioners shall not grant a waiver unless the Board of Commissioners makes findings based upon the evidence presented in each case that:

1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
2. The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not generally applicable to other property;
3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of this UDO are enforced; and
4. The purpose of the waiver is not based primarily upon financial consideration.
5. In granting a waiver, the Board of Commissioners may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of this UDO.

Commentary: All administrative decisions are subject to appeal pursuant to §9.19.

G. Action by Board of Commissioners

1. The preliminary plat shall be considered by the Board of Commissioners in accordance with its rules of procedure and the General Statutes of North Carolina.
2. A quasi-judicial hearing shall be held after due notice has been given to the applicant and the general public. Sworn parties shall be given the opportunity to present evidence, cross-examine other parties, and inspect any documentation, and offer evidence or testimony in rebuttal.
3. Findings of fact shall be made by the Board of Commissioners that are based on sworn evidence or testimony presented at the meeting. Such evidence or testimony must be relevant, material, and competent.
4. No final action shall be deemed to have been given by the Board of Commissioners on the preliminary plat until the Board of Commissioners' written decision on the preliminary plat is delivered to the applicant by the County.
5. The Board of Commissioners may approve the preliminary plat, or deny the preliminary plat.

Preliminary Plat Review (Major Subdivisions Only)

6. If the Board of Commissioners should disapprove the preliminary plat, the reasons for such action shall be given to the applicant.

H. Findings of Fact Required

No preliminary plat may be approved by the Board of Commissioners unless all of the following findings are made concerning the subdivision:

1. Consistency with the adopted plans and of policies of the County.
2. The subdivision meets all required specifications of this UDO.
3. The subdivision will not be detrimental to the use or orderly development of other properties in the surrounding area and will not violate the character of existing standards for development of properties in the surrounding area.
4. The subdivision design will comply with the requirements of §9.8 and provide for the distribution of traffic in a manner that will avoid or mitigate congestion within the immediate area, will provide for the unified and orderly use of or extension of public infrastructure, and will not materially endanger the environment, public health, safety, or the general welfare.

I. Action Following Approval

1. Upon preliminary plat approval, the applicant may initiate proceedings to begin site work and installation of improvements. All work shall be performed in compliance with the requirements of Article 5, Subdivision Standards, and other applicable regulations of Lincoln County, and the State.
2. Approval of a preliminary plat does not constitute approval of the final plat. Application for approval of the final (record) plat will be considered only after the requirements for final plat as specified in paragraph §9.6.11 below have been fulfilled and after all other specified conditions have been met.

J. Continuing Validity of Preliminary Plats

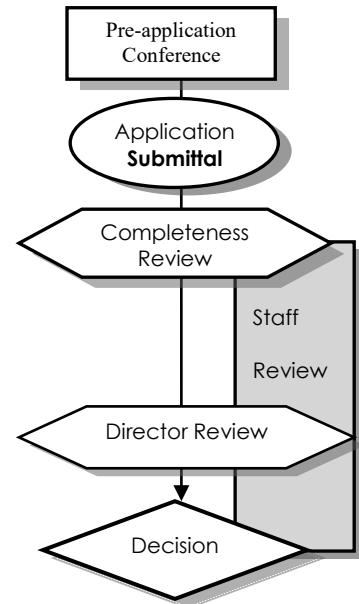
1. Within 24 months of the date of approval of the preliminary plat, the applicant shall submit a final plat for at least one section of the subdivision. Otherwise, the preliminary plat shall be null and void.
2. All sections of an approved preliminary plat must be submitted for final plat approval within three years of preliminary plat approval for a preliminary plat containing up to 100 lots, and within five years for a preliminary plat containing 100 lots or more. Otherwise, the preliminary plat shall be null and void.

§9.6.10. Family Subdivision Review

A. Applicability

1. The procedure for approval of a family subdivision plat is intended to simplify processing of subdivision for the purpose of creating lots for immediate family members with due regard to protection of the public interest.
2. This section shall apply to subdivisions for which the following conditions are met:
 - (a) The owner and grantee certify that the grantee of each lot is the immediate family member of the owner as defined in §9.6.6.C;
 - (b) Each family member, as listed above, shall only be allowed to be deeded one lot per tract of land owned by the grantor. Before any family subdivision plat may be recorded (or picked up for recording), the subdivider shall show copies of the deed(s) granting the land to the family member(s); and
 - (c) The owner and grantee certify that the purpose of the family subdivision is not to circumvent the provisions of this UDO and that none of the lots shall be conveyed to third parties for a period of not less than three years, and that the record plat shall indicate same.
3. Failure of any person to comply with the provisions of subparagraph 2(a) and (b), above, shall be in violation of this UDO, and all of the remedies available in G.S. §153A-123 shall apply.

Family Plat Review



B. Application Requirements

All applications for family plat review shall be submitted in accordance with §9.2.2, Application Requirements.

C. Action by Director

1. Upon submission of a completed application, the Director shall determine whether the plat conforms to the standards of a family subdivision.
2. If the family subdivision plat is determined not to be in conformance with the requirements for a family subdivision, the applicant may proceed with preliminary plat approval.

D. Action Following Approval

The approval of a family plat does not constitute final plat approval. Upon minor plat approval:

1. A final plat shall be submitted in accordance with the requirements of §9.6.11. The final plat shall be recorded in the Lincoln County Record of Deeds.
2. The applicant may begin preliminary site work. All site work shall be performed in compliance with the requirements of this UDO, and other applicable regulations of Lincoln County and the State.

E. Continuing Validity of Family plats

Within 24 months of the date of approval of the family subdivision plat, the applicant shall submit a complete application for final plat review otherwise the family subdivision plat shall be null and void.

F. Family Plat Approval Criteria

Family subdivision plats shall be approved only when the Director finds that all of the following conditions exist:

1. Consistency with the adopted plans and of policies of the County;
2. The plat complies with the standards of Article 5, Subdivision Standards, and any other applicable requirements of this UDO, except:
 - (a) Lots in a family subdivision need not have frontage on public roads;
 - (1) All lots created in a family subdivision must have a minimum of 35 feet of frontage on either a newly created perpetual easement or public right-of-way that has a minimum width of 45 feet or an easement that existed on the effective date of this section (May 14, 1996) provided the pre-existing easement has a minimum easement width of 20 feet, said easement shall provide access to a NCDOT maintained road. Irrespective of this minimum width, the road easement shall be of appropriate width to accommodate the placement of utilities;
 - (2) In no instance may one unpaved private road easement intersect with another unpaved private road easement;
 - (b) All lots must meet or exceed the minimum lot size specified in §7.3, Watershed Protection;
3. New or residual parcels conform to the requirements of this UDO and other applicable regulations;
4. No new roads are required or are likely to be required for access to interior property;
5. No extension of public sewerage or water lines will be required;
6. The proposed subdivision will not adversely affect permissible development of the remainder of the parcel or of adjoining property; and
7. No waivers from Article 5, Subdivision Standards, have been requested.

§9.6.11. Final Plat Review (Major, Minor and Family Subdivisions)

A. Applicability

A final plat shall be required for all subdivision of land in Lincoln County's jurisdiction, except as prescribed in §9.6.2.

B. Application Requirements

All applications for final plat review shall be submitted in accordance with §9.2.2, Application Requirements.

C. Action by Director

1. Upon submission of a completed application, the Director shall within 30 days review the final plat for consistency with the approved minor subdivision plat, family subdivision plat or approved preliminary plat, as applicable, and the general requirements of this UDO.
2. Upon completion of the technical review, the Director may approve the final plat, deny the final plat, or send the plat back for additional consideration.
3. If the final plat is disapproved by the Director, the reasons for such disapproval shall be stated in writing, specifying the provisions of this UDO with which the final plat does not comply.

D. Final Plat Approval Criteria

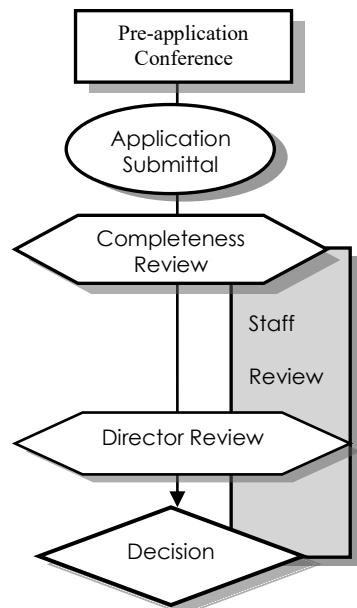
Final plats shall be approved when the following conditions exist:

1. Consistency with the adopted plans and of policies of the County;
2. The plat complies with the approved minor plat, family plat or preliminary plat, as applicable.
3. The plat complies with the standards of Article 5, Subdivision Standards, and the other applicable requirements of this UDO;
4. New and residual parcels will conform to the requirements of this UDO and other applicable regulations;
5. All necessary right-of-way has been offered for reservation or dedication; and
6. All necessary drainage easements have been provided.

E. Endorsements on Final Plats

All final plats shall contain the required certificates as indicated in the most recent version of the plat certificate packet on file with the Lincoln County Planning and Inspections Department

Final Plat Review



F. Action after Approval

1. The applicant shall file the approved final plat with the County Register of Deeds for recording within 20 days after the date of approval.
2. The approval of a final plat shall not be deemed to constitute or affect the acceptance by the County of the dedication of any road or other ground, public utility line, or other public facility shown on the plat. However, the County may, by resolution, accept any dedication made to the public of lands or facilities for roads, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision regulation jurisdiction.
3. Acceptance or dedication of lands or facilities shall not place on the County any duty to open, operate, repair, or maintain any road, utility line, or other land or facility, and the County shall in no event be held to answer in any civil action or proceeding for failure to open, repair, or maintain any road or road.

§9.6.12. Dedication and Improvements

- A. In the development of any subdivision, the applicant shall be required to dedicate any additional right-of-way necessary to the width required by the County for roads adjoining the property, to install curbs and gutters and pave all roads adjoining the property to NCDOT standards, and to install sidewalks in accordance with the policies and requirements of Article 5, Subdivisions Standards. Such dedication shall be documented in accordance with NCDOT requirements.
- B. The applicant shall bear the costs of the installation of all on-site improvements as required by this UDO, including provision for surface drainage, pavement, landscaping, and utilities. Any applicant required to install or construct off-site improvements pursuant to this section may, with the approval as a condition of subdivision approval, and upon a determination by the Director that such improvements are not necessary or desirable at the time, but will be needed in the future, make a payment in lieu of such improvements or part thereof. The amount of any such payment shall be an amount estimated by the County to be 125 percent of the actual and total installation and construction costs of such improvements. The amount paid for a given improvement shall be considered total and complete payment for the improvements considered, and will preclude any further assessment of the property in the event that the County elects to install such improvements at a later date.

§9.6.13. Guarantees of Improvements

Guarantee of improvements shall be made in accordance with §5.10.

§9.6.14. Inspections of Required Improvements

Inspections of improvements shall be made in accordance with §5.10.4.

§9.6.15. Certifications

All final plats shall contain the required certificates as indicated in the most recent version of the plat certificate packet on file with the Lincoln County Planning and Inspections Department

§9.6.16. Approved Plat Modifications**A. Minor Modifications****1. Preliminary Plat**

Minor revisions to an approved preliminary plat may be approved by the Director if the revisions are within the scope and intent of the original approval. Such revisions may include but not be limited to:

- (a) Reducing the lot count.
- (b) Modifying phase lines.
- (c) Minor adjustments to lot or road locations.

2. Final Plat

A final plat may be rerecorded to:

- (a) Revise or correct dimensions;
- (b) Change road names;
- (c) Add, delete or modify easements or private covenants;
- (d) Change subdivision name; or
- (e) Other minor modifications that are within the scope and intent of the original approval subject to approval of the Director.

3. Procedures**(a) Preliminary Plat**

- (1) When minor revisions are proposed to an approved preliminary plat, the applicant shall submit a written request to the Director delineating the revisions and requesting authorization for administrative revision.
- (2) The Director shall notify the applicant whether the proposed revision qualifies for minor modification and the basis for the determination. If approved, the final plat may be submitted in accordance with the revisions.
- (3) The Director shall distribute copies of the revised plat to the appropriate agencies.

(b) Final Plat

- (1) When minor revisions are proposed to an approved final plat, the applicant shall submit a written request to the Director delineating

the revisions and requesting authorization for administrative revision.

- (2) If the plat has been recorded, the applicant shall submit the recorded plat with a statement describing the revisions made and certificate for the Director's signature and date of signing.
- (3) If the ownership of the subdivision has changed or if any lots have been sold since the previous recording, an owner's and notary's certificates shall be provided on the plat for each current owner.
- (4) In addition to the letter and the revised final plat, the applicant shall submit the required fees to the Director for processing the revised plat.
- (5) The Director shall distribute copies of the recorded final plat to the appropriate agencies.

B. Major Modifications

Proposed modifications to an approved preliminary plat or final plat not considered minor revisions shall be submitted and processed as new applications in accordance with the provisions of this section.

§9.6.17. Appeal

Final action on a final plat may be appealed to the Board of Adjustment in accordance with §9.19, Administrative Appeals.

§9.6.18. Replat or Resubdivision Procedures

For any replat or resubdivision of land, the same procedures, rules, and regulations shall apply as prescribed for an original subdivision. Lot size and configuration may, however, be varied on an approved plat after recording, provided that:

- A. No lot or parcel of land shall be created or sold that does not conform to the minimum standards of the applicable zoning district;
- B. Easements or rights-of-way shall not be changed;
- C. Road alignment and block sizes shall not be changed;
- D. The character of the area shall be maintained;
- E. A recombination of existing parcels may be approved by the Director, subject to the following:
 1. The resultant lots are equal to the standards of this UDO or more closely conform to the minimum lot size standards in this UDO;
 2. The total number of lots is not increased;
 3. All the metes and bounds boundaries of the affected lots are shown;
 4. All lot boundaries changed or eliminated by requested combination are indicated by dashed lines;
 5. The title block contains the word "recombination";
 6. Structures on the affected lots are shown and the requested recombination does not violate yard requirements of the §2.4;

Replat or Resubdivision Procedures

7. The recombination plat is signed by all property owners if either the number of lots is reduced or different owners for different lots are involved in the recombination;
8. The recombination plat is signed and sealed by a registered surveyor;
9. The recombination plat is certified by the Lincoln County Review Officer and the Director; and
10. The recombination plat conforms to NCGS 47-30 and the requirements of this UDO.

§9.7. Site Plan Review

§9.7.1. Applicability

- A. All proposed development, except for single-family detached, zero lot line, alley-loaded houses, two-family houses on approved individual lots, shall be subject to the site plan review process.
- B. Temporary uses may require site plan review (see §9.13, Temporary Use Permit).

§9.7.2. Site Plan Types

There are two types of site plans with differing levels of approval required for each. The criteria for establishing which type of site plan and the corresponding level of approval for each are indicated below.

A. Minor Site Plans

1. Applicability

- (a) The following shall be reviewed as a minor site plan:
 - (1) Expansion of existing parking areas up to 105 percent of the maximum number of parking spaces otherwise required;
 - (2) Accessory uses in nonresidential districts involving structures less than 1,200 square feet; and
 - (3) Amenity facilities, park and open area uses in approved subdivisions.
- (b) Projects listed below shall also be reviewed as a minor site plan provided they do not require modification of the standards established in this UDO other than those which the Director may modify administratively; and do not involve the issuance of a special use permit or a conditional district rezoning.
 - (1) Developments, other than those in approved industrial parks, of up to 50,000 square feet of building for nonresidential uses;
 - (2) Expansion of an existing conforming nonresidential structure that would cause it to exceed 50,000 square feet; and
 - (3) Expansion of a previously approved site plan by 5 percent in floor area or number of units.
- (c) Development in approved industrial parks regardless of size should be handled as a minor site plan review.

2. Approval Authority

The Director shall be responsible for approving a minor site plan.

Pre-application Conference**B. Major Site Plans****1. Applicability**

Any development requiring site plan review not listed in subsection A, above, as a minor site plan shall be considered a major site plan.

2. Approval Authority

The Board of Commissioners shall be responsible for approving all major site plans, including site plans associated with an approved planned development master plan (see paragraph §9.7.5 below) and special use permits (see §9.11).

§9.7.3. Pre-application Conference

- A.** All applicants seeking site plan approval shall schedule a pre-application conference with the Director, in accordance with §9.2.1.
- B.** The Director shall make a determination as to which approval process authorized by this section can be used. The Director may require the applicant to submit whatever supplemental information is necessary to make this determination.

§9.7.4. Minor Site Plan Review

A. Application Requirements

An application for minor site plan approval shall be submitted accordance with §9.2.2, Application Requirements.

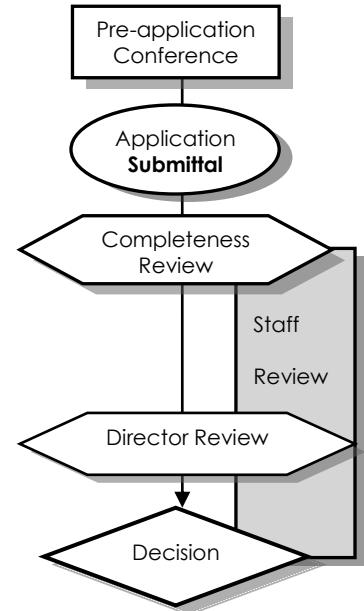
B. Action by Director

1. Upon submission of a completed application, the Director shall review the minor site plan for consistency with the requirements of this UDO.
2. After technical review, the Director shall determine whether the minor site plan conforms to the requirements of this UDO.

C. Modifications to Approved Minor Site Plans

The Director shall have authority to grant modifications to approved minor site plans in accordance with the provisions of this section or refer the modification to the Technical Review Committee if deemed necessary.

Minor Site Plan Review



Major Site Plan Review

§9.7.5. Major Site Plan Review**A. Application Requirements**

An application for major site plan approval shall be submitted accordance with §9.2.2, Application Requirements.

