

## ARTICLE 5 – LAND USES AND STANDARDS

### Sec. 5.1 Establishment of Use Regulations<sup>224</sup>

Except as provided herein, regulations governing the use of land and structures are hereby established as shown in the Table of Permitted Uses (TOPU).

#### Sec. 5.1.1 Prohibited Uses<sup>225</sup>

Uses of land or structures which are expressly listed in the Table of Permitted Uses (Section 5.2), but not denoted as Permitted Principal Uses or Special Uses in a district, are prohibited and shall not be established.

#### Sec. 5.1.2 Uses Permitted As a Matter of Right <sup>226 227</sup>

A. Within all districts the following uses are permitted as a matter of right:

- i. Above ground and buried utility lines for local distribution of electricity, telephone, cable television, broadband, internet fiber, water and sanitary sewer, gas and liquid fuel, and all other similar utility services, accessory and appurtenant apparatus such as poles, guy wires, transformers and switching boxes.
- ii. Telephone exchanges (without business offices), subscriber loop huts, pressure regulator stations, water and sanitary sewer pumping stations (See Section 5.20.1)<sup>138</sup>
- iii. Electrical substations, switching and metering stations and associated transmission lines (See Section 5.20.2).<sup>138</sup>
- iv. Buildings and other temporary structures used in connection with the construction of a permanent building. (See Sections 5.4.3 and 5.4.4).
- v. Solid waste collection facilities owned and operated by either the Town of Unionville or Union County for the purpose of disposal of household waste by residents. (See Section 5.10.1).<sup>138</sup>
- vi. Borrow pits (including reclamation by landfilling) associated with a State or Federal highway project. (See Section 5.9.1).<sup>228</sup>

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<sup>224</sup> This section replaces Article 10 of the existing Ordinance

<sup>225</sup> AS a reminder, units of local government are expected to provide as much detail as possible related to what is and is not permitted in the various general use zoning districts. While staff is obligated to ‘determine’ if a proposed land use qualifies as an existing permitted development activity, the table of permitted uses needs to be as explicit as possible.

<sup>226</sup> Section 151 of the current Ordinance. NFOCUS Staff have expanded the list to ensure we are ‘capturing’ those activities that are, for all practical purposes, permitted everywhere.

<sup>227</sup> These are land uses typically permitted by right without much review by staff and includes utilities, roads, and other activities recognized under State law. In certain circumstances, we have minimal development standards, which are referenced in the appropriate Section. This is new regulation for Town of Unionville.

<sup>228</sup> These types of operations are typically permitted by the State or Federal governments, are associated with highway projects, and are argued to be exempt from local land use permitting requirements.

- vii. Neighborhood utility facilities located within a public right of way with the permission of the owner of the right of way (State, City or Town).
- viii. Off street parking as a required accessory use to a permitted use.
- ix. Bus shelter and passenger pick-up location(s) for public transportation.
- x. Public and private streets and roads as permitted/developed in accordance with the provisions of this Ordinance.

**Sec. 5.1.3 Special Uses** <sup>229</sup>

- A. It is the intention of the Town Council to create, and from time to time amend, a list of Special Uses within the Table of Permitted Uses which, because of their inherent nature, extent and external effects, require special care in the control of their location and methods of operation.
- B. The Town Council is aware of its responsibility to protect the public health, safety and general welfare and believe that certain uses which now or in the future may be included on this list are appropriately handled as Special Uses, subject to review in relation to general and specific requirements, rather than as uses permitted by right.
- C. In addition to the listing of such uses, the Town Council intends that the general standards and the more specific requirements established herein, shall be used by the Board of Adjustment<sup>230</sup> to direct deliberations upon application or the approval of Special Uses.
- D. It is the express intent of the Town Council to delineate the areas of concern connected with each Special Use and to provide standards by which applications for such Special Use shall be evaluated.

**Sec. 5.1.4 Conditional Zoning** <sup>231</sup>

In adopting this section, it is the intent of the Town of Unionville Town Council to expressly prohibit the following land uses and/or land use categories from being developed through the Conditional Zoning application process as detailed in Section 3.8 of this Ordinance:

- A. Airports, General Aviation, Heliports;
- B. Banquet Hall / Meeting Facility / Retreat Center / Conference Center;
- C. Theater (indoor or outdoor);
- D. Motor Vehicle (maintenance, repair, sales and service);
- E. Seafood Preparation, Packaging, and Distribution;
- F. Slaughterhouse located off a bona-fide farm;

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<sup>229</sup> This is new language intended to outline the overall intent and scope of special use permits. The current Ordinance lacks appropriate explanation of the overall intent of the special use permit process.

<sup>230</sup> As a reminder, NFOCUS is recommending special uses, which are acted upon in a previously advertised Evidentiary Hearing adhering to quasi-judicial procedures, be handled by the Board of Adjustment.

<sup>231</sup> Staff is recommended that a list be generated outlining specific land uses prohibited from being reviewed through the Conditional District zoning review process. This list includes airports, extraction land uses (i.e., mines), asphalt plants, and sexually oriented businesses amongst others. These activities should only be permitted in those districts identified by the Town Council as being 'appropriate'.

- G. Starch, Vegetable Fats and Oils Manufacturing;
- H. Manufacturing, Assembly, Processing, and Distribution Uses Land Uses (inclusive);
- I. Extractive Land Uses (inclusive);
- J. Massage Business;
- K. Sexually Oriented Businesses / Adult Establishments (inclusive);
- L. Short-term Rental, Non-host Occupied;
- M. Telecommunication Land Uses (inclusive);
- N. Solar Facilities; and
- O. Waste Management Land Uses.

**Sec. 5.1.5 Key to Permitted Use Table** <sup>232 233</sup>

- A. The Table of Permitted Uses applies the following symbology:
  - 1. A 'P' indicates the use is permitted by right within the district, <sup>234</sup>
  - 2. A '^' indicates the use is permitted subject to compliance with additional use standards as detailed in this Section, <sup>235</sup>
  - 3. An 'S' indicates the use is permitted subject to the issuance of a Special Use Permit, and <sup>236</sup>
  - 4. A box with no symbols indicates the use is prohibited for development within the identified zoning district.
- B. Determination of land use: <sup>237</sup>
  - 1. The TOPU lists numerous uses that are permissible within the various general use zoning districts.
  - 2. In cases where a use may not be explicitly listed, but have similar attributes and impacts to a listed use, Staff have the discretion to determine the proposed use is consistent with an existing land use category and issue a zoning compliance permit authorizing development.
  - 3. Factors staff utilizes to make this determination include, but are not limited to:

<sup>232</sup> Defining the symbology of the table. This section replaces and simplifies the information in Section 147 of the current Ordinance.

<sup>233</sup> NFOCUS Staff is not recommending the Town maintain a major development permit process acted upon by the Planning Board. Why? Approval of site plans is not discretionary. The site plan either meets the ordinance or it does not. Staff are the most appropriate resource to determine compliance with applicable standards. Further, it is not feasible to impose conditions on a development proposal unless same is 'spelled out' in the code.

<sup>234</sup> This replaces 'Z' in Section 147 of the current Ordinance.

<sup>235</sup> This replaces a land use with a small letter 's' in the table as defined in Section 147.

<sup>236</sup> NOTE: Special Uses always have supplemental development standards to comply with. There is no need for a 'S' and a 'Ss' in your TOPU.

<sup>237</sup> A simplified section replacing Section 149 of the current Ordinance. NFOCUS Staff would normally recommend deletion of this provision and require a more detailed table of permitted uses (refer to option one contained herein) but are maintaining the process consistent with local staff direction for discussion purposes.