B. Action by Director

1. Upon submission of a completed application, the Director shall review the major site plan for consistency with the requirements of this UDO.
2. Upon completion of the technical review, the Director shall prepare a report that reviews the application and in accordance with the adopted plans and policies of the County and the general requirements of this UDO. The report, site plan and any related application materials shall be forwarded to the Planning Board.

C. Action by Planning Board

1. After considering the Director's comments, the Planning Board shall recommend approval or disapproval of the major site plan, or send the site plan back to the Director for additional consideration.
2. Major site plans requiring revisions shall be returned to the Planning Board within 90 days or the application shall be considered withdrawn. One extension period may be granted by the Planning Board.

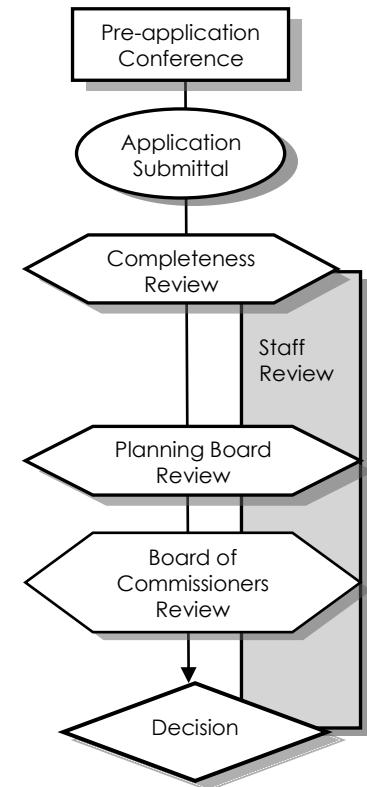
D. Action by Board of Commissioners

1. Before taking action on the major site plan, the Board of Commissioners shall consider the recommendations of the Planning Board.
2. The Board of Commissioners may approve the request, deny the request, or send the request back to the Planning Board for additional consideration.

§9.7.6. Modifications to Approved Major Site Plans**A. Minor Deviations**

If a proposed amendment to a major site plan represents only a minor deviation from the approved site plan, the applicant shall file a written application for such amendment with the Director who shall act upon such application within ten days of its receipt. Minor deviations shall include, but are not limited to, the following:

1. A less than five percent increase in the floor area or number of units, provided that the district maximums of the subject property for which a minor site plan has been submitted, is not exceeded.
2. A less than ten percent decrease in parking spaces, recreation and open space or livability space.

Major Site Plan Review

3. The minor relocation of less than 50 feet of any structure, dedicated road, easement or landscape screen in any direction from the location shown on the site plan unless deemed by the Director to significantly alter the approved plan.

B. Substantial Deviations

If a proposed amendment to a site plan deviates substantially from the approved site plan, the approved site plan shall be amended in accordance with the procedure and standards which governed its approval. Such substantial deviations include the following:

1. A five percent or greater increase in floor area or number of units;
2. A ten percent or greater decrease in parking spaces, recreation and open space or livability space;
3. The relocation of any structure, dedicated road, easement or landscape screen in any direction from the location shown on the major site plan.

§9.7.7. Approval Criteria

In approving a site plan, the Director and Planning Board shall consider the following:

- A. Consistency with the adopted plans and policies of the County;
- B. Compliance with all applicable requirements of this UDO;
- C. Site design and development intensity is appropriate for and tailored to the unique natural characteristics of the site, such as significant wooded areas, specimen trees, wetlands, steep slopes, and floodplains;
- D. For nonresidential and multi-family/multi-family projects, the site plan displays the location of trash handling, recycling, grease bins, and other waste-related facilities employed in the normal operation of the use;
- E. Adequacy and location of parking areas, pedestrian and vehicular access points;
- F. Compliance with site construction specifications;
- G. Adequacy of stormwater facilities, water supply, sanitary sewer service, fire protection, road signs, and road lighting as evidenced by conformance with department standards, specifications and guidelines;
- H. That the application will not substantially injure the value of adjoining or abutting property, and will not be detrimental to the use or development of adjacent properties or other neighborhood uses;
- I. Compliance with requirements for easements or dedications;
- J. Compliance with any applicable subdivision improvements;
- K. If applicable, compliance with the approved planned development master plan; and
- L. Building design and materials uphold and promote high quality development in the County and are compatible with other uses in the surrounding neighborhood.

§9.7.8. Period of Validity

An approved site plan shall expire two years from the date of approval unless the proposed development is pursued as set forth below:

- A. A complete building permit application has been submitted and remains valid; or

Building Permit/Certificate of Occupancy

B. Where more than one building is to be built, the applicant may submit a series of building permit applications. The first application shall be submitted within two years from the date that site plan approval is granted. Each subsequent application shall be submitted within 180 days from the date of issuance of a certificate of occupancy for the previous building.

§9.7.9. Building Permit/Certificate of Occupancy

A. No building permit or certificate of occupancy shall be issued until the required site plan of the proposed use or development has been approved by the appropriate County officials.

B. In order to secure a vested right for a site plan, the applicant must submit a site-specific development plan in accordance with §9.20.

§9.7.10. Dedication and Improvements

A. In the development of any property for which a site plan is required in this section, the applicant shall be required to dedicate any additional right-of-way necessary to the width required by the County for roads adjoining the property, to install curbs and gutters and pave all roads adjoining the property to NCDOT standards, and to install sidewalks in accordance with the policies and requirements of Article 5, Subdivisions Standards.

B. The applicant shall bear the costs of the installation of all on-site improvements as required by this UDO, including provision for surface drainage, pavement, landscaping, and utilities. Any applicant required to install or construct off-site improvements pursuant to this section may, with the approval of the Director as a condition of site plan approval, and upon a determination by the Director that such improvements are not necessary or desirable at the time, but will be needed in the future, make a payment in lieu of such improvements or part thereof. The amount of any such payment shall be an amount estimated by the County to be the actual and total installation and construction costs of such improvements. The amount paid for a given improvement shall be considered total and complete payment for the improvements considered, and will preclude any further assessment of the property in the event that the County elects to install such improvements at a later date. Full payment shall be made before any building permit or certificate of occupancy is issued for any use shown on the site plan.

§9.7.11. Guarantees of Improvements

A. Prior to the approval of any site plan or certificate of occupancy, the applicant shall submit a cost estimate and time schedule for installation of each phase of the site improvements.

B. The County shall require a contract between the developer and the County and an unconditional financial guarantee for 125 percent of the amount of the required on-site and off-site improvements. This guarantee shall be in the amount determined by the project engineer and approved by the Director. This guarantee shall be in cash, certified check, letter of credit, or be made by a bonding/insurance company authorized to do business in North Carolina. No expiration of the guarantee shall be permitted.

C. As each phase of improvements is installed and inspected by the County, the guarantee amount may be reduced by the costs of the installed improvements.

D. In the event that the applicant wishes to occupy any building or any portion of any building prior to the completion of the required site improvements, the bond guaranteeing improvements shall be retained by the County until the remaining required improvements are completed.

E. The above requirements may be waived by the Director where acceptable guarantees have been made to other governmental entities.

§9.7.12. Inspections of Required Improvements

Inspections during of site improvements shall be made in accordance with §5.10.4.

§9.7.13. Appeal

Final action on a major or minor site plan may be appealed to the Board of Adjustment in accordance with §9.19, Administrative Appeals.

Applicability**§9.8. Traffic Impact Analysis****§9.8.1. Applicability**

- A. A traffic impact analysis may be required to be submitted in conjunction with applications for planned development, preliminary plat, major site plan, and special use permit.
- B. Unless exempted in paragraph §9.8.2 below, a traffic impact analysis shall be required for all projects, which can be anticipated to generate at least 100 peak hour trips generated based on the latest edition of the Institute of Transportation Engineers (ITE) *Trip Generation Manual*.

§9.8.2. Exemptions

The following projects shall not be required to submit a traffic impact analysis:

- A. Developments approved prior to the effective date of this UDO that have maintained valid planned development master plans, preliminary plats, major site plans or special use permit.
- B. Where approved by the Director, redevelopment of any site on which the additional traffic at peak hour represents an increase of less than 100 trips from the previous development, where the redevelopment is initiated within 12 months of the completion of demolition of the previous project.
- C. Minor site plans.

Commentary: 50 peak hour trips per day equates to approximately 50 dwelling units; 12,500 sq. ft. of general commercial space; 40,000 sq. ft. of office space; and 60,000 sq. ft. of industrial.

§9.8.3. Waiver Authorized

- A. The Director may waive the requirement to submit a traffic impact analysis. If the Director waives the requirement to submit a traffic impact analysis, the Director shall include the reason for the waiver in the Director's decision or recommendation on the application.
- B. The traffic generated from a proposed development for which the requirement to submit a traffic impact was waived may not endanger the public safety.

§9.8.4. Pre-application Conference

- A. All applicants required to submit a traffic impact analysis shall schedule a pre-application conference with the Director, in accordance with §9.2.1.
- B. The Director and the County's consultant, if applicable, shall determine the type and scope of the study during the pre-application conference, which may also involve representatives from other agencies or departments.

§9.8.5. Application Requirements

A traffic impact analysis prepared by a professional engineer licensed in the State of North Carolina and approved by Lincoln County shall be submitted in accordance with §9.2.2, Application Requirements. The traffic impact analysis must conform with the requirements of this section. The traffic impact analysis report must describe the study

methodology, the data used, and the study findings and provide recommendations based on the results.

§9.8.6. Action by Director

- A. The Director may deny an application if the results of a traffic impact analysis demonstrate that a proposed development may overburden the road system based on impact to the general health, safety and welfare of the citizens of Lincoln County.
- B. The Director will coordinate and consult with NCDOT.
- C. The Director shall deny an application if the traffic impact analysis demonstrates that the project endangers the public safety.

§9.8.7. Traffic Study Elements

A letter report or special report shall only include those elements agreed upon in the scoping meeting. A full traffic impact study shall be prepared in accordance with Chapter 5 of the NCDOT Driveway Manuel and include the following elements:

A. Existing Condition Survey

1. Road System Description

The road system shall be described including geometric features, lane usage, traffic control, signage, sight distances and adjacent uses and curb cuts.

2. Traffic Volumes

Existing traffic volumes shall be provided for the impact area including both AADT (Average Annual Daily Traffic) and "Design" peak hour volumes. AADT shall be derived from the latest available counts taken by the County or NCDOT. Peak hour volumes shall be obtained from field counts. Data shall be adjusted for daily and seasonal variations.

Turning movement counts for the peak hour shall be provided for critical intersections. Peak hour periods shall be as determined at the scoping meeting.

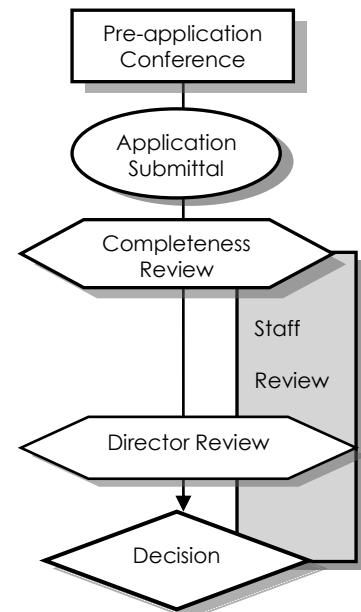
3. Capacity Analysis

Existing capacity of signalized and un-signalized intersections shall be provided.

4. Other

Other items may be required at the discretion of the Director depending upon the type and scale of the project. These may include but are not limited to: queue length analysis, pedestrian counts, accident data, traffic speeds (both 50th and 85th percentile), and stopping sight distances.

Traffic Impact Analysis



Traffic Study Elements**B. Future without Development**

Capacity analysis is to be provided for opening year and plus 10-year for key intersections (and roadway segments where appropriate) without the development but including any planned developments. The analysis shall be based upon the Highway Capacity Manual or other methodologies approved in advance by the Director.

C. Future with Development

1. Projections of the daily and peak hour traffic generation of the project shall be made using the latest edition of the ITE Trip Generation Manual unless the Director determines that locally derived data will provide more accurate forecasts. Data from similar facilities may be used where the information is not available from ITE.
2. The projected trips shall be distributed onto the road network as agreed in the scoping meeting.
3. Capacity analysis for opening year and plus 10-year for key intersections (and roadway segments where appropriate).
4. Special analysis as may be required to determine warrants for signalization, minimum safe sight distances, gap analysis, turning radius requirements, queue length analysis, turning lane length analysis, curb cut locations or similar requirements.

D. Mitigation Plan

Where the analysis indicates that the project will create deficiencies in the impact area, improvements shall be recommended which shall include projected cost estimates. The design of improvements shall be in accordance with specifications of the design engineer and approved by the Director and NCDOT. The mitigation plan shall also include any dedications and improvements necessary to comply with the level of service requirements described below. Where the final approval authority for any procedure determines that a mitigation plan is not adequate to address the traffic impacts of the project, it may serve as a basis for denial of the permit or subdivision plat.

E. Determination of Impact Area

The Director shall determine the geographic area to be included in a traffic impact analysis and correlate to the size of the project. Identification of the points of access and key roads and intersections to be affected by development of the subject parcel shall be required. Traffic recorder and turning movement assessment locations may also have to be determined.

F. Level of Service

The County shall utilize means by which to maintain a minimum Grade "C" level of service for intersections affected by proposed developments through improvements mandated or suggested by traffic impact analyses; technical memoranda required by rezoning cases; and through adherence to level-of-service criteria described as follows:

1. Where proposed development lowers any intersection leg impacted by said development below a Grade "C", the developer will be required to provide those transportation improvements necessary to retain a Grade "C".

2. Where an existing intersection is rated below Grade "C" prior to any proposed development, the developer will be required to maintain existing transportation levels for any/all legs impacted. Final intersection grades shall include the impact of the proposed development.
3. Where a new access or street is proposed, the TIA shall provide a Level of Service analysis for all individual movements where the proposed street(s) intersect an existing street. Intersecting street(s) with movements at an identified Level of Service below Grade "C" shall be deemed to not be in compliance with the established TIA standards.
4. All improvements will be required as conditions of the approval of a rezoning, must meet North Carolina Department of Transportation (NCDOT) standards and be included in the driveway permit issued by the NCDOT Division 12 office. Required improvements must correspond directly to the impact of the development proposal. If right-of-way necessary to complete a required improvement cannot be acquired by the applicant, then the rezoning case will be brought back before the Board of Commissioners for its consideration of the rezoning absent the condition of the specified road improvement originally applied to the rezoning request. The applicant must demonstrate that reasonable efforts to acquire the right-of-way necessary to complete the required improvement were made. The Board of Commissioners shall decide whether or not to approve the rezoning given the inability of the applicant to meet all previously required conditions.

§9.8.8. Application Modification Based on Traffic Analysis

An applicant may modify an application to minimize the traffic-related effects identified in a traffic impact analysis. Modifications may include:

- A. A reduction in the projected vehicle trips per day;
- B. The dedication of additional right-of-way;
- C. The rerouting of traffic and a proposed access and egress point;
- D. Other modification determined to be necessary.

§9.8.9. Consultants

The Director may require that an independent consultant be hired by the applicant to perform the required studies, or to review all or part of a study prepared by the applicant's consultant. The cost of the TIA study shall be paid for by the applicant. Consultants to complete the required TIA shall be selected from a list of consultants established and approved by the Board of Commissioners on a biennial basis. Other consultants may be used with the advance written approval of the Board of Commissioners.

§9.8.10. Appeal

Final action on a TIA may be appealed to the Board of Commissioners. The Board of Commissioners may approve the traffic impact analysis if the Board determines that the applicant has satisfactorily mitigated adverse traffic effects; or additional traffic from the project has an insignificant effect on the County's roads.

§9.8.11. Period of Validity

A traffic impact analysis shall be valid for a specific site for no more than two years, so long as no significant modifications to the development approved for the site are made.

Applicability**§9.9. Zoning Permit****§9.9.1. Applicability**

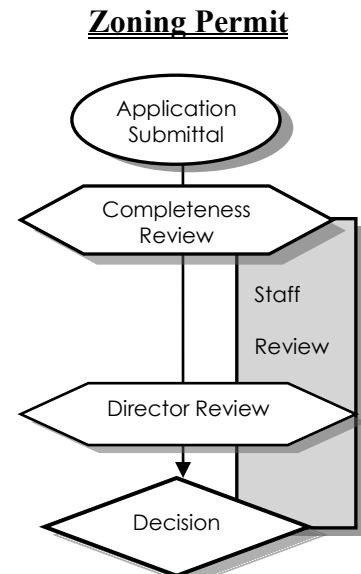
- A. It shall be unlawful to begin moving, constructing, altering, or repairing, except ordinary repairs, of any building or other structure on a site including an accessory structure, until the Director has issued a zoning permit.
- B. It shall be unlawful to change the type of use of land, or to change the type of use or type of occupancy of any building, or to extend any use or any lot on which there is a nonconforming use, until the Director has issued a zoning permit for such intended use, including a determination that the proposed use, in all respects, conforms to the provisions of this UDO.
- C. It shall be unlawful to undertake grading, vegetation removal or any other land-disturbing activity of one acre or greater in area until the Director has issued a zoning permit for such work.
- D. In the event of the removal of all or substantially all natural vegetation on a site prior to compliance with the requirements of this section, consideration of any site specific development plan shall be delayed until the existing natural vegetation is restored or for three years, whichever occurs earlier.
- E. This provision shall not be interpreted as applying to or limiting bona fide farm operations as defined by the State of North Carolina, or forestry activity on forestland that is taxed on the basis of its present-use value under Article 12 of Chapter 105 of the General Statutes or forestry activity that is conducted in accordance with a forest management plan that is prepared or approved by a forester registered in accordance with Chapter 89B of the General Statutes (See G.S. § 1160D-921).
- F. No zoning permit is required for permitted temporary uses (see §9.13).

§9.9.2.**Timing of Application**

In all cases where a building permit is required, application for a zoning permit shall be made concurrently with the application for a building permit. In all other cases, application shall be made before initiating any of the activities that trigger compliance with this section.

§9.9.3.**Pre-construction Conference**

- A. All applicants uncovering or disturbing more than one acre shall contact the Director at least 48 hours before commencement of the land-disturbing activity and schedule a pre-application conference with the Director, in accordance with §9.2.1. The purpose is to arrange an on-site meeting with the Director or duly authorized representative to review the approved plan and proposed activity.



B. Preapplication conferences are not required for uses and activities not addressed by subsection A, above.

§9.9.4. Application Requirements

All applications for a zoning permit shall be submitted in accordance with §9.2.2, Application Requirements. Such request shall be submitted concurrent with an application for stormwater permit, if applicable.

§9.9.5. Action by Director

A. If the proposed application is in conformity with the provisions of this UDO, and if all applicable permits have been approved by the Lincoln County Soil and Water Conservation Department, the Director shall issue a zoning permit, provided that all of the following conditions shall apply:

- 1.** Issuance of a zoning permit shall in no case be construed as waiving any provisions of this UDO;
- 2.** The Director shall not grant any exceptions to the actual meaning of any clause, standards, or regulation contained in this UDO to any person making application to excavate, construct, move, alter or use buildings, structures or land;
- 3.** The Director shall issue a permit when the imposed conditions of this UDO are complied with by the applicant regardless of whether the use of the permit would violate contractual or other arrangements (including, but not by way of limitation, restrictive covenants) among private parties; and
- 4.** The zoning permit shall include a determination that plans, specifications and the intended use of such structure and land do, in all respects, conform to the provisions of this UDO. Prior to the issuance of a zoning permit, the Director shall consult with other applicable departments, as necessary.

B. If the proposed application is not in conformity with the provisions of this UDO, the Director shall not issue the zoning permit and shall provide in writing the cause of such disapproval to the applicant.

§9.9.6. Review Criteria

Zoning permits shall be approved where the Director determines that the proposed use or activity is in conformity with the applicable requirements of the UDO, including but not limited to: zoning district regulations of Article 2, general development standards of Article 3, and specific use regulations of Article 4.

§9.9.7. Expiration

Once a zoning permit has been issued, all activities pursuant to such permit shall be commenced within six months. If the proposed moving, constructing, altering, repairing, or use of land, as set forth in an application for a zoning permit, is discontinued for a period of one year or more, the zoning permit shall lapse and be of no further force and effect.

§9.9.8. Appeal

Final action on a zoning permit may be appealed to the Board of Adjustment in accordance with §9.19, Administrative Appeals.

§9.10. Reserved

§9.11. Special Use Review

§9.11.1. Applicability

- A. Special uses within each general use district are uses that may or may not be appropriate in a particular district, depending on the location, the scale or size of the use, or other factors requiring individual review by the Board of Commissioners.
- B. A special use permit shall be required for all special uses as set forth in the Permitted Land Use Table (see §2.2.1). A development comprised of uses regulated by separate rows on the table shall be reviewed using the most restrictive process from among the proposed uses.
- C. Where a use requiring approval as a special use lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to special use review, not the entire project. However, where the separate legal parcel is an outparcel, the application shall describe the relationship of the outparcel to the remaining site.
- D. Notwithstanding the provisions of §2.2 to the contrary, land uses owned by Lincoln County shall not be subject to the special use review requirements of this section. Public facilities, major and minor utilities and other land uses owned by Lincoln County shall be considered Permitted Uses.

§9.11.2. Pre-application Conference

All applicants seeking special use approval shall schedule a pre-application conference with the Director, in accordance with §9.2.1.

§9.11.3. Application Requirements

- A. Concurrent with a request for a special use permit, an applicant shall submit a site plan for review and approval.
- B. An application for a special use permit shall be submitted in accordance with §9.2.2, Application Requirements.

§9.11.4. Notice and Public Hearings

The County shall hold all required public hearings and give notice in accordance with §9.2.3, Notice and Public Hearings.

§9.11.5. Action by Director

- A. Upon submission of a completed application, the Director shall review the request and associated site plan for consistency with the requirements of this UDO.
- B. Upon completion of the technical review, the Director shall prepare a report that reviews the request in accordance with the adopted plans and policies of the County, and the general requirements of this UDO. The report, site plan and any related application materials shall be forwarded to the Planning Board.

§9.11.6. Reserved**§9.11.7. Action by Board of Commissioners**

- A. Before taking action on the special use request, the Board of Commissioners shall determine contested facts and make its decision within a reasonable time. Every decision shall be based upon competent, material, and substantial evidence in the record. Each decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards.
- B. The Board of Commissioners may approve the request or deny the request. The concurring vote of a majority of the members shall be required to approve a request. For the purposes of this subsection, vacant positions on the board and member who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority.
- C. The written decision shall be signed by the chair or other duly authorized member of the board. The decision is effective upon filing the written decision with the clerk to the board. The decision shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.

§9.11.8. Findings of Fact Required

No special use permit shall be approved unless the following findings are made concerning the application:

- A. The use will not materially endanger the public health or safety if located where proposed and developed according to plan;
- B. The use meets all required conditions and specifications;
- C. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity;
- D. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the approved Land Development Plan for the area in question; and
- E. For SNIA's approved pursuant to §7.3.4.B, §7.3.4.C, and §7.3.4.E, the proposed development shall be found to substantially increase the ad valorem tax base of the County or otherwise significantly promote or expand economic development and/or job opportunities available to Lincoln County residents, or to serve a community purpose such as a place of worship, school, or other community facility.

§9.11.9. Additional Conditions

- A. In granting approval of a special use permit, the Board of Commissioners may impose reasonable and appropriate conditions which serve to assure that the required findings are upheld. Such conditions may include, but are not limited to, right-of-way or easement dedication; recreation and open space, or buffer provision; limitation in scale, intensity, or hours of operation; and other reasonable restrictions.

Modifications to Approved Special Use Permit

- B. Any additional condition approved by the Board of Commissioners shall become a part of the permit and be of equal importance in the responsibility of the applicant or subsequent assigns to adhere to its terms.
- C. Conditions of approval may include a requirement that the applicant submit an annual statement of compliance detailing how the applicant has complied with terms of the permit, including a detailed and specific report on steps taken in the prior year to comply with other applicable local, State and Federal requirements and laws. The Director shall review and approve such annual statement where the applicant is continuing to comply with the applicable requirements of the special use permit. Where the Director determines that the applicant is in violation of any requirement of this UDO or conditions of approval, the Director shall refer the permit to the Board of Commissioners for review.

§9.11.10. Modifications to Approved Special Use Permit**A. Minor Deviations**

The Director is authorized to approve minor deviations to a special use permit, if such change is not contrary to the approving action of the Board of Commissioners, but shall not have the authority to approve substantial deviations as set forth below.

B. Substantial Deviations

Any deviation requiring evidentiary support in addition to that presented at a public hearing on applications for the original permit shall constitute a substantial deviation. Before making a determination as to whether a proposed action is a minor deviation or a substantial deviation, the Director shall review the record of the proceedings on the original application. Substantial deviations shall include the following:

- 1. A change in the boundaries of the approved site;
- 2. A change from the approved use;
- 3. An increase in density of overall development;
- 4. An increase of five percent or more in the number of approved parking spaces, unless the proposed addition is ten or fewer spaces, whether such addition is proposed at one time or over an extended period of time;
- 5. Substantial change in the location of principal or accessory structures;
- 6. Structural alterations significantly affecting the basic size, form; style, ornamentation, and appearance of principal or accessory structures as shown on the approved site plan;
- 7. Substantial changes in pedestrian or vehicular access or circulation; and
- 8. Substantial change in the amount or location of landscape screens.

C. If a proposed amendment deviates substantially from the approved special use permit permit shall be amended in accordance with the procedure and standards which governed its approval.

§9.11.11. Effect of Decision

- A. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board or such other office or official as specified. The decision of the board

shall be delivered within a reasonable time by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person required to provide notice shall certify to the local government that proper notice that has been made, and the certificate shall be deemed conclusive in the absence of fraud.

B. If the Board of Commissioners votes to deny an application, there may be no subsequent application for the same or similar use submitted by any party for any part of the subject property until 12 months have elapsed from the date of denial. If the Board of Commissioners votes to approve an application, the notice of permit shall be recorded in the Lincoln County Register of Deeds office. This waiting period shall not be applicable where the application for a special use permit is substantially different from the original application. The term "substantially different" as herein applied shall mean:

1. The proposed principal use is a different classification than the use contained in the original application; or
2. The gross floor area of the proposed development is 50 percent or more smaller than contained in the original application.

C. The special use permit and additional conditions, if applicable, shall run with the land and shall be binding on the original applicant as well as any successors, assigns, and heirs.

§9.11.12. Period of Validity

A. An approved special use permit shall expire two years from the date of approval unless the proposed development is pursued as set forth in one of the following alternatives:

1. A complete building permit application has been submitted and remains valid.
2. Where more than one building is to be built, the applicant may submit a series of building permit applications. The first application shall be submitted within two years from the date approval was granted.

B. Once the appropriate permit has been issued, the special use permit shall remain in force unless the use, construction, or activity ceases for a period of 12 consecutive months. In such instance the special use permit shall become void. If a special use is determined by the Director to be void, such determination shall be transmitted in writing to the applicant.

§9.11.13. Building Permit/Certificate of Occupancy

A. No building permit or certificate of occupancy shall be issued until the required site plan of the proposed use or development has been approved by the Board of Commissioners.

B. In order to secure a vested right for a site plan, the applicant must submit a site-specific vesting plan in accordance with §9.20.

§9.11.14. Revocation of a Special Use Permit

A. If any conditions of a special use permit or other requirements of this UDO are violated, the County may revoke the permit.

Coordination with Variances

- B.** Revocation may occur after a quasi-judicial hearing is conducted by the Board of Commissioners.
- C.** Upon a four-fifths vote, the Board of Commissioners shall revoke the permit, and notice of such revocation shall be recorded in the Lincoln County Register of Deeds office.
- D.** Violations of conditions of a special use permit shall be considered a violation of this UDO and thereby subject to the provisions of Article 11 Enforcement.

§9.11.15. Coordination with Variances

Applications for variances may be submitted concurrently with a request for a special use permit. The special use permit request shall be considered first (including any site plan), and where it is denied, the variance request shall be null and void.

§9.11.16. Reserved**§9.11.17. Appeal to Court**

Any decision by the Board of Commissioners shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160D-1402. A petition for review shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or a written copy thereof is given in accordance with G.S. 160D-406(j). When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

§9.12. Certificate of Appropriateness

§9.12.1. Applicability

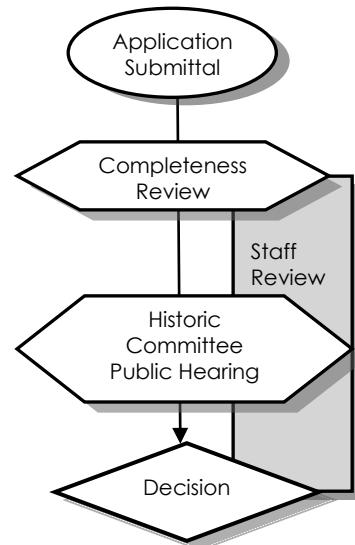
A. No exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), above-ground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished on such landmark or within such district until after an application for a certificate of appropriateness (COA) as to exterior features has been submitted to and approved by the Commission except as provided for in §9.12.12.

B. For the purpose of this section "exterior features" shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, landscaping and natural features, the size and scale of the building and the type and style of all windows, doors, light fixtures, signs and other appurtenant fixtures. In the case of outdoor advertising signs, "exterior features" shall be construed to mean the style, materials, size, and location of all such signs. Such "exterior features" may, in the discretion of the local governing board, include historic signs, color, and significant landscape, archaeological, and natural features of the area. Provided, however, a COA shall not be required when the only change in exterior appearance is the painting of existing painted surfaces regardless of the color of paint to be applied.

C. The Commission shall have no jurisdiction over interior arrangement. Notwithstanding subsection (A) of this section, jurisdiction of the Commission over interior spaces shall be limited to specific interior features of architectural, artistic or historical significance in publicly owned landmarks; and of privately owned historic landmarks for which consent for interior review has been given by the owner. Said consent of an owner for interior review shall bind future owners and/or successors in title, provide such consent has been filed in the office of the register of deeds of the county in which the property is located and indexed according to the name of the owner of the property in the grantee and grantor indexes. The landmark designation shall specify the interior features to be reviewed and the specific nature of the Commissioners' jurisdiction over the interior.

D. A COA must be issued by the Historic Commission prior to the issuance of either a zoning or building permit granted for the purposes of constructing, altering, moving or demolishing structures, which certificate may be issued subject to reasonable conditions necessary to carry out the purposes of this section. A COA shall be required whether or not a building permit is required. Any building permit, zoning permit or such other permit not issued in conformity with this section shall be invalid.

Certificate of Appropriateness



Application Requirements

- E. Lincoln County and all public utility companies shall be required to obtain a COA prior to initiating any changes in the character of road paving, sidewalks, trees, utility installations, lighting, walls, fences, structures and buildings on property, easements, or roads owned or franchised by the Lincoln County or public utility companies.
- F. Nothing in this §9.12 shall be construed to prevent:
 - 1. Ordinary maintenance or repair of any exterior architectural feature in the Historic District which does not involve a substantial change in design, material, or outer appearance thereof, nor to prevent the construction, reconstruction, alteration, restoration, or demolition of any such feature which the Building Inspector or similar official shall certify in writing to the Commission is required by the public safety because of an unsafe or dangerous condition;
 - 2. Property owner from making any use of his property that is not prohibited by other law; or
 - 3. Maintenance or in the event of an emergency, the immediate restoration of any existing ground utility structure without approval of the Commission.

§9.12.2. Application Requirements

An application for a certificate of appropriateness shall be submitted in accordance with §9.2.2, Application Requirements.

§9.12.3. Notice and Public Hearing

- A. Prior to issuance or denial of a COA, the Commission shall take such action as may reasonably be necessary to inform the owners of any property likely to be materially affected by the application, and shall give the applicant and such owners an opportunity to be heard.
- B. Where the Commission deems it necessary, it may hold a public hearing concerning the application. Where the Commission finds a hearing to be necessary, public notice shall be provided in accordance with the requirements of §9.2.3.

§9.12.4. Action by the Commission

- A. The Commission shall take action on the application and in doing so shall apply the Review Criteria, contained in §9.12.7.
- B. The Commission's action on the application shall be approval, approval with modifications, or disapproval.
- C. Prior to any action to enforce a landmark or historic district regulation, the Commission shall (i) prepare and adopt rules of procedure, and (ii) prepare and adopt principles and standards not inconsistent with this part to guide the Commission in determining congruity with the special character of the landmark or historic district for new construction, alterations, additions, moving and demolition. The landmark or historic district regulation may provide, subject to prior adoption by the Commission of detailed standards, for the review and approval as an administrative decision of applications for a COA for minor works or activity as defined by the regulation; provided, however, that no application for a COA may be denied without formal action by the Commission other than these administrative decisions on minor works.

- D.** Decisions on COAs are quasi-judicial and shall follow the procedures of G.S. 160D-406. No member or alternate member shall vote on any matter concerning an application for a COA unless that member or alternate shall have been present during the hearing and deliberations concerning said application.
- E.** The Commission shall cause to be entered into the minutes of its meeting the reasons for its actions, whether such action be approval, approval with modifications, or denial.

§9.12.5. Time Limits

If the Commission fails to take final action upon any application within 60 days after the completed application is submitted to the Director, the application shall be deemed to be approved. The 60 day period may be extended through mutual written agreement between the Commission and the applicant. The extension may be no longer than 30 days and may be renewed.

§9.12.6. Submission of New Application

If the Commission determines that a COA should not be issued, a new application affecting the same property may be submitted only if substantial change is made in plans for the proposed construction, reconstruction, alteration, restoration or moving; unless a period of one year has elapsed since said denial and in such case the same application may be re-submitted.

§9.12.7. Review Criteria

A. Intent

- 1.** It is the intention of these regulations to insure, insofar as possible, that buildings or structures in the -HO district shall be in harmony with other buildings or structures located therein. However, it is not the intention of these regulations to require the reconstruction or restoration of individual or original buildings or prohibit the demolition or removal of same or to impose architectural styles from particular historic periods. In considering new construction, the Commission may encourage contemporary design which is harmonious with the character of the District.
- 2.** In granting a COA, the Historic Commission shall take into account the historic or architectural significance of the structure under consideration and the exterior form and appearance of any proposed additions or modifications to that structure as well as the effect of such change or additions upon other structures in the vicinity.

B. Exterior Form and Appearance

The following criteria shall be considered, when relevant, by the Commission in reviewing applications for a COA. These criteria shall serve as standards to determine whether the construction or alteration as proposed in the application for certificate of appropriateness is compatible to those properties within the -HO district:

- 1.** Lot coverage;
- 2.** Required yard;
- 3.** Building or structure height;

Review Criteria

(a) Maximum height of all new buildings permitted in the -HO District shall be 35 feet unless the Commission authorizes a height above 35 feet; provided that such authorized height shall not exceed ten percent of the average height of existing adjacent buildings; and

(b) Chimneys, steeples, spires, cupolas and the like, not intended for human occupancy, shall be reviewed on an individual basis and shall be subject to the requirements stipulated by the certificate of appropriateness for that particular project.