- a. The consistency of the proposed use with existing Town of Unionville definitions of individual land uses or common accepted terms. (EXAMPLE: while a garden center may not be expressly listed, retail sales with outdoor display may be listed. Staff have the ability to define the garden center as a retail sales operation with outdoor display and authorize development).
  - b. Processes employed by the proposed land use that are consistent, or similar with, processes by a specifically listed land use including but not limited to: assembly and manufacturing activities, shipping, storage/distribution, materials used in support of the operation, etc..
  - c. Transportation elements/requirements for the proposed land use are consistent with an existing permitted activity within the subject district.
- C. Definition(s) of land use categories: The following definitions, general examples, and exception(s) shall govern development within the various use types within Town of Unionville:

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1. Agricultural Land Use Category:<sup>238</sup>

a. Definitions	Use category includes land uses related to the production of field crops, fruits, vegetables, ornamental and flowering plants, and the breeding, or raising of livestock, poultry, swine, or other animals for food or other marketable products. The Category also includes forestry activities related to the planting, management, protection, and harvesting of trees for timber or other forest products including those uses defined as a farm in accordance with NCGS 106-581.1.
b. Example Uses:	Bona-fide farms consistent with NCGS 160D-903, Animal confinement facilities (the raising of livestock, dairy cattle, swine, or poultry in confined areas), Animal production and dairying other than in animal confinement facilities (including fish farms and hatcheries), Crop production (including the raising of grains, vegetables, fruits, nuts, cotton, and tobacco), Community gardens, Forestry and logging, Greenhouse, nursery, and floriculture production, Livestock auction, Riding academy or boarding stables.
c. Exceptions:	<p>The following land uses/activities shall be classified as follows:</p> <p>i) The processing of animal or plant products for wholesale or retail sale purposes is generally considered a Manufacturing land use.</p> <p>ii) Animal waste processing not associated with a Bona-fide Farm is classified under the Waste Management Land Uses category within the Table of Permitted Uses.</p> <p>iii) Commercial Feed Lots are classified under the Heavy Industry Land Uses category within the Table of Permitted Uses.</p> <p>iv). Slaughtering of livestock not associated with a Bona-fide Farm operation involving animal husbandry are classified as a Manufacturing, Assembly, Processing, and Distribution Uses – Food Land Use within the Table of Permitted Uses.</p> <p>v). Processing of food and related products not associated with a Bona-fide Farm operation are classified as a Manufacturing, Assembly, Processing, and Distribution Uses – Food Land Use within the Table of Permitted Uses.</p> <p>vi). Solid or liquid waste transfer/disposal is classified under the Waste Management Land Uses category within the Table of Permitted Uses.</p> <p>vii).Resource extraction/mining operations are classified as a Extractive Land Use within the Table of Permitted Uses.</p> <p>viii). Certain retail land uses are only permitted with the issuance of a Special Use Permit as detailed herein and in accordance with the procedures with Article 3 of this Ordinance.</p>

<sup>238</sup> We have 2 options for the Town to consider. Option One

2. Assembly Land Uses

a. Definition:	Land uses providing space, indoors or outdoors, allowing for the congregation of persons for the purpose of observing, listening, or engaging in a service, performance, or activity.
b. Example Uses:	Private clubs or lodges including union halls, meeting facilities, auditoriums, banquet halls, dinner theaters, convention centers, conference centers, place of worship, senior center.
c. Exceptions:	The following land uses/activities shall be classified as follows:
	i) Crematoriums are considered Personal Services land use. A funeral parlor that incorporates a crematorium shall be classified accordingly.
	ii) Parking lots and structures (i.e., a parking deck) are considered Commercial Parking land uses within the Table of Permitted Uses.
	iii) Wastewater treatment plants, potable water treatment plants, utility substations, water towers and other similar facilities are considered Utilities land uses within the Table of Permitted Uses.
	iv). Operations involving sports and fitness services, including Athletic Clubs (tennis, swim, health club, etc.), YMCA and YWCA uses, are classified as a Recreational Land Uses (Recreational Facilities Indoor and Outdoor) within the Table of Permitted Uses.
	v). Counseling services in an office setting are classified as a Medical Land Use within the Table of Permitted Uses.
	vi). Place of Worship involves church, mosque, synagogue, temple and associated assessor land uses.
	vii). A soup kitchen or other similar operation not associated with a Place of Worship is classified as a Service Land Use within the Table of Permitted Uses. Homeless or Transient housing for those in need is classified as a Social Service Facility under the Service Land Use category within the Table of Permitted Uses.
	viii). There is no distinctions between a profit or non-profit organization operating an Assembly Land Use.
ix). A Library and Museum use are classified as Care and Educational Facility Land Uses within the Table of Permitted Uses.	

3. Automotive/Transportation Land Uses

a. Definition:	Land uses associated with all modes of transportation including the movement of goods and/or people, the sale of vehicles, and the care/upkeep of vehicles.
b. Example Uses:	Direct sale; rental; storage; and servicing of vehicles, transport of good/services/people over land, water or through the air (whether for recreation, commerce, or personal reasons), dispensing of fuel, parking/storage of vehicles, etc. Accessory uses may include offices, sales of parts, maintenance facilities, parking, outdoor display, and vehicle storage.
c. Exceptions:	<p>The following land uses/activities shall be classified as follows:</p> <p>(i) Transit route facilities such as bus stops and bus shelters are permitted in every general use zoning district consistent with Section 5.1.2 of this section.</p> <p>(ii) Parking – Commercial:</p> <p>(a) Parking provided for a principal use located on another lot, either in conjunction with a commercial parking facility or in conjunction with the accessory parking of another principal use, is considered accessory off-site or shared parking.</p> <p>(b) Park-and-ride facilities are classified as an Automotive/Transportation Land Use.</p> <p>(c) Parking facilities that serve and are located on a lot with nonresidential, residential, or mixed-use development are considered an accessory use.</p> <p>(iii) Auto parts and supply sales are considered Retail Sales land use within the Table of Permitted Uses .</p> <p>(iv) Refueling and maintenance facilities for vehicles belonging to a specific principal use (fleet vehicles) are considered accessory uses if located on the site of the principal use.</p> <p>(v) Storage of salvaged or junk vehicles or parts is considered a Waste-Related Service land use <sup>239</sup> within the Table of Permitted Uses.</p>

<sup>239</sup> NFOCUS Staff to discuss this land use being listed as part of the Waste-Related Service land use category.

4. Care and Educational Facility Land Uses:

a. Definition:	<p>Involves</p> <ul style="list-style-type: none"> <li>i. Uses that provide for the care of a combination of preschool and school age children, juveniles, or adults, who do not reside in the facility at least once per week for at least four hours, but less than 24 hours per day, and</li> <li>ii. Uses that provide for all levels of education including elementary, secondary, post-secondary, technical, and specialized instructional education in a public or private setting.</li> </ul>
b. Example Uses:	<p>Daycare operations (regardless of the age of patron), public/private school providing educational services consistent with the State of NC Department of Education curriculum requirements, Vocational/Technical School, College/University, library facilities,</p>
c. Exceptions:	<p>The following land uses/activities shall be classified as follows:</p> <ul style="list-style-type: none"> <li>i). Services for the elderly including services for aging or disabled residents including room and board, housekeeping, personal care, medical care, and end-of-life care are classified as Residential land uses. Within this category, the Table of Permitted Uses includes a spectrum of housing options from independent living to assisted living to dependent living for residents. Accessory uses may include common dining facilities, laundries, transportation, recreation, and on-site retail or personal services intended solely for residents, their guests, or employees.</li> <li>ii). Counseling services in an office or other similar professional setting are classified as a Medical Land Use within the Table of Permitted Uses.</li> <li>iii). A land use providing exclusive care and planned treatment or training for psychiatric, alcohol, or drug issues, where patients are residents and participants in a program are classified as Group Care Home land use under the Residential Land Use category of the Table of Permitted Uses.</li> <li>iv). Doctors office or medical services are classified as a Medical Land Use within the Table of Permitted Uses.</li> <li>v). Home day care is considered an accessory use subject to the provisions of the Ordinance.</li> <li>vi) Drop-in or short-term day care provided in connection with employment or at a recreational facility, religious institution, hotel, or other principal uses are not considered to be within the Care and Educational Facility Land Uses category. They are considered accessory uses to the principal land use.</li> </ul>

5. Extractive Land Uses:

a. Definition:	Involves the removal of natural deposits of mineral ores, soils or other solids, liquid or gaseous matter from their original location. This does not involve processing operations as customary accessory land uses. Accessory land uses are typically limited to on-site offices, limited wholesale sales of raw product, security or caretakers quarters, outdoor storage of materials, and maintenance facilities for on-site equipment only.
b. Example Uses:	Quarries, borrow pits, mining, sand, clay and gravel operations, oil/gas extraction.
c. Exceptions:	<p>The following land uses/activities shall be classified as follows:</p> <p>(i) Extractive Land Use category does not include any on-site processing of natural deposits beyond incidental consolidation or sorting to facilitate transportation to the site of use or location of further processing. Processing operation(s) are typically categorized as Manufacturing, Assembly, Processing, and Distribution Uses – Other land uses as detailed herein.</p>

6. Government Land Uses:

a. Definition:	Land use, including offices, storage, public safety, and other facilities operated by local, state, or federal government agencies.
b. Example Uses:	County, state, or federal government offices, Correctional facilities, jail, prison Emergency service stations (i.e., fire, sheriff or medical station), post office.
c. Exceptions:	<p>The following land uses/activities shall be classified as follows:</p> <p>i) Schools (pre-k through 12) designed to satisfy the State of NC Department of Education curriculum requirements are classified as a School within the Care and Educational Facility Land Use category within the Table of Permitted Uses.</p> <p>ii) Government operated shooting range, used to train public safety officials, shall be treated as a Recreational Land Use as defined herein.</p>

7. Manufacturing, Assembly, Processing, and Distribution Uses – Food

a. Definition:	Establishments engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products. The assembling of component parts into a final product can also be considered part of this category. Under this land use category, permitted uses are limited to the production, assembly, and preparation of food or food related products.
b. Example Uses	Bakery, Commissary Kitchen facilities, Distilleries/Microbreweries/Winery facilities, Food processing and preparation operations.
c. Exceptions:	The following land uses/activities shall be classified as follows:
	i). On-site retail shall be limited to wholesale operations. The sale of completed products is typically classified as a Retail land use, which occurs off-site.
	ii). Distilleries/Microbreweries/Winery land uses may include a taproom, seating areas, ancillary sales of related merchandise, event space, and warehouse space for stored product as accessory land uses.

8. Manufacturing, Assembly, Processing, and Distribution Uses – Other

a. Definition	An establishment engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products. The assembling of component parts into a final product can also be considered part of this category. Under this land use category, permitted uses are limited to the production, assembly, and preparation of non-food or non-food related products.
b. Example Uses:	Example uses: Fabrication shops, Concrete processing plants, Asphalt plants, Chemical manufacturing and processing, Corporate campuses, Research and development facilities, Bio-technology and high-technology uses, Computer data centers.
c. Exceptions	The following land uses/activities shall be classified as follows:
	i) Manufacturing and production of goods from salvage or composting material is classified as <b>Waste-Related Services</b> . <sup>240</sup>
	ii). Contractors and others who perform services off-site are considered Offices if equipment and materials are not stored outside and no fabrication, services, or similar work is carried on at the site.

<sup>240</sup> NFOCUS Staff to discuss this land use being listed as part of the Waste-Related Service land use category.

9. Medical Land Uses

a. Definition:	Land Uses involving licensed practitioners, or licensed persons independently practicing a profession, primarily engaged in rendering medical, surgical and other health related and allied personal care services in the health field.
b. Example Uses:	Physicians, Physical therapists, Dentists, Medical specialists, Psychiatrist or other similar offices offering therapy activities, Hospital and Specialty Hospital services, Blood plasma donation centers, Dialysis center, Rehabilitation clinics, Urgent care or emergency medical office, veterinary services (clinic, hospital, etc.).
c. Exceptions:	<p>The following land uses/activities shall be classified as follows:</p> <p>i) A use type that involves provision of residential care for the elderly is classified within the Residential land use category (Health and Personal Care Facility) of the Table of Permitted Uses.</p> <p>ii). Customary accessory activities include on-site laboratory or processing facilities for specimens generated on-site only. A laboratory/testing land use offering general testing services as a principal use of property is classified as a being within the Services land use category of the Table of Permitted Uses.</p> <p>iii). Exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents are classified as a Social Service Facility (Services land use category) of the Table of Permitted Uses.</p> <p>iv). Nursing or Medical School is classified as a School land use (Care and Educational Facility Land Use category) of the Table of Permitted Uses.</p> <p>v). Vet services may include on-site grooming and general care facilities. Overnight accommodation of animals shall be limited to those in the care of the facility. Boarding activities are classified as a Kennel land use under the Services land use category.</p>

10. Recreational Land Uses

a. Definition	Land uses occurring indoors and/or outdoors providing recreational amenities, activities, or services with or without financial compensation.
b. Example Uses:	Sports played on a court, Amusement arcades, Bowling alleys, Skating rinks, Shooting ranges, Billiard and pool halls, Paintball, Rope climbing or obstacle courses, Go-kart or motor cross tracks, Exercise centers including aerobic and yoga studios, Athletic facilities, and Gymnasiums.
c. Exceptions:	<p>The following land uses/activities shall be classified as follows:</p> <p>i) Bars, nightclubs, and similar establishments are classified as Eating and Drinking Establishments under the Services land use category.</p> <p>ii) Any establishment that involves the sale, distribution, or presentation of materials or activities emphasizing sexually explicit content or games/activities emphasizing sexually explicit content are Sexually Oriented Businesses / Adult Establishments land uses under the Services land use category within the Table of Permitted Uses.</p> <p>iii). A Park land use may include playgrounds, sports fields, recreational trails, community meeting facilities, and other similar amenities.</p> <p>iv). A Zoo land use falls within the Recreational Land Uses category within the Table of Permitted Uses.</p> <p>v). A Community Center land use falls within the Assembly land use category within the Table of Permitted Uses.</p>

11. Residential Land Uses:

a. Definition:	Land uses involving the construction of buildings for residential use by occupants regardless of ownership.
b. Example Uses:	Attached and detached single family dwellings, duplex, multi-family structures, apartment complexes, condominiums, townhouses, cottages, and their associated outbuildings such as garages, storage buildings, and gazebos. The term shall also include housing for the elderly (i.e., Health and Personal Care facilities), Family Care homes, and Group Home facilities.
c. Exceptions:	<p>The following land uses/activities shall be classified as follows:</p> <p>i) Extended stay hotels are classified as Short-term Rental land uses under the Services land use category. A Bed and Breakfast is classified as a Short-term Rental - Host Occupied land use under the Services land use category within the Table of Permitted Uses.</p> <p>ii) Family care homes shall be permitted in all residential general use zoning districts and shall be defined in accordance with NCGS 160D-907.</p> <p>iii). Group Homes for the care and treatment of psychiatric, alcohol, or drug problems where patients are residents and up to 12 patients are housed. Facilities housing 13 or more patients are classified as a Social Service Facility (Services land use category) within the Table of Permitted Uses.</p> <p>iv). Recreational Vehicles shall only be permitted for location within Campground land uses or within the MHP conditional zoning district as noted within the Table of Permitted Uses.</p> <p>v). Hospice, nursing or convalescent home, Monastery/Convent, Nursing or convalescent house Residential assisted living facility not having individual dwelling units Retirement center or life care community w/o individual dwelling units</p> <p>vi). Alternative or post-incarceration facility serving 13 or more patients, Transient lodging or shelter for the homeless, and Emergency Homeless shelters are classified as a Social Service Facility (Services land use category) of the Table of Permitted Uses.</p>