4. Spacing of buildings, defined as the distance between adjacent buildings (i.e., the recurrent relationship of building masses to the spaces between them);

5. Exterior building materials, the predominant material shall be brick, stone, stucco, wood siding, or such other material that shall be compatible to those properties within the -HO district;

6. Proportion, shape, positioning, location, pattern and sizes of any elements of windows and other such openings;

7. Surface textures, the predominant texture may be smooth (stucco) or wrought (brick) or horizontal wood siding, or other such texture as shall be compatible to those properties within the -HO district;

8. Roof shapes, forms and materials;

9. Use of local or regional architectural traditions;

10. General form and proportions of buildings and structures, and relationship of any additions to the main structure;

11. Expression of architectural detailing, such as lintels, cornices, brick bond pattern, and foundation materials;

12. Orientation of the building to the road;

13. Scale, determined by the size of the units of construction and architectural details in relation to the size of man and also by the relationship of buildings and structures;

14. Ratio of height to width of the total building façade;

15. Effect of trees and other landscape elements;

16. Appurtenant fixtures and other features such as lighting;

17. Structural condition and soundness;

18. Walls - physical ingredients, such as brick, stone or wood walls, wrought iron fences, evergreen landscape masses, building facades, or combinations of these;

19. Color - the predominant color may be that of a natural material or a painted one and shall be compatible to those properties within the -HO district; as used in this paragraph, "compatibility" shall also include original colors of structure, colors which the structure had at any time during which the style(s) of the structure were a prominent style for new construction, or any color schemes generally representative of the original or modified architectural

Delay in Demolition of Buildings within Historic District

style(s) of the structure and the neighborhood as determined by historical research;

20. Ground covers plants and other such organic materials and paving, paving block and bricks, and other such materials; and
21. Maintenance of pedestrian scale and orientation as well as provision for safe pedestrian movement.

C. Interior Arrangement Not Considered

The Commission shall not consider interior arrangement.

§9.12.8. Delay in Demolition of Buildings within Historic District

- A. An application for a certificate of appropriateness authorizing the demolition of a building, structure or site within the -HO district may not be denied. However, the effective date of such a certificate may be delayed for a period of up to 360 days from the date of approval.
- B. The maximum period of delay authorized by this section shall be reduced by the Commission where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay. During such period the Commission shall negotiate with the owner and with any other parties in an effort to find a means of preserving the building or site.
- C. If the Commission finds that a building or site has no particular significance or value toward maintaining the character of the district, it shall waive all or part of such period and authorize earlier demolition or removal.

§9.12.9. Review of Application by Commission

As part of its review procedure, the Commission may view the premises and may seek the advice of the North Carolina Department of Cultural Resources or such other expert advice as it may deem necessary under the circumstances.

§9.12.10. Compliance

- A. Compliance with the terms of the certificate of appropriateness shall be enforced by the Director. Failure to comply with a certificate of appropriateness shall be a violation of the zoning ordinance.
- B. The discontinuance of work or the lack of progress toward achieving compliance with a certificate of appropriateness for a period of six months shall be deemed as a failure to comply with a certificate of appropriateness. The certificate of appropriateness shall be effective 12 months from the date of issuance by the Director. If all necessary work or progress has not been completed within 60 days of the end of the certificate's time limit, the applicant may apply for an extension from the Commission. Such application must be made 30 days prior to the end of the time limit.
- C. Nothing contained in this section shall prohibit, impair, or limit in any way the power of Lincoln County to prevent the construction, reconstruction, alteration, restoration, or removal of buildings, structures, appurtenant fixtures, or outdoor signs in the Historic District in violation of the provisions of this section. The enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

§9.12.11. Unsafe or Dangerous Conditions

The construction, reconstruction, alteration, restoration, moving or demolition of any exterior architectural features, which the building inspector or similar official shall certify is required by the public safety because of an unsafe or dangerous condition, shall not be prevented by other applicable -HO district requirements.

§9.12.12. Minor Work

- A.** The Director shall have the authority to issue a certificate of appropriateness if an application or inquiry falls under one of the following categories of minor work:
 - 1.** Storm windows (providing color matches window trim);
 - 2.** Normal size television and radio antennas (citizen band and ham operators shall require a certificate of appropriateness issued by the Historic Committee);
 - 3.** Roof and basement ventilators;
 - 4.** Window air conditioning units, or outdoor portions of single or two-family residential central air conditioning or heating units; and
 - 5.** If the Director does not issue a certificate of appropriateness, he shall advise the applicant to make a formal application to the Commission.
- B.** The Director is not required to issue any certificate of appropriateness and may at his discretion refer any matter to the Commission.
- C.** No application for a certificate of appropriateness may be denied without formal action by the Commission.

§9.12.13. Appeal

Any appeals of decisions on certificates of appropriateness shall be made to the Superior Court as provided in G.S. 160D-1402.

§9.13. Temporary Use Review

§9.13.1. Applicability

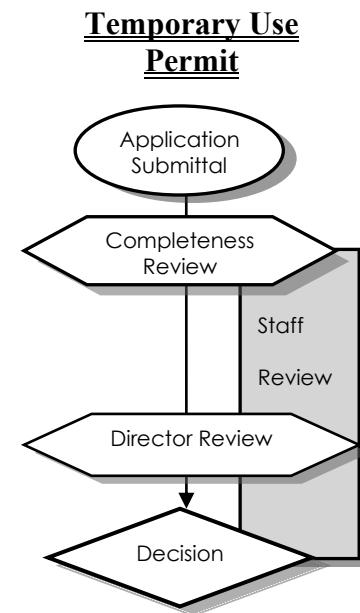
Temporary uses occurring on property outside of the public right-of-way, including those operating for less than 30 days within a one-year time period, shall obtain a temporary use permit from the Planning and Inspections Department that outlines conditions of operations to protect the public, health, safety and welfare subject to the standards of §4.7, Temporary Use Standards.

§9.13.2. Application Requirements

An application for a temporary use permit shall be submitted in accordance with §9.2.2, Application Requirements.

§9.13.3. Action by Director

- A. After receiving a complete application, the Director shall have up to 30 days to review the application.
- B. Following completion of the technical review period, the Director shall approve the issuance of a temporary use permit subject to the following:
 - 1. No lighting or electrical service shall be provided without an electrical permit;
 - 2. No temporary use structure shall be erected without a building permit;
 - 3. No temporary use structure shall block fire lanes or pedestrian or vehicular access;
 - 4. The site of the temporary use shall be cleared of all debris at the end of the temporary use. All temporary structures shall be cleared from the site within five days after the use is terminated;
 - 5. Written permission of the property owner for the temporary use shall be provided;
 - 6. Adequate parking for temporary shall be provided, and required parking for other uses shall remain available;
 - 7. Adequate traffic control measures shall be provided;
 - 8. Adequate provisions for trash disposal and sanitary facilities shall be provided;
 - 9. When appropriate, adequate provisions for crowd control shall be provided; and
 - 10. No temporary use may be approved on the same site more than two times in any calendar year.



Revocation of a Temporary Use Permit

§9.13.4. Revocation of a Temporary Use Permit

A temporary use permit shall be revoked if the Director finds that the terms of the permit have been violated or that there is a hazard to the public health, safety and welfare.

§9.13.5. Appeal

Final action on a temporary use permit may be appealed to the Board of Adjustment in accordance with §9.19, Administrative Appeals.

§9.14. Sign Permit

§9.14.1. Applicability

Except as otherwise provided in §3.9.6, no sign may be erected, located, or altered in any manner until a sign permit, and building permit if necessary, has been secured from the Planning and Inspections Department. The change of copy on a legally constructed sign shall not require a permit unless it is included as part of an approved common signage plan (see §9.15).

Commentary: *A common signage plan may be required before a sign permit can be issued in some situations (see §9.15.1).*

§9.14.2. Application Requirements

An application for sign permit shall be submitted in accordance with §9.2.2, Application Requirements.

§9.14.3. Action by Director

Following completion of the technical review period, the Director shall approve the sign permit for any sign, provided the sign meets all requirements of this UDO, and all other applicable electrical and International Building Code requirements.

§9.14.4. Inspection of Permanent Signs

- A. The applicant shall request an inspection by the appropriate inspector after installation of the signs.
- B. The sign permit shall be null and void if sign installation is not completed within six months or the signs are not in conformance with the approved application.

§9.14.5. Temporary Sign Permit

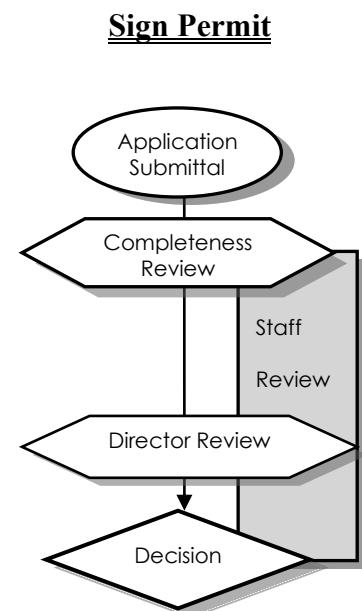
A temporary sign permit shall be issued in accordance with §3.8, Signs. A common signage plan shall not be required for applications for temporary sign permits.

§9.14.6. Revocation of a Sign Permit

The sign permit shall be revoked if a sign is found to be in violation of the requirements of this UDO, or other applicable electrical and International Building Code requirements.

§9.14.7. Appeal

Final action on a sign permit may be appealed to the Board of Adjustment in accordance with §9.19, Administrative Appeals.



Applicability**§9.15. Common Signage Plan****§9.15.1. Applicability**

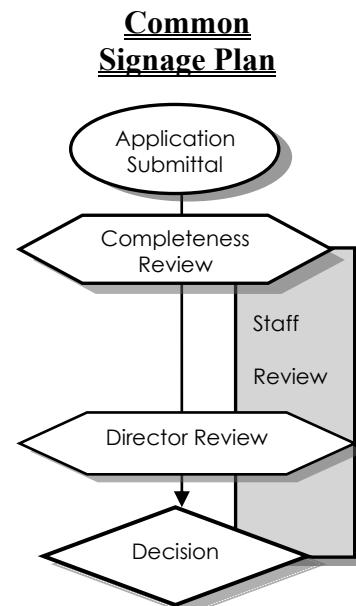
- A. Except as listed in below, the owners or developers of two or more contiguous lots, or any multi-tenant use shall submit a common signage plan for approval as part of the site plan application. Other applicants may voluntarily submit a common signage plan in accordance with the standards of this section. Such developments may increase the amount of signage otherwise permitted by a maximum amount of 25 percent subsequent to approval of the common signage plan.
- B. Applications for temporary sign permits shall not be required to submit an approved common signage plan.

§9.15.2. Application Requirements

- A. An application for a common signage plan shall be submitted in accordance with §9.2.2, Application Requirements.
- B. The elements of a common signage plan shall be in accordance with §3.8, Signs. In addition, the applicant shall indicate the standards of consistency of all signs on the subject property with regard to:
 - 1. Color pallet;
 - 2. Letter/graphics style;
 - 3. Location of each sign;
 - 4. Materials used in sign construction;
 - 5. Maximum dimensions and proportion;
 - 6. Limitation in number of free standing signs to one per road frontage; and
 - 7. Other restrictions imposed by the applicant.
- C. Where an application for site plan review is also required, the common signage plan shall be submitted concurrently with the site plan (see §9.7, Site Plan Review).

§9.15.3. Action by Director

- A. Following completion of the technical review, the Director shall approve the common signage plan provided the plan meets all requirements of this section.
- B. The Director may allow modifications to the lettering style to accommodate State and Federally registered trademarks (logos) if the Director feels that the intent of the common signage plan requirements is maintained. In allowing modifications, the Director may limit the logo size. The requirements of a common signage plan shall apply to all tenants within a related project, even if the properties have been subdivided.



§9.15.4. Revisions and Amendments

- A. Revisions or amendments to the common signage plan shall require documentation from all tenants on the property prior to approval.
- B. It shall be the responsibility of the applicant and/or property owner to enforce the terms of the common signage plan, and a current copy of such plan, including any amendments, must be kept on file in the Planning and Inspections Department.

§9.15.5. Existing Signs Not Conforming to Common Signage Plan

If any new or amended common signage plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within three years, all signs not conforming to the proposed amended plan or to the requirements of this UDO in effect on the date of submission.

§9.15.6. Binding Effect

After approval of a common signage plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provisions of this UDO. In case of any conflict between the provisions of such a plan and any other provision of this UDO, this UDO shall control.

§9.15.7. Appeal

Final action on a common signage plan may be appealed to the Board of Adjustment in accordance with §9.19, Administrative Appeals.

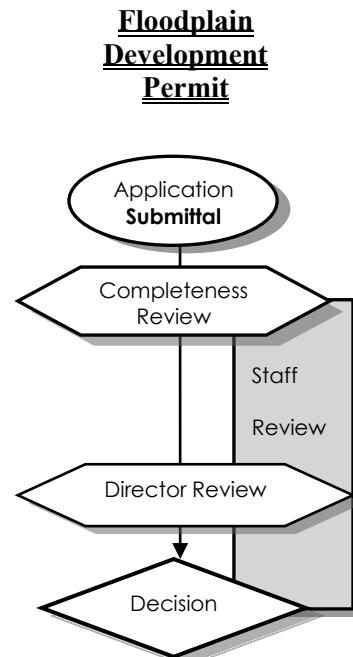
§9.16. Floodplain Development Permit

§9.16.1. Applicability

- A. This section shall apply to all Special Flood Hazard Areas within the jurisdiction of Lincoln County and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.
- B. A Floodplain Development Permit shall be required in conformance with the provisions of this section prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of §9.16.2.
- C. No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this section and other applicable regulations.

§9.16.2. Basis for Establishing Special Flood Hazard Areas

- A. The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Lincoln County dated August 16, 2007, which are adopted by reference and declared to be a part of this section.
- B. The initial Flood Insurance Rate Maps are as follows for the jurisdictional areas at the initial date:
 - 1. Lincoln County Unincorporated Area, dated December 1, 1981.
 - 2. Special Flood Hazard Areas also include those identified by City of Lincolnton in its Flood Damage Prevention Ordinance, dated December 1, 1981, which with accompanying data are adopted by reference and declared to be part of this section.



§9.16.3. Application

An application for a floodplain development permit shall be submitted in accordance with §9.2.2, Application Requirements.

§9.16.4. Permit Requirements

The Floodplain Development Permit shall include, but not be limited to:

- A. A description of the development to be permitted under the floodplain development permit;
- B. The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in §9.16.2;

- C. The regulatory flood protection elevation required for the reference level and all attendant utilities;
- D. The regulatory flood protection elevation required for the protection of all public utilities;
- E. All certification submittal requirements with timelines;
- F. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable;
- G. The flood openings requirements, if in Zones A, AO, AE or A1-30; and
- H. Limitations of below BFE enclosure uses if applicable (i.e., parking, building access and limited storage only).

§9.16.5. Certification Requirements

A. Elevation Certificates

- 1. An Elevation Certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Director a certification of the elevation of the reference level, in relation to mean sea level. The Director shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.
- 2. An Elevation Certificate (FEMA Form 81-31) is required after the reference level is established. Within seven calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Director a certification of the elevation of the reference level, in relation to mean sea level. Any work done within the seven day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Director shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.
- 3. A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Director a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Director shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/ Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

B. Flood proofing Certificate

- 1. If nonresidential flood proofing is used to meet the regulatory flood protection elevation requirements, a Flood proofing Certificate (FEMA Form 81-65),

Abrogation and General Restrictions

with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Director a certification of the flood proofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Flood proofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Director shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

2. If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of §7.4.2.C.2.
3. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

C. Certification Exemptions

The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/flood proofing certification requirements specified in subsections A and B, above:

1. Recreational vehicles meeting requirements of §7.4.2.F;
2. Temporary structures meeting requirements of §7.4.2.G; and
3. Accessory structures less than 150 square feet meeting requirements of §7.4.2.H.

§9.16.6. Abrogation and General Restrictions

This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

§9.16.7. Interpretation

In the interpretation and application of this section, all provisions shall be considered as minimum requirements; liberally construed in favor of the governing body; and deemed neither to limit nor repeal any other powers granted under State statutes.

§9.16.8. Warning and Disclaimer of Liability

The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This section does not imply that land outside the Special Flood Hazard

Areas or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of Lincoln County or by any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made hereunder.

§9.16.9. Corrective Procedure

A. Violations to Be Corrected

When the Director finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

B. Actions in Event of Failure to Take Corrective Action

If the owner of a building or property shall fail to take prompt corrective action, the Director shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating that:

1. The building or property is in violation of the floodplain management regulations;
2. A hearing will be held before the Director at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
3. Following the hearing, the Director may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.

C. Order to Take Corrective Action

If, upon a hearing held pursuant to the notice prescribed above, the Director shall find that the building or development is in violation of §7.4, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than 60 calendar days, nor more than 180 calendar days. Where the Director finds that there is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible.

§9.16.10. Appeal

Final action on a floodplain development permit may be appealed to the Board of Adjustment in accordance with §9.19, Administrative Appeals.

§9.16.11. Floodplain Variances

A. Applicability

1. The Board of Adjustment as established by §8.3 shall hear and decide requests for variances from the requirements of this section.
2. Floodplain variances may be issued for:
 - (a) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;

Floodplain Variances

- (b) Functionally dependent facilities, if determined to meet the definition as stated in Article 12, provided provisions of §9.16.11.E have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
- (c) Any other type of development provided it meets the requirements of this section.

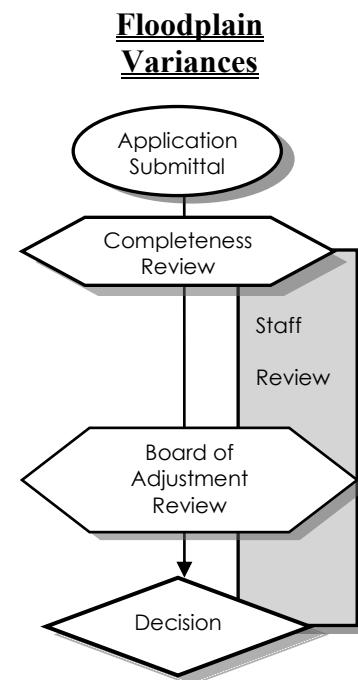
B. Application

An application for a floodplain development permit shall be submitted in accordance with §9.2.2, Application Requirements. A written report addressing each of the above factors shall be submitted with the application for a variance.

C. Technical Evaluation, Factors, Standards

In passing upon variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in section, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location as defined in Article 12 as a functionally dependent facility, where applicable;
6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and roads and bridges.



D. Criteria for Approval

1. Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
2. Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
4. Variances shall only be issued prior to development permit approval.
5. Variances shall only be issued upon:
 - (a) A showing of good and sufficient cause;
 - (b) A determination that failure to grant the variance would result in exceptional hardship; and
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

E. Conditions of Approval

Upon consideration of the factors listed above and the purposes of this section, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this UDO.

F. Action Following Approval

1. The Director shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
2. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

G. Appeal

Any person aggrieved by the decision of the Board of Adjustment may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.

Applicability**§9.17. Written Interpretation****§9.17.1. Applicability**

When uncertainty exists, the Director, after consultation with other involved staff and County Attorney, shall be authorized to make all interpretations concerning the provisions of this UDO.

§9.17.2. Application Requirements

An application for a written interpretation shall be submitted in accordance with §9.2.2, Application Requirements.

§9.17.3. Action by Director

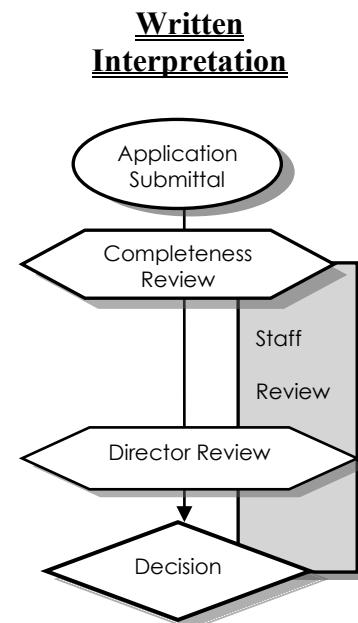
- A. The Director shall review and evaluate the request in accordance with the text of this UDO, the Zoning Map, the adopted plans and policies of the County and any other relevant information.
- B. Following completion of the technical review period, the Director shall render an opinion.
- C. The interpretation shall be provided to the applicant in writing.

§9.17.4. Official Record

The Director shall maintain an official record of all interpretations. The record of interpretations shall be available for public inspection during normal business hours.

§9.17.5. Appeal

Final action on a written interpretation may be appealed to the Board of Adjustment in accordance with §9.19, Administrative Appeals.



§9.18. Variance

§9.18.1. Applicability

- A. The Board of Adjustment may vary certain requirements of this UDO that will not be contrary to the public interest, where, owing to special conditions, a strict application of the provisions of this UDO, will, in an individual case, result in unnecessary hardship. The Board of Adjustment shall ensure that the spirit of this UDO shall be observed, public safety secured, and substantial justice done.
- B. No change in permitted uses may be authorized by variance.

§9.18.2. Application Requirements

An application for a variance shall be submitted in accordance with §9.2.2, Application Requirements.

§9.18.3. Notice and Public Hearings

The County shall hold all required public hearings and give notice in accordance with §9.2.3, Notice and Public Hearings.

§9.18.4. Burden of Proof

The applicant seeking the variance shall have the burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth below as well as the burden of persuasion on those issues.

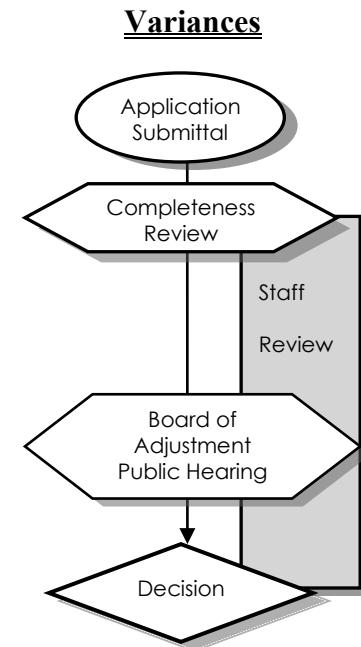
§9.18.5. Action by Director

The Director shall provide the Board of Adjustment with a copy of the application and all relevant materials pertaining to the request.

§9.18.6. Action by Board of Adjustment

A. Procedure

1. The Board of Adjustment may approve the request, deny the request, or continue the request.
2. The Board of Adjustment shall determine contested facts and make its decision within a reasonable time. Every decision shall be based upon competent, material, and substantial evidence in the record. Each decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards.
3. If a motion to approve a variance is made, or fails to receive approval by four-fifths of the members eligible to vote, the variance shall be denied.
4. In approving the variance, the Board of Adjustment may prescribe reasonable and appropriate conditions which will ensure that the use will be compatible with adjacent properties and will not alter the character of the neighborhood.
5. Conditions may be imposed by the Board of Adjustment regarding the location, character, and other features of the proposed building or use as may



Action by Board of Adjustment

be deemed by the Board of Adjustment to protect property values and general welfare of the neighborhood. Nonconformance with such conditions and safeguards, when part of the terms under which the variance is granted, shall be deemed a violation of this UDO.

6. The presence of other nonconforming or conforming uses of land or structures in the same or other districts shall not be considered grounds for the granting of a variance.
7. The written decision shall be signed by the chair or other duly authorized member of the board. The decision is effective upon filing the written decision with the clerk to the board. The decision shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.

B. Findings of Fact

No variance shall be approved by the Board of Adjustment unless all of the following findings are made:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

C. Watershed Protection Variance

In addition to the other requirements of this §9.18, petitions for variance to the standards of §7.3, Watershed Protection, shall comply with the following:

1. Minor Variances

Minor variances shall include petitions for the reduction of any standard of the §7.3, Watershed Protection, by a factor of less than ten percent, except residential density or impervious surface area.

2. Major Variances

- (a) Petitions for the reduction of any standard of the §7.3, Watershed Protection, by a factor of ten percent or more; and
- (b) Petitions to increase residential density or impervious surface area.

3. Approval Procedures

- (a) Prior to the Board of Adjustment meeting, the Director shall notify in writing to the clerks of all local governments having jurisdiction within that watershed of the variance being requested. Written responses from any of these local governments shall become a permanent part of the records.
- (b) Minor variances shall be approved by the Board of Adjustment in accordance with paragraphs §9.18.2 through §9.18.6 above.
- (c) Major variances shall comply with paragraphs §9.18.2 through §9.18.6 above except that:
 - (1) A decision by the Board of Adjustment to approve a major variance shall be advisory only. The Director shall, within 30 days, forward a record of the Board of Adjustment hearing, findings, and conclusions to the North Carolina Environmental Management Commission or other appropriate State agency for final decision.
 - (2) The Board of Adjustment may advise approval of a major variance petition upon satisfying the findings of paragraph B above, or upon the finding that significant community economic or social benefit would be derived from the granting of the variance.

§9.18.7. Appeal to Court

Any decision by the Board of Adjustment shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160D-1402. A petition for review shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or a written copy thereof is given in accordance with §9.18.6.A.7. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

Applicability**§9.19. Administrative Appeals****§9.19.1. Applicability**

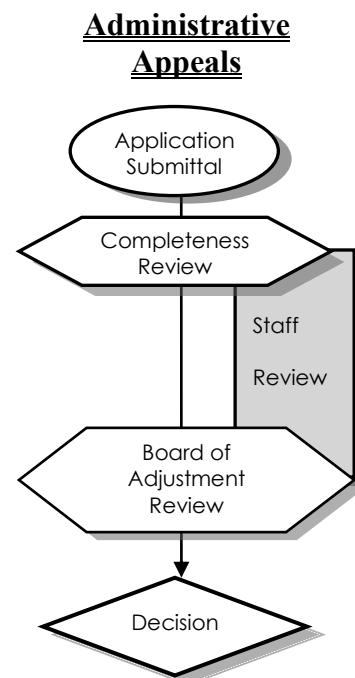
The Board of Adjustment shall hear and decide appeals of decisions of administrative officials charged with enforcement of this UDO. Any person who has standing under G.S. 160D-1402(c) or the County may appeal a decision to the Board of Adjustment. The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written decision shall be delivered by personal delivery, electronic mail, or by first-class mail.

§9.19.2. Application Requirements

- A. An appeal of an administrative decision shall be taken by filing a written notice of appeal specifying the grounds for the appeal with the Director and the Board of Adjustment.
- B. An application for appeal of an administrative decision shall be submitted in accordance with §9.2.2, Application Requirements.
- C. A notice of appeal of an administrative decision shall be considered filed when a complete application is delivered to the Director. The date and time of filing shall be entered on the notice.

§9.19.3. Deadline for Submission of Application

The owner or other party shall have 30 days from the receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt of any source of actual or construction notice of the decision within which to file an appeal. It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" or "Subdivision Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided the sign remains on the property for at least 10 days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision. Posting of signs shall not be required.

**§9.19.4. Notice and Public Hearings**

The County shall hold all required public hearings and give notice in accordance with §9.2.3, Notice and Public Hearings.

§9.19.5. Action by Administrative Official

The official who made the decision shall transmit to the Board of Adjustment all documents and exhibits constituting the record upon which the action appealed from is

taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner. The official who made the decision shall be present at the hearing at a witness.

§9.19.6. Action by Board of Adjustment

- A. The Board of Adjustment may reverse or affirm, wholly or partly, and may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision. The board shall determine contested facts and make its decision within a reasonable time. Every decision shall be based upon competent, material, and substantial evidence in the record. Each decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards.
- B. A motion to reverse, affirm or modify the order, requirement, decision, or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.
- C. If a motion to reverse or modify is not made, or fails to receive approval by a majority of the members, then the appeal shall be denied. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.
- D. The written decision shall be signed by the chair or other duly authorized member of the board. The decision is effective upon filing the written decision with the clerk to the board. The decision shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.

§9.19.7. Effect of Appeal

- A. An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the Board of Adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of this UDO. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the Board of Adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with this UDO shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.

Appeal to Court

B. An appeal shall not stop action lawfully approved (including construction activities authorized by a building permit); only actions presumed in violation of this UDO are stayed.

§9.19.8. Appeal to Court

Any decision by the Board of Adjustment shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160D-1402. A petition for review shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or a written copy thereof is given in accordance with §9.19.6.D. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

§9.20. Zoning Vested Rights

§9.20.1. Applicability

- A. The purpose of this section is to implement the provisions of G.S. § 160D-108.1 pursuant to which vested rights are established upon the approval of a site specific vesting plan.
- B. Following approval or conditional approval of a site specific vesting plan, nothing in this UDO 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.
- C. Nothing in this UDO shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval or this UDO.

§9.20.2. Establishment

- A. A vested right is established upon the valid approval, or conditional approval of a site specific vesting plan. Such a vested right confers upon the landowner the right to undertake and complete the development and use of the property under the terms and conditions of the site specific development plan, including any amendments thereto.
- B. The approving authority may approve a site specific vesting plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety and welfare.
- C. Notwithstanding paragraphs A and B above, approval of a site specific vesting plan with the condition that a variance be obtained shall not confer a zoning vested right unless and until the necessary variance is obtained.
- D. A site specific vesting plan shall be deemed approved upon the effective date of the approval authority's decision approving the plan or another date determined upon approval.
- E. The establishment of a 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 and are applicable to all property subject to land use regulation by the County, including, but not limited to, building, fire, plumbing, electrical and mechanical codes. Otherwise applicable, 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 UDO.
- F. A vested right obtained under this section is not a personal right, but attaches to and runs with the applicable property. After approval of a site specific vesting plan, all successors to the original landowner shall be entitled to exercise such right while applicable.

§9.20.3. Application Requirements

An application shall be submitted in accordance with §9.2.2, Application Requirements. In order for a vested right to be established upon approval of a site specific vesting plan, the applicant must indicate, at the time of application, that a vested right is being sought.

§9.20.4. Notice and Public Hearings

The County shall hold all required public hearings and give notice in accordance with §9.2.3, Notice and Public Hearings.

§9.20.5. Action by Director

The Director shall transmit to the Board of Commissioners an application that includes a request for vested rights.

§9.20.6. Amendment of Plans

An approved site specific vesting plan may be amended with the approval of the owner and the approval authority as follows: Any substantial modification must be reviewed and approved in the same manner as the original approval. Minor modifications as defined by this UDO may be approved by the Director.

§9.20.7. Continuing Review

Following approval or conditional approval of a statutory vested right, the Director may make subsequent reviews and require approvals by the County 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. The County may revoke the original approval for failure to comply with applicable terms and conditions of the original approval or the applicable development regulations.

§9.20.8. Duration and Termination of Vested Right

- A. A vested right for a site specific vesting plan remains vested for a period of two years unless specifically and unambiguously provided otherwise pursuant to paragraph B below. This vesting shall not be extended to any amendments or modifications to a site specific development plan unless expressly provided by the approval authority at the time the amendment or modification is approved.
- B. Notwithstanding the provisions of paragraph A above, the approval authority may provide that rights shall be vested for a period exceeding two years but not exceeding five years where warranted in accordance with all relevant circumstances, including, but not limited to, the size of the development, density and intensity of the development, economic cycles and market conditions. These determinations shall be in the sound discretion of the approval authority at the time the site specific vesting plan is approved.
- C. A multi-phased development plan as defined in §12.2.3 is vested for the entire development with the land development regulations then in place at the time a site plan approval is granted for the initial phase of the multiple-phased development.
- D. Upon issuance of a building permit, the expiration provisions of this section and the revocation provisions of G.S. § 160D-1115 and 160-1115 shall apply, except that a permit shall not expire or be revoked because of the running of time while a vested right under this section is outstanding.
- E. A right vested as provided in this section terminates at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed.

§9.20.9. Subsequent Changes Prohibited; Exceptions

A vested right, once established as provided for in this section, precludes any zoning action by the County that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved site specific development plan, except under one or more of the following conditions:

- A. With the written consent of the affected landowner;
- B. Upon findings, by ordinance after notice and an evidentiary hearing, 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 was contemplated in the site specific vesting plan;
- C. To the extent that the affected landowner received compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in considerations of financing, and all architectural, planning, marketing, legal, and other consulting fees incurred after approval by the County, together with interest as provided in the G.S. §160D-106;
- D. Upon findings, by ordinance after notice and a evidentiary hearing, that the landowner or the landowner's representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the Board of Commissioners of the site specific vesting plan; or
- E. Upon the enactment or promulgation of a State or Federal Law or regulation that precludes development as contemplated in the site specific vesting plan, in which case the County may modify the affected provisions, upon a finding that the change in State or Federal Law has a fundamental effect on the plan, by ordinance after notice and an evidentiary hearing.

§9.20.10. Process to Claim Common Law Vested Right

A person claiming a common law vested right may submit information to substantiate that claim to the Director, who shall make an initial determination as to the existence of the vested right. The decision of the Director may be appealed to the Board of Adjustment. In lieu of seeking a determination or pursuing an appeal to the Board of Adjustment, a person claiming a vested right may bring an original civil action as provided by G.S. §160D-1403.1.

§9.21. Conditional Zoning

§9.21.1. Applicability

Pursuant to G.S. § 160D-703(b), the Board of Commissioners may establish by ordinance various conditional zoning districts. Property may be placed in a conditional zoning district only in response to a petition by all owners of the property to be included.

Conditional zoning is a legislative process in which an applicant proposes, and the local government considers, a map amendment that includes additional conditions. A site plan is required and will include within the entitlement process, any mutually agreed upon conditions by the applicant and the Board of County Commissioners.

§9.21.2. Community Involvement Meeting (CIM)

Prior to final acceptance of an application by the Director, all applicants petitioning for conditional zoning districts shall hold a community involvement meeting (CIM) in accordance with the following requirements:

- A. Only the initial application for conditional zoning districts shall require a CIM. Subsequent applications for subdivision or site plan review do not require further CIMs.
- B. The purpose of the CIM shall be to inform the neighborhood of the nature of the proposed land use and development features, explain the site plan if any, and solicit comments.
- C. The applicant shall provide notice by mail in accordance with §9.2.3.B.C. The notice shall be mailed at least ten days but not more than 25 days prior to the date of the CIM.
- D. The applicant shall prepare and submit to the Director detailed minutes that outlines attendance, major points discussed, and any agreements reached between the parties involved.
- E. Following the CIM, the applicant shall have the opportunity to make changes to the application to take into account information and comments received. One or more revised copies of the application shall be submitted to the Director for review. No additional fee shall be required to be paid for making such changes provided the Director receives the revised application within 30 days following the CIM. If a revised application is not received during said 30 day period, the Director shall review the original application submitted.
- F. The Director may develop administrative rules pertaining to any additional requirements for the conduct of the meeting.

§9.21.3. Minimum Requirements

All zoning regulations that apply to the general use district are minimum requirements for development within conditional zoning districts.

§9.21.4. Conditions of Approval

- A. Specific conditions may be proposed by the petitioner or the County or its agencies, but only those conditions mutually approved by the County and the petitioner may be incorporated into the zoning regulations. Conditions imposed in a conditional zoning district shall be limited to those that address the conformance of the development and use of the site to county ordinances, plans adopted pursuant to G.C. 160D-501, or the impacts reasonably expected to be generated by the development or use of the sites. Unless consented to in writing, the County may not require, enforce, or incorporate into the zoning regulations or permit requirements any condition or requirement not authorized by otherwise applicable law, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in G.S. 136-18(29), or other unauthorized limitations on development or use of land.
- B. A conditional zoning district may provide for greater but not lesser setbacks than those applicable to the corresponding general use district, and may specify that only one or some of the uses allowed (either on a permitted or a special use basis) in the general use district are allowed in the conditional zoning district.