12. Retail Land Uses:

a. Definition:	Sale of goods directly to the consumer, where such goods are available for immediate purchase and removal by the purchaser.
b. Example Uses:	Stores selling, leasing, or renting consumer, home, and business goods, whether new or used, including ABC stores, art and art supply stores, audio/video stores, bicycle sales, book stores, clothing stores, department stores, dry good sales, electronic equipment stores, fabric shops, furniture stores, florist shops, supply centers, gift shops, grocery stores, hardware stores, stores that sell household products, jewelry stores, office supply stores, pet and pet supply stores, and pharmacies. Accessory uses may include storage of products for sale, offices, concessions, seating areas, areas for testing of products prior to purchase, and provision of product-related service or repair.
c. Exceptions:	<p>The following land uses/activities shall be classified as follows:</p> <p>i) Laundry and dry-cleaning operations are classified as Service land uses per the Table of Permitted Uses.</p> <p>ii) Building Trade – Sales and Service land uses with or without on-site storage are considered Service land uses per the Table of Permitted Uses. This includes an operation such as Lowes, Home Depot, Tractor Supply.</p> <p>iii) The sale of vehicles (new or used) is classified as an Automotive/Transportation land use per the Table of Permitted Uses.</p> <p>iv) Bars, nightclubs, and similar establishments, are classified as Eating and Drinking Establishments under the Services land use category.</p> <p>v) An establishment that provides financial, professional or business services where they may be retail activities are classified as an Office and Financial Services land use category per the Table of Permitted Uses.</p> <p>vi) An establishment that involves the sale, distribution, or presentation of materials or activities emphasizing sexually explicit content are considered Sexually Oriented Businesses / Adult Establishments land uses under the Services land use category.</p> <p>vii) A Truck Stop involving fuel sales, maintenance services, overnight parking, showering rooms, laundry facilities, basic convenience retail items and other services related to the use is classified as an Automotive/Transportation Land Use per the Table of Permitted Uses.</p> <p>viii). Convenience stores (with or without fuel sales) is classified as an Automotive/Transportation land use.</p>

13. Service Land Uses:

a. Definition:	Land uses characterized to the provision of services or product repair for consumers.
b. Example Uses:	Repair of small personal items such as shoes, watches, jewelry, and clothing, laundromats, massage therapy and day spas, laundry and dry-cleaning pick-up and drop-off establishments, building trade sales and services uses (i.e., Lowes, Home Depot, Tractor Supply, etc.), photography studios, funeral homes and crematoriums, mailing or packaging services, photocopy services, screen printer, barber/beauty shops, tanning and nail salons, overnight accommodations, Social Service Facilities (Alternative or post-incarceration facility, exclusive care and treatment for psychiatric, alcohol, or drug problems, Emergency shelter, soup kitchen, transient lodging or shelter for the homeless).
c. Exceptions:	The following land uses/activities shall be classified as follows:
	i) Travel agencies are considered as Office and Financial Services land uses per the Table of Permitted Uses.
	ii) Contractors and others who perform services off-site are within the Office and Financial land uses per the Table of Permitted Uses.
	iii) Land uses involving the transfer or storage of solid or liquid wastes are considered Waste Management Land Uses category per the Table of Permitted Uses.
	iv) An establishment that provides financial, professional or business services where they may be retail activities are classified as an Office and Financial Services land use category per the Table of Permitted Uses.
	v) A Truck Stop involving fuel sales, maintenance services, overnight parking, showering rooms, laundry facilities, basic convenience retail items and other services related to the use is classified as an Automotive/Transportation Land Use per the Table of Permitted Uses.
	vi) A Junk/Salvage yard is classified as a Waste Management Land Use per the Table of Permitted Uses.
	vii) Congregate or Hospice care for the owner/resident of a residential land use are customary (temporary) accessory land uses to the principal land use for the duration of care. Nothing in this section shall be deemed to regulate Temporary Health Care structures as defined in NCGS 160D-915. Such land uses are regulated as Temporary Residential Structures as detailed within the Residential land use category of the Table of Permitted Uses.

14. Telecommunication Land Uses:

a. Definition:	Land uses providing regional or community-wide service related to telecommunication/broadcasting services. Accessory uses may include offices, parking, monitoring, storage areas, or data transmission equipment.
b. Example Uses:	Telecommunication towers, Telecommunication antenna, Ham radio towers, General radio, digital, and television broadcasting towers.
c. Exceptions:	The following land uses/activities shall be classified as follows:
	(i) Distribution poles, transmission poles, ground-based electrical/telephone/cable vaults, and transmission lines are permitted in accordance with Section 5.1.2 of this Ordinance.

15. Utility Land Uses:

a. Definition:	Facilities and equipment related to the generation, provision, distribution, collection, transmission, or disposal of water, stormwater, sanitary sewage, natural gas, and electricity.
b. Example Uses:	Elevated water storage tanks, Solar facilities – Large Scale, Wastewater treatment facilities, Water intake facilities for potable water collection and treatment, All electrical generating activities (i.e., wind turbines, etc.), Water tower or tank.
c. Exceptions:	The following land uses/activities shall be classified as follows:
	i) Distribution poles, transmission poles/lines, and transmission lines are permitted in accordance with Section 5.1.2 of this Ordinance.
	ii) Landfills, recycling and salvage centers, and waste composting uses are considered Waste Management Land Uses even if they involve some form of on-site generation of a utility (i.e., gas, electricity, etc.).
	iii). Telecommunication towers are classified as Telecommunication Land Uses within the Table of Permitted Uses.

16. Waste Management Land Uses:

a. Definition:	Facilities and equipment related to receiving and processing of solid or liquid wastes from others for disposal on the site or for transfer to another location, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. Accessory uses may include offices, outdoor storage, recycling of materials, and repackaging and trans-shipment of by-products.
b. Example Uses:	Recycling centers, Salvage and junk yards, Transfer stations, Landfills. Accessory uses may include offices, outdoor storage, recycling of materials, and repackaging and trans-shipment of by-products.
c. Exceptions:	The following land uses/activities shall be classified as follows:
	i) Wastewater treatment plants and potable water treatment plants are considered Utility land uses

17. Wholesale Land Uses:

a. Definition:	A land use involved, without transformation or alteration of the product, with the sale of merchandise to clientele in bulk. Businesses may or may not be open to the public, but on-site sales to the public are permitted. Products may be picked up on-site or delivered to the customer. Accessory uses may include offices, product repair, warehouses, and repackaging of goods.
b. Example Uses	Example uses:
c. Exceptions	The following land uses/activities shall be classified as follows:
	(i) No outdoor storage of materials permitted as part of this land use category.

**SEC. 5.2 TABLE OF PERMITTED USES (SEPARATE)**

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## **SECTION 5.3: APPLICATION OF USE STANDARDS**

### **Sec.5.3.1 In General**

In addition to the general standards applied to uses in each zoning district and in accordance with the Table of Permitted Uses, Sections 5.4 through 5.22 establish additional standards for specific Permitted Uses, Special Uses, and uses permitted in Conditional Zoning Districts.

## **SECTION 5.4: STANDARDS FOR TEMPORARY USES** <sup>241</sup>

A. In-General: Temporary uses, structures, activities cannot:

1. Occupy required parking spaces, vehicle travel lanes, or landscape yards,
2. Be located within required setbacks, or
3. Be located within any easement on the subject parcel without the easement holder's written permission, or
4. Otherwise create a violation of this Ordinance. <sup>242</sup>

B. All temporary uses shall provide adequate off-street parking for the intended use. <sup>243</sup>

### **Sec. 5.4.1 Modular Offices and Classrooms**

A. Standards of Evaluation:

1. Modular offices or classrooms used on a temporary basis in districts as permitted use for such purposes as construction offices, bloodmobiles, bookmobiles, classrooms and traveling museums.
  - a. Such uses must obtain a temporary occupancy permit if the use is to last more than 48 hours at one site.
2. Modular offices used for other office or business purposes in cases where the permanent structure has been destroyed through no fault of the owner or tenant. A temporary occupancy permit shall be obtained before the use is initiated. This occupancy permit shall be valid for a specified period while reconstruction takes place, not to exceed twelve (12) months, with one renewal for six (6) months permitted.
3. Temporary construction equipment may be located on a construction or development site. However, a temporary occupancy permit must be obtained before locating such equipment. This occupancy permit shall be valid for a specified period while reconstruction takes place, not to exceed six months, and may be renewed.

### **Sec. 5.4.2 Commercial Tents**

A. Standards of Evaluation – HC, GC, and LI general use zoning districts:

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<sup>241</sup> Staff is attempting to establish regulations for temporary land uses.

<sup>242</sup> A general standard NFOCUS noted from the Staff Wishlist: define how temporary uses are treated and ensure they do not create violation(s) of applicable land use regulations.

<sup>243</sup> Sec. 5.5.2 (C) of the current ordinance.

1. A permit may be obtained to erect a tent.
2. Applicant required to demonstrate they have applied for, and received, approval from the Town of Unionville Fire Marshal to erect the tent prior to applying for the Zoning Permit.<sup>244</sup>
3. A Commercial Tent shall only be erected for a maximum of 14 calendar days in any 60 day period.

**B. Standards of Evaluation – Residential Districts:**

1. A permit may be obtained to erect a tent for any general use zoning districts supporting the following activities:
  - a. Temporary religious or revival activities occurring on property where a Place of Worship is operating as a permitted land use.
2. Permits may only be issued allowing for the erection of a tent for not more than a two (2) consecutive weeks in any calendar year.
3. Applicant required to demonstrate they have applied for, and received, approval from the Town of Unionville Fire Marshal to erect the tent prior to applying for the Zoning Permit.

**Sec. 5.4.3 Temporary Use/Special Event** <sup>245</sup>

(A) Purpose: Land use established for a limited and fixed period and are:

- i. Events intended to, or likely to draw, more than one hundred (100) people, and
- ii. Unlike the usual or customary activities allowed by the zoning classification of the property.

(B) **Allowable Uses:** Permitted uses and special events may be permitted based on criteria in this section. Examples include, but are not limited to:

- i. Tractor pulls,
- ii. Carnivals,
- iii. Circuses,
- iv. Gun shows,
- v. Turkey shoots,
- vi. Agricultural fairs,
- vii. Charity dinners,
- viii. Christmas tree lots,
- ix. Craft fairs,
- x. Film shoots,
- xi. Festivals,
- xii. Seasonal markets,
- xiii. Farmers' markets,

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<sup>244</sup> Staff is recommending language referencing the requirement for an applicant to obtain a permit from the Fire Marshal to erect a tent for commercial purposes.

<sup>245</sup> Existing standards from Section 111-340 of the Ordinance.

- xiv. Hot air balloon sites,
- xv. Helicopter landing sites,
- xvi. Concerts, and
- xvii. Dances.

(C) Standards of Evaluation:

1. Applicant shall submit application to staff including a formal statement with a description of the proposed use, hours of operation, proposed number of people expected to attend the temporary use/special event, location of parking and driveways, and any other pertinent information.
2. The request shall abide by the following standards:
  - a. If not on the applicant's privately-owned property, the applicant must provide written approval of the temporary use from the property owner;
  - b. The location of the temporary use/special event must minimize adverse effects on surrounding properties, including traffic generation and impacts. The site should contain sufficient land area to accommodate all proposed activities. The owner or event organizer shall notify surrounding property owners of the times of the event, activities planned, and measures to be taken to ensure that traffic congestion is mitigated. Temporary uses/special events are prohibited between 11:00 p.m. and 7:00 a.m.;
  - c. Adequate off-street parking must be provided. The use must not displace the required off-street parking spaces or loading areas of the principal permitted uses on the site. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances;
  - d. Display areas and/or temporary structures must comply with the required setbacks and must not interfere with the sight triangle of any intersection of roads or streets;
  - e. Only one temporary use/special event can be permitted for a site at any given time;
  - f. Any applicable permits must be obtained from the NCDOT;
  - g. Signage is permitted 14 days before the event, and must be removed at the close of the event;
  - h. Each event must not exceed 14 consecutive days in entirety, including set-up and clean up, with a maximum of 28 days or eight events, during any 12-month period; and
  - i. The temporary use must comply with the county division of environmental health regulations regarding sewage disposal.
- (3) If a particular use is not listed in the definition of temporary use/special event, the zoning administrator has the authority to grant a temporary use/special event permit for a similar and compatible use.

#### **Sec. 5.4.4 Temporary Use of a Residential Manufactured Home** <sup>246</sup>

- (A) Standards of Evaluation: A Residential Manufactured Home permitted during construction of a permanent residence in accordance with the following:
1. The property owner shall reside in the temporary residential manufactured home during construction of a new residence or the renovation of an existing residence on the same lot.
  2. Prior to placement of the temporary residential manufactured home on-site, all applicable state and local approvals and permits shall be procured, including but not limited to a zoning compliance permit, building permits, and health department approval.
  3. The temporary residential manufactured home must be removed within 90 days of receipt of the certificate of occupancy for the on-site residence.
- (B) Nothing in this section shall be deemed as prohibiting temporary emergency housing units erected during a State of Emergency declared consistent with the provisions of the provision of Section 1.7 of this Ordinance. <sup>247</sup>

#### **Sec. 5.4.5 Temporary Health Care Structures** <sup>248</sup>

- A. Temporary Health Care Structures are permitted in all residential general use zoning districts subject to the provisions of NC General Statute 160D-915.
- B. A zoning compliance permit, per **Section 3.5.6** of the Ordinance, is required to erect a Temporary Health Care Structure.

#### **Sec. 5.4.6 Garage/Yard Sales**

- 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.
- B. Advertising signs may not be placed on any rights-of-way or off-site locations without the applicable property owners' permission.

#### **Sec. 5.4.7 Storage Containers**

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<sup>246</sup> This would allow someone building a new residence to use a manufactured home temporarily for residential purposes.

<sup>247</sup> Staff is recommending the addition of subsection (B) as a 'catch-all' to ensure we do not inadvertently eliminate the ability to have temporary housing during a declared emergency as would potentially be allowed (i.e., depending on the state of emergency adopted by the BOCC).