§9.21.5. Effect of Approval; Zoning Map Designation

If a petition for a conditional zoning district is approved, the development and use of the property shall be governed by the UDO requirements applicable to the district's zoning classification, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the Zoning Map. Following the approval of the petition for a conditional zoning district, the subject property shall be identified on the Zoning Map by the appropriate district designation preceded by the letters CZ (i.e., CZ B-G).

§9.21.6. Modifications to Conditional Zoning Districts

- A. Minor changes in a conditional zoning district may be approved by the Director, provided such changes will not:
 1. Alter the basic relationship of the proposed development to adjacent property;
 2. Alter the uses permitted or increase the density or intensity of development; or
 3. Change the boundaries of the approved site.
 4. Substantially change the vehicular access or circulation.
 5. Substantially change the location of principal or accessory structures, or the location or size of open space and recreation facilities.
 6. Significantly alter the basic size, form, style, ornamentation, and appearance of principal and accessory structures as shown on the approved site plan or described in the applicant's narrative.
 7. Substantially reduce the degree or change the location of landscape buffers.

Modifications to Conditional Zoning Districts

B. A major modification in a conditional zoning district shall be subject to approval in accordance with the procedure which governed the district's approval.

ARTICLE 10. NONCONFORMITIES

§10.1. General

A lawful preexisting use, structure, or lot that does not meet the requirements of this UDO is deemed a nonconformity. Special provisions apply to nonconformities, as set forth in this article.

§10.2. Nonconforming Structures

§10.2.1. Continuation

The conforming use of a structure, as explained in §1.14.1, existing at the effective date of this UDO, may be continued, although the structure's size or location does not conform with the yard, dimensional, height, parking, loading, access, lot area, and lot coverage provisions of this UDO.

§10.2.2. Damaged or Destroyed

Nonconforming structures which are damaged or destroyed by fire, explosion, flood, or other calamity to the extent of more than 50 percent of the value of the structure, as determined by the County, may be reconstructed and shall comply with the applicable provisions of this UDO for the district in which such structure is located, unless the structure is situated on a substandard lot of record, in which case the provisions concerning substandard lots of record shall apply.

§10.2.3. Movement

A nonconforming structure, including a manufactured home, may not be moved off the lot or lots on which it is located, unless when relocated within the jurisdiction of the County, it complies with the regulations for the district in which it is located. Further, any subsequent reuse of the lot or lots from which the nonconforming structure has been moved must comply with the regulations for the district in which it is located.

§10.2.4. Expansion

A nonconforming structure may be enlarged or expanded by a maximum of 50 percent, subject to the approval of the Director, provided that any expansion does not increase the degree of nonconformity and meets all of the requirements for the zoning district; including, but not limited to the yard, dimensional, height, parking, loading, access, lot area, and lot coverage provisions of this UDO.

§10.3. Nonconforming Uses

§10.3.1. Continuation

The nonconforming use of a structure or land at the effective date of this UDO may be continued, except for the following:

- A. Except as authorized by §10.2.4, only that portion of the land in actual use may be continued, and the nonconforming use may not be enlarged or extended, nor may any additional structures be added to be occupied by the nonconforming use.

Damaged or Destroyed

B. Normal maintenance, repair, and incidental alteration of a building occupied by a nonconforming use are permitted, provided it does not extend the nonconforming use. A structure occupied by a nonconforming use may be changed to make the structure more in character with the uses permitted in the district in which it is located.

§10.3.2. Damaged or Destroyed

If such nonconforming use is damaged by fire, explosion, flood, or other calamity to the extent of more than 50 percent of its current equalized value, it shall not be restored unless it will comply with the use provisions of this UDO. This provision shall not apply to nonconforming single-family detached dwellings; such dwellings may be restored in all cases.

§10.3.3. Discontinued or Terminated

If such nonconforming use is discontinued or terminated, as evidenced by the disconnection of electrical service to such use for a period of 180 days, any future use of the structure or land shall comply with the provisions of this UDO.

§10.3.4. Movement

A nonconforming use, including but not limited to, manufactured homes, may not be moved off the lot or lots on which it is located; unless, when relocated within the jurisdiction of the County, it complies with the regulations for the district in which it is located. Further, any subsequent reuse of the lot or lots from which the nonconforming use has been moved must comply with the regulations for the district in which it is located.

§10.3.5. Change in Use

A. The Board of Commissioners may permit as a special use (See §9.11) a change in nonconforming use, provided that the requirements of §10.2.1 through §10.3.4 above are met, and the Board of Commissioners finds that such new use would be more in character with the uses permitted in the district than the previous use. In permitting such change, the Board of Commissioners may require appropriate conditions and safeguards in accordance with the provisions of this UDO.

B. Once a nonconforming use has been changed or altered so as to comply with the provisions of this UDO, it shall not revert back to a nonconforming use. Once the Board of Commissioners has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a nonconforming use and become subject to all the conditions required by the Board. If the structure occupied by a nonconforming use is changed so as to be more in character with the uses permitted in the district in which it is located, it shall not subsequently be changed to be less in character.

§10.4. Nonconforming Lots (Lots of Record)

Except as provided in §10.6, an undeveloped lot in any zoning district which was recorded with the Lincoln County Register of Deeds Office prior to the effective date of the zoning by Lincoln County that does not comply with the minimum lot area or width requirements for the zoning district in which such lot is located, then such lot may be developed for a use allowed in that zoning district; provided all structures on said lot meet all applicable yard,

setback, and bulk requirements, or a variance is approved by the Board of Adjustment pursuant to §9.18. Lots in the –WPO district shall comply with the requirements of §10.7.

§10.5. Nonconforming Signs

§10.5.1. Amortization of Nonconforming Signs

Any sign existing at the effective date of this UDO, which does not conform to the requirements of this UDO, may be continued with the following exceptions:

§10.5.2. Enlargement and Revision of Nonconforming Signs

No nonconforming sign, including but not limited to billboards, shall be erected, replaced, or otherwise modified in such a way as to increase its nonconformity.

Reasonable repair and maintenance of nonconforming signs, including the change of an advertising message, is permitted, provided that a nonconforming sign which is damaged or deteriorated to the extent of 50 percent or more of its value shall not be replaced unless it conforms to all provisions of this subsection. This section is also subject to the provisions of NCGS 136-131.2.

§10.5.3. Removal of Nonconforming Signs

- A. Nonconforming signs, when removed for other than normal maintenance, may not be erected again, nor may any such sign be replaced with another nonconforming sign.
- B. Nonconforming signs determined by the Board of Commissioners to be a public nuisance or detrimental to the health or safety of the populace shall be removed within 30 days of such determination and written notice to that effect delivered by first-class mail to the property owner of record.
- C. All nonconforming signs shall be completely removed within 30 days of the discontinuance of a business use advertised on said sign(s).
- D. Property owners shall be responsible for removal of nonconforming signs.

§10.6. Nonconformities in the Airport Overlay (-AO)

In addition to complying with the other applicable requirements of this article, nonconformities in the –AO district may be continued and maintained subject to the provisions as set forth below.

§10.6.1. Regulations Not Retroactive

The regulations prescribed by this subsection shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this subsection or any amendment thereto, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this subsection, and is diligently prosecuted.

§10.6.2. Marking and Lighting

Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the

Abandoned or Destroyed

Lincolnton-Lincoln County Regional Airport Authority to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstructions. Such markers and lights shall be installed, operated and maintained at the expense of the Lincoln County.

§10.6.3. Abandoned or Destroyed

Whenever the Director determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

§10.7. Nonconformities in the Watershed Protection Overlay (-WPO)

In addition to complying with the other applicable requirements of this article, nonconforming lots, buildings and structures in the -WPO district may be continued and maintained subject to the provisions as set forth below. Expansions to nonconformities must meet the requirements of §7.3, however, the impervious surface area is not required to be included in the density calculations.

§10.7.1. Vacant Lots

This category consists of vacant lots for which plats or deeds have been recorded in the office of the Lincoln County Register of Deeds. Lots may be used for any of the uses allowed in the -WPO district in which it is located, provided the following:

- A. Where the lot area is below the minimum specified and no other standard needs to be modified to use the lot for residential purposes.
- B. Notwithstanding paragraph A above, whenever two or more adjoining residential vacant lots of record are in single ownership at any time after the effective date of this UDO, and such lots individually have less area than the minimum requirements for residential purposes for the -WPO district such lots shall be combined to create a single lot or lots which meet or minimize the degree of nonconformity.
- C. Where a nonconforming lot of record is not contiguous to any other lot owned by the same party, such lot of record shall not be subject to this section provided the lot is developed for single-family residential development purposes. Any lot or parcel created as part of a family subdivision after the effective date of this section shall be exempt from these rules if it is developed for one single-family detached, zero lot line or alley-loaded residence and if it is exempt from County subdivision regulations. Any lot or parcel created as part of any other type of subdivision that is exempt from subdivision shall be subject to the land use requirements (including impervious surface requirements) of these regulations, except that such a lot or parcel must meet the minimum buffer requirements to the maximum extent practicable.

§10.7.2. Occupied Lots

This category consists of lots occupied for residential purposes at the effective date of this UDO. These lots may continue to be used, provided that whenever two or more adjoining lots of record, one of which is occupied, are in single ownership at any time after the effective date of this UDO, and such lots individually or together have less area than the minimum requirements for residential purposes specified, such lots shall be

combined to create lots which meet the minimum size requirements, or which minimize the degree of nonconformity.

§10.7.3. Buildings and Impervious Surfaces

This category includes any buildings or impervious surface area existing at the effective date of this UDO not in conformance with the restrictions of this UDO. Such buildings and impervious surface areas shall be allowed to remain.

§10.7.4. Reconstruction of Damaged Buildings or Impervious Surfaces

Any existing building or impervious surface area not in conformance with the restriction of this UDO that has been damaged by fire, wind, flood or other causes, may be repaired and used as before. The total amount of space devoted to impervious surface area may not be increased unless stormwater controls, that equal or exceed the previous development, are provided.

§10.7.5. Nonconforming Mobile and Manufactured Homes

A nonconforming mobile or manufactured home located on a lot (outside of a mobile home park) on the date of adoption of this UDO may be replaced in any district, except the R-MF, RL-14, and RL-20 districts, with a manufactured home under the following conditions:

- A.** There are no more than two mobile or manufactured homes on the lot in question.
- B.** Existing mobile or manufactured homes may be replaced as a permitted use subject to the following:
 - 1.** An existing Class A manufactured home may only be replaced by a Class A manufactured home.
 - 2.** An existing Class B manufactured home may only be replaced by a Class A or Class B manufactured home.
 - 3.** An existing Class C manufactured home may be replaced by a Class A, B, or C manufactured home.
 - 4.** An existing Class D manufactured home may only be replaced by a Class A, B, or C manufactured home.
 - 5.** Any existing mobile home may only be replaced by a Class A, B, or C manufactured home.
- C.** Any replacement manufactured home shall have been constructed at a later date than the mobile or manufactured home which it is replacing. The applicant shall be required to document that this condition has been met.
- D.** In no instance may a Class D mobile or manufactured home serve as the replacement manufactured home, except as a special use in the R-R and R-T districts in accordance with the requirements of §9.11.
- E.** The replacement manufactured home shall be placed on the lot within 180 day of removal of the previous mobile or manufactured home.
- F.** The replacement mobile or manufactured home shall be placed on the lot in conformity with all applicable yard regulations for the district in question.

ARTICLE 11. ENFORCEMENT AND PENALTIES

§11.1. Enforcement of Provisions

- A. The Director shall be charged with the enforcement of the provisions of this UDO. If the Director finds that any of the provisions of this UDO are being violated, he shall notify in writing the persons responsible for such violations, indicating the nature of violation and ordering the actions necessary to correct it. They shall also take any other action authorized by this UDO to ensure compliance with or to prevent violation of its provisions.
- B. The Director shall have the discretion to stay the accrual of civil penalties pending reasonable efforts by the violator to correct the violation. The owner of the property on which the violation occurs may submit to the Zoning Administrator a written request for extension of the order's specified time limit for correction of the violation. On determining that the request includes enough information to show that the violation cannot be corrected within the specified time limit for reasons beyond the control of the person requesting the extension, the Zoning Administrator may extend the time limit as reasonably necessary to allow timely correction of the violation.

§11.2. Penalties

§11.2.1. General

- A. In accordance with G.S. § 153A-123, any person violating any provisions of this UDO shall be guilty of a misdemeanor, and upon conviction shall be punished for each offense by a fine or imprisonment. Each day a violation continues shall be deemed a separate offense. The following penalties are hereby established:

Warning Citation.....	Correct Violation within 10 days
First Citation.....	\$25.00 (Correct Violation within 10 days)
Second and Subsequent.....	\$50.00 per day for 1st-7th day
Citations for Same Offence.....	\$100.00 per day for 8th-14th day \$150.00 per day for 15th-21st day \$250.00 per day for 22nd-28th day \$500.00 per day thereafter

- B. If the offender fails to pay the civil penalties within 20 days after having been cited, the County may recover the penalties in a civil action in the nature of debt.
- C. In case any building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, structure, or land is used in violation of this UDO, the Director, or any other appropriate County authority, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to prevent the violation.
- D. The following penalties as set forth in the General Statutes shall also prevail: G.S. §160D-807, "Penalties for Transferring Lots in Unapproved Subdivisions;any person who, being the owner or agent of the owner of any land located within the planning and development regulation jurisdiction of that local government, thereafter subdivides the land in violation of the regulation or transfers or sells land

Repeat Violations

by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the subdivision regulation and recorded in the office of the appropriate register of deeds, is guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from this penalty. The local government may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision regulation.”

§11.2.2. Repeat Violations

After having been once cited for a violation, a violator shall be subject to the following civil penalties for any additional violations within the following 12-calendar-month period: For a second violation within said period, civil penalties will begin at \$100 per day for each day that the violation continues and will escalate according to the following schedule: \$150 per day for the 8th through the 14th days, \$200 per day for the 15th through the 21st days, \$250 per day for the 22nd through the 28th days, and \$300 per day for each day that the violation continues beyond the 28th day. A third violation during the same period shall subject the violator to civil penalties beginning at \$200 per day and escalating in a similar fashion for as long as the violation continues.

ARTICLE 12. DEFINITIONS

§12.1. General

- A. Words used in the present tense include the future tense.
- B. Words used in the singular number include the plural, and words used in the plural include the singular.
- C. The word "person" or "applicant" includes firms, associations, organizations, partnerships, corporations, trusts, trustees, estates, individuals, companies, and other similar entities.
- D. The word "structure" includes the word "building".
- E. The word "shall" is always mandatory and not merely Directory.
- F. The word "used", as applied to any land or building, shall be construed to include the words "intended", "arranged", or "designed to be used".
- G. "Zoning map" shall mean the official Zoning Map of Lincoln County, North Carolina.
- H. The words "Board of Commissioners", shall refer to the Board of Commissioners of Lincoln County, North Carolina.
- I. The words "Planning Board" shall refer to the Planning Board of Lincoln County, North Carolina.
- J. The words "Board of Adjustment" shall refer to the Board of Adjustment of Lincoln County, North Carolina.
- K. The words "day" or "days" shall refer to calendar days and shall be computed by excluding the first day and including the last day, unless the last day is a Saturday or Sunday or a holiday declared by the United States Congress or the State of North Carolina, in which event it shall also be excluded.
- L. Any term not herein defined shall be as defined in Webster's New International Dictionary, most recent edition.
- M. In case of any difference of meaning or implication between the text of this UDO and any caption, illustration or table, the text shall control.

Repeat Violations

§12.2. Abbreviations

APF: Adequate Public Facilities.

Bmps: Best Management Practices.

BOA: Board of Adjustment.

BOC: Board of Commissioners.

DBH: Diameter at Breast Height.

CLOMR: Conditional Letter of Map Revision

DIR: Director.

FAA: Federal Aviation Administration.

FCC: Federal Communications Commission.

Ft.: Feet.

GFA: Gross Floor Area.

GPD: Gallons per Day.

LOMR: A Letter of Map Revision.

LOS: Level of Service.

Max.: Maximum.

Min.: Minimum

NCDOT: North Carolina Department of Transportation.

PB: Planning and Zoning Board or Planning Board.

R.O.W.: Rights-of-way

SNIA: Special Nonresidential Intensity Allocation.

Sq. ft.: Square Feet.

TIA: Traffic Impact Analysis.

TRC: Technical Review Committee.

UDO: Unified Development Ordinance.

USGS: United States Geologic Survey.

§12.3. Defined Terms

§12.3.1. Housing Types

The following housing types are established to provide a common terminology for housing in Lincoln County. All drawings are for illustrative purposes only.

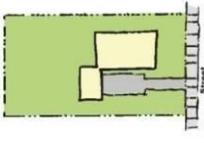
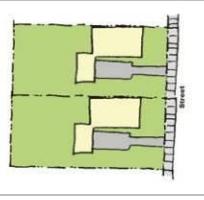
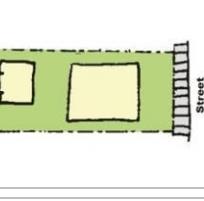
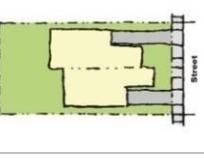
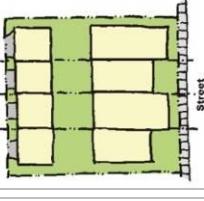
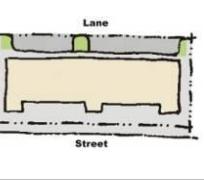
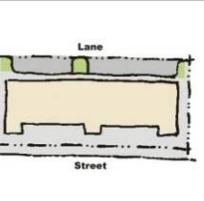
<p>Single-family Detached A detached dwelling unit located on a single lot with private yards on all four sides</p>	
<p>Zero Lot Line House A detached dwelling unit located on a single lot with private yards on three sides. The unit has a single side yard on one side comprising the equivalent of two side yards of a single-family detached house.</p>	
<p>Alley-loaded House A detached dwelling unit located on a single lot with private yards on all four sides; however, the house is set closer to the road than a single-family detached house and parking is in the rear off an alley or lane.</p>	
<p>Two-family House Two attached dwelling units in a single structure on a single lot (often called a duplex). The two units can be located on separate floors or side-by-side.</p>	
<p>Townhouse Two or more attached dwelling units located on separately owned lots or on a single lot where the units are lined up in a row and share side walls, individual units can be mixed vertically.</p>	
<p>Multi-Family Three or more attached dwelling units in a single structure on a single lot. A multi-family can vary in height from two to five stories; individual units can be mixed vertically.</p>	
<p>Upper-Story Residential A dwelling unit located on a floor above a nonresidential use.</p>	

Figure 85. Housing Types

General Terms**§12.3.2. General Terms**

ABUTTING. The property directly touches another piece of property.

ACCESSORY BUILDING, STRUCTURE, OR USE. A detached building, structure, or use on the same lot with, or of a nature customarily incidental or subordinate to, and of a character related to the principal use or structure. (See §4.6)

ADEQUATE PUBLIC FACILITIES (APF) ALLOCATION. A reservation of capacity made by the Director upon a determination of adequacy.

ADEQUATE PUBLIC FACILITIES (APF) APPLICATION. An application for a determination of adequacy of public facilities.

ADEQUATE PUBLIC FACILITIES (APF) COMMITTEE. A committee formed for the purpose of determining the adequacy of public facilities in relation to new development, based on the provisions of Article 6 and applicable memoranda of understanding.

ADEQUATE PUBLIC FACILITIES (APF) SCHEDULE. A schedule maintained by the Director or the designee of a responsible agency that tracks the capacity of public facilities.

ADJACENT. Property abutting directly on the boundary of, touching, or sharing a common point.

ADULT CABARET. Any place featuring topless dancers, go-go dancers, strippers, male or female impersonators, or entertainers displaying “specified anatomical areas” as defined by G.S. § 14-202.10, as such statute may be amended from time to time, or other similar entertainers.

ADULT CARE HOME. An assisted living residence in which the housing management provides 24-hour scheduled and unscheduled personal care services to residents, either directly or, for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to persons with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision.

ADULT-ORIENTED BUSINESS. Any place defined as an “adult establishment” as defined by G.S. § 14-202.10, as such statute may be amended from time to time, including adult cabarets, and except the definition of “massage business” shall not include any establishment or business where massage is practiced that is a health club, exercise studio, hospital, physical therapy business or other similar health-related business. Adult-oriented business specifically includes, however, any massage business where massages are rendered by any person exhibiting “specified anatomical areas” and/or where massages are performed on any client’s “specified anatomical areas.” “Specified anatomical areas” are those defined by G.S. § 14-202.10 as such statute may be amended from time to time.

ADVANCED FACILITY. A capital improvement proposed to be constructed, dedicated, or funded by an applicant pursuant to an approved mitigation plan.

AGRICULTURAL LABOR HOUSING FACILITIES. Housing that exists as part of a bonified agricultural operation or on the same parcel or site as the bonified agricultural operation. (See §4.6.5.A)

AIRPORT ELEVATION. The highest point of an airport’s usable landing area measured in feet from sea level. The Lincolnton-Lincoln County Regional Airport is 878 feet above sea level.

AIRPORT. The Lincolnton-Lincoln County Regional Airport.

ALTERATION. Any change, addition, or modification in construction or occupancy of an existing structure or lot.

AMUSEMENT CENTER. A commercial facility providing entertainment and recreational activities and games to the general public. May occur indoors, outdoors or a combination of both. This includes, but not limited to, theaters, concert halls, stadiums, bowling alley, miniature golf, laser tag, paintball, go-carts, ropes courses, golf driving range, batting cages, billiards, skating rink, coin operated games, trampoline parks, rock climbing.

ANTENNA. A system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals. Such shall include, but not be limited to radio, television, cellular, paging, personal telecommunications services (PCS), microwave telecommunications and services not licensed by the FCC, but not expressly exempt from the County's siting, building and permitting authority.

APPROACH SURFACE. A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the angle as the height limitation slope, as established in §2.5.4.B. In plan view, the perimeter of the approach surface coincides with the perimeter of the approach zone.

APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES. See §2.5.4.A.

APPROVAL AUTHORITY. The Board of Commissioners, Board of Adjustment or other board or official designated by Article 8 as being authorized to grant the specific zoning or land use permit or approval that constitutes a site specific development plan.

ARTERIAL. A principal or major arterial. (See §5.4.9)

ARTIST STUDIO, GALLERY. A building used for the preparation and display of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items.

ASSISTED LIVING RESIDENCE. Any group housing and services program for two or more unrelated adults, by whatever name it is called, that makes available, at a minimum, one meal a day and housekeeping services and provides personal care services directly or through a formal written agreement with one or more licensed home care or hospice agencies.

BED AND BREAKFAST. A building designed and built as a detached single-family containing one or more guest rooms for an overnight stay which are rented at a daily rate and where breakfast is the only meal served to guests.

BEST MANAGEMENT PRACTICES (bmpps) – Structural or non-structural methods of preventing or reducing non-point source pollution in order to achieve stormwater water quality protection goals.

BOARD OF ADJUSTMENT. A Board consisting of five members appointed by the Lincoln County Board of Commissioners as provided in G.S. § 153A-345. (See also §8.3)

BOARD OF COMMISSIONERS. The Lincoln County Board of Commissioners.

BOARDING HOUSE: A detached single-family, other than a bed and breakfast, in which rooms are rented to persons not part of the immediate family.

BUFFER ZONE. See §7.5.2.

BUFFER, PARKING. See §3.4.6.B.2.

BUFFER, PERIMETER. See §3.4.6.A.

BUFFER, ROAD. See §3.4.6.B.1.

BUFFER, STREAMSIDE. See §7.5.

BUILDING COVERAGE. See §2.6.2.

General Terms

BUILDING SEPARATION. See §2.6.4.

BUILDING. Any structure having a roof supported by columns or by walls, and intended for shelter, housing, or enclosure of persons, animals, or property.

CALIPER. The diameter of plant material, measured at six inches above grade for calipers of up to four inches, and 12 inches above grade for larger calipers.

CAMPGROUND. Land containing 2 or more campsites which are located, established or maintained for occupancy by people in temporary living quarters such as recreational vehicles, cabins or tents, for recreation, education or vacation purposes. A campground also includes a summer camp or other camping facilities consistent with this definition.

CAPACITY, AVAILABLE. The circumstance where public facilities have sufficient capacity, based on adopted Levels of Service, to accommodate the demand created by a proposed development.

CAPACITY, RESERVED. Capacity set aside for a specified development or use other than those set aside pursuant to an APF allocation, including development that impacts public facilities but that is exempt from the requirements of Article 6.

CAPACITY, USED. Capacity dedicated to certain existing and approved land uses, as provided in a memoranda of understanding or Article 6, as applicable, based on the LOS standards set forth herein.

CAPACITY. The demand that can be accommodated by a public facility.

CAPITAL IMPROVEMENTS PROGRAM OR “CIP”. A document adopted by the County or applicable responsible agency and accepted by the Board of Commissioners that itemizes planned capital improvements and the means of funding such improvements.

CAPITAL IMPROVEMENTS, EXISTING. Capital improvements constructed and operational at the time of an APF application.

CAPITAL IMPROVEMENTS, PLANNED. Capital improvements included on a CIP and expected to be available as provided in a memoranda of understanding or Article 6, as applicable, based on the LOS standards set forth herein.

CAPITAL IMPROVEMENTS, TOTAL. Existing capital improvements and Planned Capital Improvements.

CAPITAL IMPROVEMENTS. A physical asset, including land, that mitigates the offsite impacts of new development on public facilities, the costs of which generally are non-recurring, may require multi-year financing, and provide additional capacity needed to accommodate the demand for public facilities.

CEMETERY. A place used or to be used and dedicated or designated for interments of human remains or pet animal remains.

CERTIFICATE OF ADEQUACY – a determination by the responsible agency that available capacity exists to accommodate a proposed development. Certificates of adequacy include a certificate of adequate water facilities (CAWF), a certificate of adequate educational facilities (CAEF), and a certificate of adequate sewer facilities (CASF).

CHILD CARE CENTER, ACCESSORY. A child care center facility located on the premises or adjacent to the premises of an office use, institutional use, commercial use, industrial use or group development for the primary purpose of care for the dependents of employees of such commercial, office, institutional or industrial use.

CHILD CARE HOME. A place where daytime care is provided to not more than five children unrelated by blood or marriage to, and not the legal wards or foster children of the attendant adult, within an occupied residence. Children who are related by blood or marriage to the attendant adult shall not be counted as patrons of the small group child care center.

CHILD CARE. A program or arrangement where children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption.

CLUB, CIVIC. An organization of persons for specific purposes or for the promulgation of sports, arts, literature, politics, or the like, but not operated for profit, excluding churches, synagogues, or other houses of worship.

CLUB, PRIVATE. Any establishment that is organized and operated solely for a social, recreational, patriotic or fraternal purpose that is not open to the general public, but is open only to the members of the organization and their bona fide guests. The definition of private clubs does not include adult oriented businesses as defined in this section.

CONSERVATION RESIDENTIAL SUBDIVISION. See §2.4.4.B and §2.4.6.

COLLECTOR. A major or minor collector. See §5.4.9.

COLLEGE. An educational institution authorized by the State to award associate, baccalaureate, or higher degrees.

CO-LOCATION. The use of a tower or structure to support antennae for the provision of wireless services without increasing the height of the tower or structure.

COMMON SIGNAGE PLAN. See §9.15 and §3.9.2.

COMPLEX. See §4.1.

CONICAL SURFACE. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

CONSTRUCTION. On-site erection, fabrication, installation, alteration, demolition or removal of any structure, facility, or addition thereto, including all related activities, including, but not restricted to, clearing of land, earthmoving, blasting and landscaping.

CONTRACTOR'S OFFICE. A facility for a building, heating, plumbing, electrical, landscape, janitorial or similar contractor. It may include overnight storage of fleet vehicles in some districts.

CONVENTIONAL RESIDENTIAL SUBDIVISION. See §2.4.4.A and §2.4.5.

COUNTY HEALTH DEPARTMENT. The Lincoln County Health Department.

COUNTY, Lincoln County, North Carolina.

CREMATORIUM. A building used for the cremation of human remains.

CROSSWALK. A public pedestrian right-of-way which cuts across a block to facilitate pedestrian access to adjacent roads and properties.

DEDICATION. The transfer without payment of ownership or other interest in real property from a private entity to a public agency.

DENSITY. See §2.6.9.

DESIGN MANUAL. North Carolina Division of Water Quality Stormwater Best Management Practices Manual dated July 2007 as amended.

General Terms

DESIGN PROFESSIONAL. A professionally certified landscape architect or engineer.

DETERMINATION OF ADEQUACY. A determination by the Director that each public facility impacted by a proposed development has available capacity, which determination may be based on an approved mitigation plan, and that a Certificate of Adequacy has been issued for each applicable public facility.

DEVELOPMENT PROPOSAL. Either of the following, or a phase thereof: (A) multi-family development, sketch plan, or preliminary plat that includes more than five proposed lots or Dwelling Units; or (B) a site plan application for a proposed nonresidential use of 2,500 square feet or more.

DEVELOPMENT, EXISTING. Those developments as of the effective date of this section that are built, or those developments having an outstanding valid building permit or a site-specific development plan or an approved site-specific or phased development plan in compliance with G.S. § 153A-344, and having expended substantial resources (time, labor, money), or meeting the court-created common law or constitutional standards of a substantial expenditure of resources (time, labor, or money) based on a good faith reliance upon having received a valid local government approval to proceed with the project.

DEVELOPMENT. The subdivision of land into two or more parcels, the construction or reconstruction, conversion, structural alteration, relocation, or enlargement of any structure, any mining excavation, landfill, land disturbance; and any use or extension of the use of land.

DIRECTOR. See §8.6.

DISTRICT, CONDITIONAL. See §2.1.3.

DISTRICT, GENERAL USE. See §2.1.1.

DISTRICT, OVERLAY. See §2.5.

DRIVEWAY. A private roadway located on a parcel or lot used for vehicle access.

DWELLING UNIT. A building, or portion thereof, providing complete and permanent living facilities for one household and includes the following (See also §12.3.1):

ALLEY-LOADED HOUSE;
APARTMENT;
SINGLE-FAMILY DETACHED;
TOWNHOUSE;
TWO-FAMILY HOUSE;
UPPER-STORY RESIDENTIAL; and
ZERO LOT LINE HOUSE.

EASEMENT. A grant of one or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.

ELECTRONIC GAMING OPERATION: Any business enterprise, whether as a principal or accessory use, where persons utilize electronic machines, including but not limited to computer and gaming terminals, to conduct games including but not limited to sweepstakes, lotteries, games, and/or games of chance, and where cash or merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds, which have finite pool of winners. The term includes but is not limited to Internet sweepstakes, video sweepstakes or cybercafés. This definition does not include any lottery endorsed, approved or sponsored by the State of North Carolina, or arcade games of skills.

ESSENTIAL GOVERNMENT SERVICES. Services owned, managed, or operated in the interest of a governmental entity that provides a function critical to the health, safety, and welfare of the public. Essential government services may include but are not limited to schools, water and sewer services, emergency services, publicly-owned housing, fire protection services, and law enforcement services.

FAMILY CARE HOME. A home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment.

FAMILY. One or more persons related by blood, adoption, or marriage, living together as a single housekeeping unit, exclusive of household servants; or a number of persons not exceeding six, living together as a single housekeeping unit, though not related by blood, adoption, or marriage, shall be deemed to constitute a family, as shall a foster care home Approved by the State.

FENCE. Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

FLOOD FRINGE AREA. That area of the floodplain lying outside the floodway but still lying within the area of special flood hazard, that is, within the 100-year floodplain.

FLOODPLAIN. Any normally dry land area that is susceptible to being inundated by waters of the one percent annual chance flood, which is the 100-year flood.

FLOODWAY. The channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the velocity waters of the regulatory flood.

FLOOR AREA, GROSS. See §2.6.5.

FOUNDATION PLANTINGS. Plantings located along a building wall to provide a transition between the ground surface and the building wall.

FRONTAGE. The dimension of a property that is adjacent to a road.

FUNERAL HOME. A building used for the preparation of the deceased for burial and display of the deceased before burial or cremation. A funeral home, as defined in this UDO, includes a funeral chapel, and may include a single crematory or retort.

GAS STATION WITH CONVENIENCE RETAIL. A building used for the sale of gasoline products that also offers for sales prepackaged food items and tangible consumer goods, primarily for self-service by the consumer. Hot beverages, fountain-type beverage, and pastries may be included in the food items offered sale, but food items that are prepared or individually proportioned on the premises shall be prohibited.

GROUND COVER. Any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion.

GUEST ROOM. A room or suite used as living accommodations for one or more paying visitors.

HAZARD TO AIR NAVIGATION. An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

HAZARDOUS MATERIAL. Any substance listed as such in: SARA Section 302, “Extremely Hazardous Substances”, CERCLA “Hazardous Substances”, or Section 311 of CWA (oil and hazardous substances).

HEIGHT. See §2.6.6.

HOME OCCUPATION, CUSTOMARY. See §4.6.5.E.

General Terms

HOME OCCUPATION, RURAL. See §4.6.5.F.

HOME OFFICE, CONVENIENCE. See §4.6.5.G.

HORIZONTAL SURFACE. A horizontal plane 100 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

HOSPITAL. An institution providing human health services primarily for in-patient medical and surgical care for the physically or mentally sick and injured and including related support facilities such as laboratories, out-patient departments, staff offices, food services, and gift shop.

HOTEL/MOTEL. A building containing one or more guest rooms, for overnight guests, and containing registration facilities, on-site management, cleaning services and combined utilities.

HOUSEHOLD. One or more persons occupying a single dwelling unit.

IMPERVIOUS SURFACE. See §2.6.3.

JUNK. A dilapidated scrap or abandoned metal, paper, building materials and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, motor vehicles, or parts thereof.

JUNKED MOTOR VEHICLE. A vehicle that does not display a current license plate and that:

- 1) Is partially dismantled or wrecked; or
- 2) Cannot be self-propelled or moved in the manner in which it originally was intended to move; or
- 3) Is more than five years old and appears to be worth less than one hundred dollars (\$100).

JUNK YARD. The use of more than 600 square feet of any lot or parcel for outdoor storage and/or sale of waste paper, rags, scrap metal, or other junk, including the storage of automobiles or other vehicles, or dismantling of such vehicles or machinery or parts thereof.

KENNEL. An establishment for the keeping or breeding of dogs for profit, or having nine dogs or more on any premises.

LAND DISTURBING ACTIVITY. Any use of land in residential, industrial, educational, institutional or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity, or ice from the site of its origin, and is deposited elsewhere.

LANDFILL. A disposal facility or part of a disposal facility where solid waste is placed in or on land in accordance with G.S. § 130A, Article 9. This term does not include composting facilities.

LANDSCAPE PLAN. See §3.4.2.

LANDSCAPING. Any live plant material such as trees, shrubs, ground cover, and grass used in spaces void of any impervious material or building structures, areas left in their natural state or areas where mulch is used as a ground cover.

LEVEL OF SERVICE (LOS). An indicator of the extent or degree of service provided by a public facility, based upon and related to the operational characteristics of the facility, in comparison to the capacity of the public facility.

LIVESTOCK. All animals kept or raised on a farm, except however, that necessary working animals and pets are not included.

LOADING AND UNLOADING AREA. A completely off-road space on the same lot for the loading or unloading of freight carriers with ingress and egress to a road or alley. (See 0)

LOCAL ROAD NETWORK. System of local roads that include arterials, collectors, local roads, and alleys. (See §5.4.9)

LOT AREA. See §2.6.7.A.