<sup>248</sup> The State of North Carolina allows what is defined as a 'temporary health care structure' as a customary accessory use for all single-family residences. This would allow for a caregiver to live on a parcel of property to provide services to a resident. Per State rules, the structure is defined as: *A transportable residential structure providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the State Building Code and G.S. 143-139.1(b). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.*

- A. Storage containers or pods for off-site storage or transfer of household or other goods shall be permitted in any required side yard and shall observe a minimum setback of 10 feet from a front property line or corner lot setback.<sup>249</sup>
  - 1. Under no circumstances shall a storage container or pod be located within the sight distance triangle as detailed in Section 6.7 of this Ordinance.
- B. Containers shall be permitted on-site for a maximum of 14 consecutive days in any four (4) month period.<sup>250 251</sup>

**Sec. 5.4.8 Outdoor Seasonal Sales<sup>252</sup>**

- A. Activities under this section include, but are not necessarily limited to: Christmas tree, Firework, or Pumkin sales.
- B. Sales are permitted on a lot in a residential, business, special, or planned development district, subject to the following standards:
  - 1. Shall only be allowed on a lot in a residential zoning district when operated by, and on the site of, a Place of Worship or Community Center land use.
  - 2. Maximum hours of operation of an outdoor seasonal sales use shall be from 9:00 AM to 10:00 PM, except when located in a residential district, then the seasonal sales use shall cease by 9:00 PM.
  - 3. Exterior lighting shall comply with the requirements of this Ordinance.
  - 4. Signage shall only be permitted in accordance with Article 9 of this Ordinance as a limited duration sign.
  - 5. One recreational vehicle is allowed as a temporary dwelling for security purposes in association with the seasonal sales use, provided it meets the general standards of Section 5.4.11 of this Ordinance, and is removed at the end of the sales.
  - 6. Outdoor seasonal sales shall be limited in duration to a maximum of 45 days and there shall not be more than 3 seasonal sales on a lot per calendar year.
  - 7. On-site accessory sales of seasonal products by an agricultural land use or retail sales use is not considered outdoor seasonal sales and is not subject to these standards.

**Sec. 5.4.9 Construction-Related Uses**

- A. A temporary construction-related use is permitted on a lot in a residential, business, special, or planned development district, subject to the following standards:

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<sup>249</sup> Current regulations in Section 5.5.2 (C) indicating there is no minimum setback in the front yard. NFOCUS Staff is recommending a minimum of 10 feet of clearance between the property line(s) and storage unit to ensure vehicular visibility.

<sup>250</sup> NFOCUS is recommending the County look to establish a time limit on these units.

<sup>251</sup> NFOCUS Staff would like to understand if staff thinks existing regulations (currently mirrored herein) concerning deadlines for removal have been enforceable or if this creates an enforcement challenge for local staff.

<sup>252</sup> NFOCUS Staff is strongly recommending the County consider some basic standards for this activity.

1. Temporary construction-related uses, including construction and business offices, storage buildings, equipment and outdoor storage lots, and employee parking areas, may occur on the same lot or site as the construction activity, or on a lot or site that is adjacent to the construction site.
2. The temporary use permit shall not be issued until a zoning compliance permit / site plan is approved or a building permit is issued for a principal structure.
3. A temporary construction-related use shall be removed within 45 days of issuance of a certificate of occupancy for the structure, or removed immediately if the building permit expires or is revoked.

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## SECTION 5.5: STANDARDS FOR ACCESSORY LAND USES:

### Sec. 5.5.1 In General

- A. This section authorizes the establishment of accessory uses and structures that are incidental and subordinate to principal uses. The purpose of this section is to allow a broad range of accessory uses and structures, provided they comply with the standards set forth in this section in order to reduce potentially adverse impacts on surrounding lands.
- B. Accessory uses or structures may be approved in conjunction with the approval of the principal use or subsequently following the establishment of the principal use. No accessory use or structure shall be approved, established, or constructed before the principal use is approved in accordance with this Ordinance.
- C. Permitted Accessory Uses and Structures: Permitted accessory uses and structures include those listed in this section and those that the Planning Department determines meet the following:
1. Are clearly incidental to an allowed principal use or structure;
  2. Are subordinate to and serving an allowed principal use or structure;
  3. Are subordinate in area, extent and purpose to the principal use or structure;
  4. Contribute to the comfort, convenience or needs of occupants, business or industry associated with the principal use or structure.
- D. Accessory uses and structures shall conform to the applicable requirements of this Ordinance, including but not limited to:
1. The provisions of this section,
  2. Dimensional standards for the general use zoning district where located as detailed in Article 4;
  3. Applicable development standards contained within Article 5;
  4. Environmental standards contained in Article(s) 8 (flood damage prevention) and 9 (watershed).
- E. Location: After the effective date of this Ordinance, all accessory uses and structures shall be located on the same lot as the principal use or structure and not located within any street right-of-way, except as allowed by this Ordinance for specific accessory uses and structures.
1. Exception: Prior to \_\_\_\_\_ (adoption date of this Ordinance) and consistent with the allowance established within Section 4.12 of the original Town of Unionville Zoning Ordinance: An accessory building may be located on another contiguous or non-contiguous lot from the principal use with which it is associated, to the extent that the principal use itself would also be permitted on such lot.
  2. Accessory structures issued a zoning compliance permit to be located on another contiguous or non-contiguous lot from the principal use consistent

with the authority granted under the previous Zoning Ordinance shall be considered conforming structure for purposes of this Ordinance.

- F. Drive-up Accessory Structures: Drive-up accessory structures, such as automated teller machines, ice vending, coffee stands, and similar accessory structures that provide drive-up or walk-up service and which are located within a surface parking area shall meet the following standards:
1. The accessory structure shall not be placed in any required parking spaces.
  2. The location shall be designed so that any access or stacking lanes do not extend into a primary drive aisle, loading zone, or emergency vehicle lane (i.e., dedicated fire lane).
  3. The surface parking area shall be configured and restriped to maintain access and circulation to the principal use(s).
  4. Any roof-top mechanical equipment shall be screened from the adjacent streets.
  5. All signs must be wall signs and may cover up to a maximum of 50% of the primary facade of the accessory structure, or be a maximum of 25 square feet, whichever is less. All other facades of the accessory structure may cover up to 50% of the allowed maximum coverage area for the primary facade.
- G. Easements: Accessory structures may not be located in any easement unless the easement or easement holder expressly approves the allowance in writing
- H. Utilities: Utility service, such as water, sewer and electricity, to the accessory structure shall be provided by branching service from the principal structure.<sup>253</sup>
- I. Neither Manufactured nor Mobile Homes shall be permitted for use as an accessory structure within the county.
- J. Exemptions: Accessory buildings used exclusively to house well and pump equipment associated with private utility systems (i.e., well and septic systems) may be permitted in front, side or rear yards, provided such accessory buildings are at least five (5) feet from any property lines and do not encroach into any required easements or other site angles.