LOT OF RECORD. A lot which is part of a subdivision recorded in the Office of the Register of Deeds of Lincoln County, or a lot described by metes and bounds, the description of which has been so recorded.

LOT OR PARCEL WIDTH. See §2.6.8.B.

LOT, CORNER. A lot that occupies the interior angle at the intersection of two or more right-of-way lines. A lot abutting on the right-of-way of a curved road or roads shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

LOT, THROUGH OR DOUBLE FRONTAGE. A continuous or through lot of the same depth as the width of a block, and which is accessible from both of the roads upon which it fronts.

LOT, FLAG. An irregularly shaped lot which has an appendage or extension which does not meet lot width requirements of the district at the road.

LOT. See §2.6.7.A.

LOW IMPACT DEVELOPMENT (LID) – A design strategy that attempts to mimic a site's pre-development hydrology by using design techniques that store, infiltrate, filter, evaporate, and detain stormwater runoff close to the source. Other strategies include reduction of impervious surfaces, lengthening of stormwater runoff flow paths and flow time, and the preservation and protection of environmentally sensitive site features such as buffers, wetlands, steep slopes, mature trees, flood plains, woodlands, and highly permeable soils.

MANUFACTURED HOME PARK. Any plat of ground upon which three or more manufactured homes, occupied for dwelling purposes, are located, regardless of whether a charge is made for such accommodations.

MANUFACTURED HOME, CLASS A. A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development, that consists of two or more sections and complies with the requirements of §4.2.8.

MANUFACTURED HOME, CLASS B. A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, that consists of two or more sections and complies with requirements of §4.2.9.

MANUFACTURED HOME, CLASS C. A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, that consists of one section and complies with the requirements of §4.2.10.

MANUFACTURED HOME, CLASS D. Any manufactured home located in Lincoln County as of December 7, 1993, that was constructed prior to July 1, 1976, and complies with the requirements of §4.2.11.

MANUFACTURED HOME, CLASS E. A manufactured home located in Lincoln County as of September 23, 2002, the roof and/or siding of which does not comply with the appearance criteria for a Class B or Class C manufactured but otherwise complies with the requirements of §4.2.12

General Terms

MANUFACTURED HOME, CLASS F. A manufactured home not located in Lincoln County as of September 23, 2002, the roof and/or siding of which does comply with the appearance criteria for a Class B or Class C manufactured home, but otherwise complies with the requirements of §4.2.13.

MANUFACTURED HOME. A HUD-approved manufactured home constructed after July 1, 1976, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the Manufactured Home Act.

MEMORANDUM OF UNDERSTANDING. Statements of intent by the County and other responsible agencies effectuating the provisions of Article 6 through coordination of process, implementation of a financially-feasible CIP, and the timely provision of adequate public facilities.

MITIGATION PLAN. A voluntary plan, effectuated through a binding agreement, to ensure the provision of available capacity through advanced facilities, where capacity would not otherwise be adequate to support the demand resulting from a proposed development.

MOBILE HOME. A portable manufactured housing unit built before June 15, 1976 designed for transportation on its own chassis and placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width. "Mobile home" also means a double wide mobile home, which is two or more portable mobile housing units or parts designed for transportation on their own chassis that connect on site for placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width.

MULTI-FAMILY DWELLING. A building arranged to be occupied three or more families. This term shall include multi-family, townhouses, and upper-story residential dwelling units.

MULTI-PHASED DEVELOPMENT. A development containing 25 acres or more that is both of the following: (1) submitted for development permit approval to occur in more than one phase and (2) subject to a master development plan with committed elements showing the type and intensity of use of each phase.

MUSEUM. Establishment for the display of art or historic or science objects.

NET ACREAGE, ACRES, LAND AREA, SQUARE FOOTAGE OF LAND AREA. Land area with roads, rights-of-way, driveways which serve as access to more than two units or uses, and major transmission lines not included in its measurement.

NEWSPAPER PUBLISHER. A building used for the production and distribution of newspapers, magazines and other related materials.

NONCONFORMING LOT OF RECORD. A lot described by a plat or a deed that was recorded prior to the effective date of these watershed protection regulations (or their amendments) that does not meet the minimum lot size or other development requirements of the statewide watershed protection rules. (See §7.3)

NONCONFORMING USE. Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this UDO or any amendment thereto.

NONCONFORMITY. See 0.

NURSING HOME. A facility, however named, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for three or more persons unrelated to the licensee. A nursing home is a home for chronic or convalescent patients, who, on admission, are not as a rule, acutely ill and who do not usually require special facilities such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities. A nursing home provides care for persons who have remedial ailments or other ailments, for which medical and nursing care are indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision.

OBSTRUCTION. Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in §2.5.4.B.

OFFICE. A room, group of rooms, or building whose primary use is the conduct of a business, professional service, or governmental activity of a non-retail nature; including administration, record keeping, clerical work, and similar functions. This definition is not meant to include manufacturing, processing, repair, or storage of materials or products.

OUTDOOR DISPLAY. See §3.10.2.

OUTDOOR PRIVATE SWIMMING POOL. Swimming club for members and guests. Consists of swimming pool and facilities subordinate to the pool, such as picnic areas, restrooms, storage for pool chemicals and equipment.

OUTDOOR RECREATION FIELDS. Athletic fields such as soccer, lacrosse, softball, baseball and tennis courts with only subordinate indoor facilities such as concession stands, restrooms and equipment storage.

OUTDOOR STORAGE. See §3.10.3.

OUTPARCEL. Individual retail sites in a retail center that, when combined, are less than the square footage of the attached retail spaces which form the majority of the square footage of the center.

OWNER. Any person having charge of any real property according to the records held by the Lincoln County Register of Deeds.

PARCEL. See §2.6.7.B.

PARK. An area open to the general public and reserved for recreational, education or scenic purposes. (See §2.3.3)

PARKING AREA. An area not within a building, where motor vehicles may be stored for the purpose of temporary, daily, or overnight off-road parking. (See 0)

PARKING LOT. An area not within a building, where motor vehicles may be stored for the purpose of temporary, daily, or overnight off-road parking. (See 0)

PARKING SPACE. A designated off-road area designed to accommodate the parking of one vehicle.

PERSON. An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

PERSONAL WIRELESS FACILITY. See for Wireless Telecommunications Facilities.

PERSONAL WIRELESS SERVICES (PWS) or PERSONAL TELECOMMUNICATIONS SERVICE (PCS). Shall have the same meaning as defined and used in the 1996 Telecommunications Act.

PERVIOUS SURFACE. Ground treatments which will allow the infiltration of water, air and nutrients to root systems of adjacent plant material which lie directly under the ground treatment.

General Terms

PHASED DEVELOPMENT PROPOSAL. A development proposal wherein the proposed development will be constructed incrementally in a logical time and geographical sequence according to an approved Phasing Schedule.

PHASING SCHEDULE. A schedule that sets forth the timing of the development of a development proposal, including, but not limited to, provision of necessary public facilities, the number of units, as applicable, and their location on the site.

PILOT PLANT. A building or operation in which processes planned for use in production elsewhere can be developed and/or tested, but not including the production of any goods on the premises primarily for sale or for use in production operations.

PLACE OF WORSHIP. A building primarily used by a non-profit organization for organized religious services and supporting uses.

PLANNING AREA. The land located within the jurisdiction of the County.

PLANTING AREA. Areas of a site where groupings (more than one) of trees, shrubs and/or ground cover are proposed and are defined within a bed of mulch.

PLAT, FINAL. See §9.6.11.

PLAT, MINOR. See §9.6.8.

PLAT, PRELIMINARY. See §9.6.9.

PLAT. A map or plan of a parcel of land which is to be or which has been subdivided.

PRECISION INSTRUMENT RUNWAY. A runway having an existing or planned instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

PRIMARY SURFACE. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in §2.5.4.A.1. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

PRINCIPAL BUILDING, USE, OR STRUCTURE. The main use of a lot, or the building or structure in or on which the main use of the lot takes place.

PROHIBITED SIGN. See §3.9.7.

PROPOSED DEVELOPMENT. Development proposed pursuant to a development proposal and an APF application.

RECREATIONAL CLUB. Indoor and outdoor facilities for athletics and related activities provided for members and their guests. Indoor facilities may include, but not limited to, restaurant, shop, dressing areas. Examples are tennis club or swim club. Does not include adult oriented business.

RECREATIONAL FISHING LAKE. A commercially operated lake allowing fishing for sport, pleasure or personal use.

REGISTERED ENGINEER. An engineer licensed professional engineer in the State of North Carolina.

PROTECTED AREA. The area adjoining and upstream of the critical area in which protection measures are required. The boundaries of the protected area are defined as extending ten miles upstream and draining to water supply or to the ridge line of the watershed, whichever comes first.

PUBLIC FACILITY. A building, facility or area owned or used by any department or branch of Lincoln County, the State of North Carolina, or the Federal Government.

PUBLIC RIGHT-OF-WAY. A dedicated and accepted public right-of-way for vehicular traffic.

PUBLIC SAFETY FACILITY. A facility operated by a public agency, a private contractor thereof, or by a private nonprofit volunteer organization and used for the base of operations and/or housing of equipment or personnel for the provision of dispatched public safety services including law enforcement, fire protection, rescue services, and/or emergency medical services. Such a facility may contain living quarters for on-duty personnel. Facilities for the maintenance of equipment house at the operation site are also permitted.

PUBLIC SEWER. Lincoln County Department of Public Utilities sewer system or the City of Lincolnton public sewer system.

PUBLIC WATER SUPPLY. Lincoln County Department of Public Utilities water supply system or the City of Lincolnton public water system.

RACETRACK. A facility where vehicles of any size, model aircraft and similar reduced-scale objects, or animals are raced for speed and/or endurance, at which seating space and accessory food stands may be provided, including tracks used primarily or exclusively for testing, training or practice.

RADIO OR TELEVISION STUDIO. A building used for radio (audio) or television (visual) recording and production.

RECREATION AND OPEN SPACE. See §3.3.

RECREATIONAL CLUB, PRIVATE. Any indoor recreational establishment that is not open to the general public, but is open only to the members of the organization and their bona fide guests, including but not limited to a country club, golf, swimming or tennis club.

RECREATIONAL VEHICLE (RV) PARK. Land used or intended to be used, let, or rented for occupancy by vacationing transient campers traveling by automobile or otherwise, or for occupancy by tents, or other movable or temporary sleeping quarters of any kind, together with automobile parking spaces and incidental utility structures and facilities required and provided in connection with the use. This definition shall not include trailer sales lots where unoccupied trailers are parked for inspection and sale.

REGISTERED ENGINEER. An engineer licensed professional engineer in the State of North Carolina.

RESOURCE CONSERVATION AREA. See §7.2.

RESPONSIBLE AGENCY. The agency responsible for providing a particular public facility.

RESTAURANT. An establishment whose primary purpose is serving meals to patrons.

RIGHT-OF-WAY. An area or strip of land, either public or private, on which an irrevocable right-of-passage has been recorded for the use of vehicles or pedestrians or both.

ROAD. A dedicated and accepted public right-of-way for vehicular traffic. Includes the following (See also §5.4.9):

PRINCIPAL ARTERIAL;
MINOR ARTERIAL;
MAJOR COLLECTOR;
MINOR COLLECTOR;
LOCAL; and
ALLEY.

General Terms

ROOF LINE. The top edge of the roof or the top edge of the parapet, whichever forms the top line of the building silhouette, but not including equipment structures.

RUNWAY. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

SCHOOL, PUBLIC OR PRIVATE. A public or private institution offering a curriculum of education authorized by the State of North Carolina giving regular instruction at the primary, secondary level, or a school for the mentally or physically handicapped. Included in this definition are preschool programs. However, this definition does not include child care facilities, individual instruction, or classes in a specialized subject.

SCHOOL, TRADE, OR BUSINESS. An institution offering instruction beyond high school level with a course of study in vocational, technical or other special subjects.

SCREENING. The method by which a view of one site from another abutting site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.

SELF-STORAGE FACILITY. A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

SIGN. Any device or visual communicator that is used for the purpose of bringing the subject thereof to the attention of the public. (See §3.9.3 for individual sign types)

DETACHED SINGLE-FAMILY. A building arranged to be occupied by no more than one family. This term shall include single-family detached, zero-lot line and alley-loaded dwelling units.

SINGLE-FAMILY RESIDENTIAL DEVELOPMENT. The development of single-family detached dwellings, including single-family detached, zero lot line houses, and alley-loaded houses.

SITE AREA. See §2.6.7.C.

SITE PLAN, MAJOR. See §9.7.2.B.

SITE PLAN, MINOR. See §9.7.2.A.

SITE PLAN. A plan prepared to scale, showing accurately and with complete dimensions, the boundaries of the site and the location of all buildings, roads, uses, and principal site development features proposed for a specific parcel of land. (See §9.7)

SITE SPECIFIC VESTING PLAN. A plan of land development submitted to the County for purpose of obtaining one of the following zoning or land use permits or approvals in which the applicant requests vesting pursuant to §9.20 of this UDO: major subdivision plat, major site plan, special use permit, conditional zoning district, or Planned Development district. The plan shall describe with reasonable certainty the type and intensity of use for a specific parcel or parcels of property and include the approximate boundaries of the site; significant topographical and other natural features affecting development of the site; the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, pedestrian walkways, driveways and parking areas; and required landscaping areas and buffers.

SITE. See §2.6.7.C.

SOLAR FARM. A solar photovoltaic facility whose primary purpose is to generate power for off-site use, typically to sell to energy companies.

SPECIAL USE PERMIT. See §9.11.

SPECIAL USE. See §9.11.

STATE. The State of North Carolina.

STORAGE, PRIVATE. A structure used for storage, consistent with the type of storage allowed in a residential accessory structure. The structure must be residential in character and must be owned and used solely by the owner of the property on which it is located. The structure cannot be rented. The structure shall not be used in any manner that would not be allowed in the zoning district in which is located. This structure shall become an accessory structure immediately following the placement of a principal residential structure on the property.

STREAM, INTERMITTENT. A watercourse that collects surface runoff and is shown as a dashed blue line on the most recent United States Geologic Survey (USGS) 7½-minute quadrangle topographic maps, is shown as an intermittent stream on the most recent US Department of Agriculture (USDA) Soil Survey, or is shown as an intermittent stream on the Natural Resource Conservation Service (NRCS) maps.

STREAM, PERENNIAL. A watercourse that collects surface runoff and is shown as a solid blue line on the most recent USGS 7½-minute quadrangle topographic maps, is shown as a perennial stream on maps in the most recent US Department of Agriculture (USDA) Soil Survey, or is shown as a perennial stream on the Natural Resource Conservation Service (NRCS) maps.

STRUCTURE. An object, including a mobile object, constructed or installed by a man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

SUBDIVISION, FAMILY. See §9.6.6.C.

SUBDIVISION, MAJOR. See §9.6.6.B

SUBDIVISION, MINOR. See §9.6.6.A.

SUBDIVISION. See §9.6.

TATTOO PARLOR/BODY PIERCING ESTABLISHMENT. An establishment whose principal business activity is placing ink under the skin using needles that result in the coloration of the skin, and/or creating an opening in the body of a person for the purpose of inserting jewelry or other decoration.

TELECOMMUNICATIONS. The transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

TOP OF BANK. Top of bank shall mean the landward edge of the stream channel during high water, bank full conditions at the point where water begins to overflow onto the floodplain.

TRANSITIONAL SURFACES. These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

THOROUGHFARE PLAN. The most recent map approved by the Board of Commissioners that indicates the system of roads expected to serve major access and travel needs with regard to auto, truck and transit transportation.

UTILITY RUNWAY. A runway that is constructed for and intended to be used by propeller aircraft of 12,500 pounds maximum gross weight and less.

VARIANCE, MAJOR WATERSHED. See §9.18.6.C.2.

VARIANCE, MINOR WATERSHED. See §9.18.6.C.1.

General Terms

VARIANCE. See §9.18.

VEHICULAR USE AREA. All open areas and recreation and open spaces on the land which are designated, used, required or intended to be used for storage, parking, maintenance, service, repair, display, circulation, or operation of vehicles, including automobiles, buses, trailers, trucks, boats, and motorcycles. This definition is intended to include areas used or intended to be used for driveways to such vehicular use areas but does not include improvements to public right-of-ways, roads, highways, and alleys.

VETERINARIAN, ANIMAL HOSPITAL. A building used for the care and treatment of small animals, including household pets.

WAIVER. See §9.6.9.F.

WATER DEPENDENT STRUCTURE. Any structure for which the use requires access to or proximity to or sitting within surface waters to fulfill its basic purpose, such as boat ramps, boathouses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.

WATERSHED. The entire land area contributing surface drainage to a specific point (i.e., the water supply intake).

WIRELESS TELECOMMUNICATIONS FACILITY. Includes a “telecommunications tower” and “tower” and “telecommunications site” and “personal wireless facility.” A structure, facility or location designed, or intended to be used as, or used to support, antennas or other transmitting or receiving devices. This includes without limit, towers of all types and kinds and structures that employ camouflage technology, including, but not limited to structures such as a multi-story building, church steeple, silo, water tower, sign or other structures that can be used to mitigate the visual impact of an antenna or the functional equivalent of such, including all related facilities such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, paging, 911, personal telecommunications services, commercial satellite services, microwave services and services not licensed by the FCC, but not expressly exempt from the County’s siting, building and permitting authority, excluding those used exclusively for the County’s fire, police or exclusively for private, non-commercial radio and television reception and private citizen’s bands, amateur radio and other similar non-commercial telecommunications where the height of the facility is below the height limits set forth in this UDO.

YARD, REAR. See §2.6.10.B.

YARD, ROAD. See §2.6.10.B.

YARD, SIDE (INTERIOR). See §2.6.10.B.

YARD, SIDE (ROAD). See §2.6.10.B.

ZONING VESTED RIGHT. A right pursuant to G.S. § 153A-344.1 to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan.

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