#### **Sec. 5.5.2 Residential Districts:<sup>254</sup>**

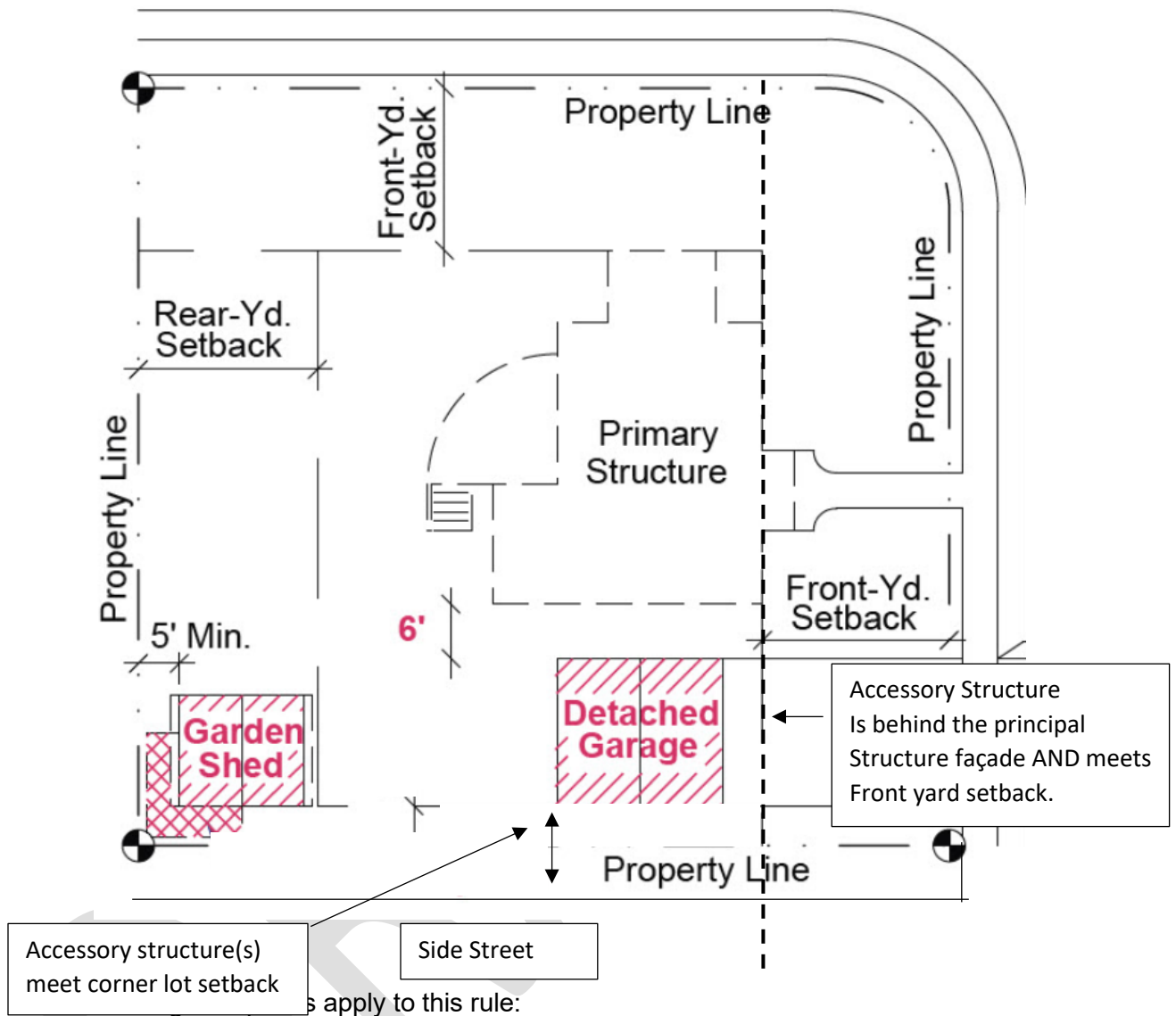
- A. Accessory structures/buildings shall not be placed any closer to the front right of way than any portion of the dwelling. For all lots facing on more than one road, all accessory structures shall meet the applicable setback requirements for each road right of way (i.e., primary front yard setback and corner lot).

Figure 5.5.2 (A) (1): Example:

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<sup>253</sup> New standard recommended by NFOCUS to ensure we do not have utility conflicts.

<sup>254</sup> Most of this is existing standards detailed in Section 4,12 of the Ordinance.



- Accessory structure(s) meet corner lot setback apply to this rule:
1. Accessory Structures located on properties containing 5 or more acres may be placed in front of the principal dwelling unit, but shall observe the principal front setback for the zoning district in which the property is located.
  2. Accessory structures located on properties that border land owned by the U.S. Government under the control of the U.S. Army Corps of Engineers for the John H. Kerr Dam and Reservoir may be placed in front of the principal dwelling unit, but shall observe the principal front setback for the zoning district in which the property is located.
- B. Dimensional Standards: Accessory structures shall comply with the following setbacks:
1. Side (other than corner lot setbacks) and Rear Yard setbacks: 10 feet;
  2. Setback from principal structure: 10 feet;
  3. Maximum height: Building height shall not exceed 20 feet from mean roof height;

4. Accessory structures shall comply with the built-upon area limits for the general use zoning district in which it is located.
- C. No residential accessory structure shall be rented or occupied for financial purposes and shall not be used for human habitation, unless approved as an Auxiliary Dwelling Unit (ADU) as detailed within Section 5.17.1 of this Ordinance.
- D. Standards for specific uses:

1. Pools: All pools, whether above-ground or in-ground, shall be built only in rear or side yards. For purposes of this section, the term 'pool' shall include all structures, and walks or patio areas of cement, stone, or wood at or above grade, built for, and used in conjunction with the pool.

Pools development, except for the in-ground pool water and wood decking area as detailed under State law,<sup>255</sup> shall be included in the calculations of the total allowed lot coverage for the zoning district in which the lot is located.

Pools shall be setback a minimum of 10 ft. from all side and rear property lines, cannot be located in front of the principal building line, and shall comply with the corner lot setback for the district in which the parcel is located (if applicable).

Concrete patio area at grade has no setback requirements from rear and side lot lines.

Pool shall be enclosed by a privacy fence, with a childproof gate, a minimum height of four (4) feet and a maximum height of eight (8) feet.

2. Satellite Dishes:
  - a. Satellite dishes less than 20 inches in diameter: May be located anywhere on a lot other than the site distance triangle as defined in Section 6.4.14 of this Ordinance.
  - b. Satellite dishes greater than 20 inches in diameter: Shall abide by the following:
    - i. Satellite dishes shall be no larger than eight (8) feet in diameter.
    - ii. The maximum height shall be fifteen (15) feet unless the applicant can prove:
      1. a less intrusive location is not possible and,
      2. a higher location will improve reception.
    - iii. The dish must be installed and grounded properly.
    - iv. Satellite dishes shall meet all appropriate setbacks applicable to accessory structures and if located in a front yard shall meet the minimum setback requirements for that zoning category.

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<sup>255</sup> Current State practice does not consider in-ground pool water area to be classified as built-upon area.

- v. Satellite dishes shall be screened from view with dense landscaping materials, fences, or other solid materials, to the extent that it does not impair reception.
  - vi. Satellite dishes shall not be located on a roof.<sup>256</sup>
3. Solar facilities: May be roof-mounted or freestanding ground/pole mounted subject to compliance with the following standards:
- a. Setbacks: All solar energy collectors, whether ground mounted or mounted on an existing structure, shall meet all appropriate setbacks applicable to accessory structures and if located in a front yard shall meet the minimum required front yard setback requirements for that zoning district where the parcel is located.
  - b. Height: The height of the structure shall not be taller than the allowed height of a structure in the zoning district in which it is located. Ground or pole mounted solar energy systems shall not exceed 25 feet in height when oriented at maximum tilt. Solar collection devices shall not be included in computing lot coverage

**Sec. 5.5.3 Non-residential Districts:**

- A. The following standards shall apply to all non-residential development activities with respect to the location, screening, and use of accessory structures and other storage facilities (temporary or permanent) regardless of the non-residential general or conditional use zoning designation:
- a. Located on Same Lot as a Principal Use: All accessory uses and structures shall be located on the same lot as the principal use or structure and not located within any street right-of-way.
  - b. Compliance with Ordinance Requirements: Accessory uses and structures shall conform to the applicable requirements of this Ordinance, including this section.
  - c. Signs: Advertising material or signage shall not be present on the accessory structure.
  - d. No stacking of accessory storage units shall be permitted.
  - e. Development Requirements:
    - 1. Accessory or Temporary structures shall not be placed in any required parking space, travel lane, loading area, or fire lane;
      - a. The location shall be designed so that any access or stacking lanes do not extend into a primary drive aisle.
      - b. The surface parking area shall be configured and restriped to maintain access and circulation to the principal use(s)
      - c. Any roof-top mechanical equipment shall be screened.
    - 2. An Accessory structure shall be located in the side or rear lot areas of a non-residential land use and shall be located behind the front

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<sup>256</sup> NFOCUS is recommending this provision be eliminated.

building line of the principal structure. No accessory structure shall be located in front of the principal structure.

3. Screening:

- a. A minimum 5-foot landscaping area shall be required around the perimeter of the accessory structure with the exception of the entrance to the structure.

f. Size:

1. Size:

a. Accessory buildings on the lot shall not exceed:

- i. 10 percent of the gross floor area of the principal structure under 10,000 sq.ft. in area or no greater than 324 sq.ft. whichever is greater;
- ii. 15 percent of the gross floor area of the principal structure 10,000 sq.ft. to 50,000 sq.ft. in area;
- iii. 20 percent of the gross floor area of the principal structure exceeding 50,000.01 sq.ft. in area.

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## **SECTION 5.6 STANDARDS FOR AGRICULTURAL LAND USES**

### **Sec. 5.6.1 Farmers Market / Produce Sales <sup>257</sup>**

(A) Submittal Requirements. In addition to the information required by Section 3.5.7 of the Ordinance<sup>258</sup>, the following information shall be supplied as part of the application for approval of this use:

1. A description of the facility, including size of structure(s) and access locations.
2. Number of employees.
3. Frequency and hours of operation.

(A) Standards of Evaluation:

1. Property shall be a minimum of one acre in area with frontage on a State maintained roadway.
2. Parking shall meet the standards of Section 6.18 of this Ordinance and shall not be located within the front yard of the property.
3. All structures shall be setback a minimum of 30 ft. from all property lines.
4. A Type A land use buffer shall be erected adjacent to a residentially zoned parcel of property in accordance with Section 6.17 of this Ordinance.
5. Applicant shall provide bathroom and handwashing facilities on-site.

### **Sec. 5.6.2 Farm Supply Store / Greenhouses – On Premise Sales: <sup>259</sup>**

(A) Submittal Requirements and Standards of Evaluation for Special Use Permit. In addition to the information required by Section 3.5.8, the following information shall be supplied as part of the application for approval of this use:

1. A description of the facility, including size of structure(s) and access locations.
2. Number of employees.
3. Hours of operation.

(B) Standards of Evaluation:

1. The minimum lot size shall be 1 acre for each land use.

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<sup>257</sup> Current requirements are minimal. Staff is recommending standards to address potential impacts within the RA General Use Zoning district and provide measurable standards so that the applicant is aware of what they are expected to abide by when applying for the use. Both the Board of Adjustment and applicants need a defined, measurable standard to apply for special use permit projects.

<sup>258</sup> This is the zoning compliance provisions of the Ordinance (Article 3).

<sup>259</sup> IBID. As a general observation: staff is not sure we want to allow as much commercial activity within the RA general use zoning district.

2. All structures, product display areas, storage areas, and parking areas shall be a minimum of 30 feet from all property lines.
3. Outdoor storage of products or materials shall be:
  - a. Permitted in the rear yard of the primary structure;
  - b. Screened from view of adjacent properties by the erection of a minimum 6 ft. high privacy fence and the planting of a Type A land use buffer around the perimeter of the storage area in accordance with Section 6.17 of this Ordinance;
  - c. Shall not be permitted to encroach upon required parking areas.
4. The parcel shall have frontage on a State maintained roadway.
5. A Type A land use buffer shall be erected adjacent to a residentially zoned parcel of property in accordance with Article 7 of this Ordinance.

**Sec. 5.5.3 Stables – Commercial:** <sup>260</sup>

(A) Submittal Requirements and Standards of Evaluation for Special Use Permit or Conditional Zoning Districts:

1. Submittal Requirements. In addition to the information required by Section 3.5.8 of the Ordinance, the following information shall be supplied as part of the application for approval of this use:
  - a. Plans for all barns, boarding facilities, exercise yards, riding arenas, and related improvements, including signage.
  - b. Site plan showing the improvements listed in a) above, other structures on the same lot, and structures on adjacent property.
  - c. Listing of special planned events including, but not limited to rodeos, horse shows/riding competitions, etc.
  - d. Plan for the management of livestock waste.

(B) Standards of Evaluation:

1. Minimum lot size: 20 acres for up to 20 horses, increasing by ½ acre for each horse over 20.
2. No part of any building, structure, exercise yard, or riding arena, in which animals are housed or exercised shall be closer than 60 feet from a property line, except property occupied by the owner/operator of the facility.
3. The site plan shows parking, access areas and screening devices for buildings, riding arenas, and boarding facilities.
  - a. Parking areas shall be sized to accommodate proposed special events (i.e., rodeos, horse shows/riding competitions, etc.)

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<sup>260</sup> This activity was listed as being permitted but there were no standards. Staff is recommending standards for the establishment of the use in the RA General Use Zoning district through the Special Use Permit process.

4. A sign clearly visible from the ground shall be posted at the main entrance to the facility and shall contain the names, addresses, and telephone numbers where a responsible party for the facility may be contacted at any hour of the day or night. The sign shall comply with dimensional requirements as set forth within this Ordinance.
5. Livestock waste shall be managed to prevent it from spreading to adjacent properties.

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## **SECTION 5.6: STANDARDS FOR ASSEMBLY LAND USES:**

### **Sec. 5.6.1 Assembly Uses, All Subtypes**

#### **(A) Use Standards**

1. Assembly uses with an occupancy of more than 200 persons shall not be permitted within the Rural Agricultural general use zoning district.<sup>261</sup>

#### **(B) Standards for all Residential Zoning Districts**

1. Unless otherwise denoted within this section, assembly land uses (i.e., structures and parking areas) shall observe a 30 ft. minimum setback from all property lines.
2. All activities shall be conducted indoors.

### **Sec. 5.6.2 Club or lodge / Community Center <sup>262</sup>**

#### **(A) Submittal Requirements and Standards of Evaluation for Special Use Permit.**

1. Submittal Requirements. In addition to the information required by Section 3.5.8 of the Ordinance, the following information shall be supplied as part of the application for approval of this use:
  - a. A description of the exact type of facility planned, the size of the building, and the number of participants.
  - b. A site plan showing the location of the existing and proposed buildings, access points, parking, service areas, and outdoor recreation areas.
  - c. Building plans for all existing or proposed structures.
2. Standards of Evaluation:
  - a. Lot size shall be adequate for the method of sewage disposal, and for the other improvements proposed or required.
  - b. The site plan shall show the boundaries of the site, the distances to the nearest residential structures, access points, parking areas, service area, location of proposed existing buildings.
  - c. The landscape plan shall be at the same scale as the site plan and should show how the facilities will be screened from the adjacent properties, in addition, to proposed or existing trees, shrubs, and ground cover.

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<sup>261</sup> We are suggesting there ought to be some limits associated with how intensive assembly land uses should be within the RA general use zoning district. This would also limit the total number of people in a rural church.

<sup>262</sup> Again, current regulations do not establish measurable/definitive development standards and leave too much discretion in the hands of the Board of Adjustment with respect to what is and is not acceptable. The issue here is that the County could be accused of being arbitrary. By establishing uniform, measurable standards, we are being consistent for all applicants.

- d. Elevations of buildings should show that the buildings preserve the residential character of the area.
  - e. Outdoor Activities:
    - i. Recreation activities (i.e., sports activities, performances, etc.) shall observe a minimum 50 ft. setback.
    - ii. All other outdoor activities shall observe a 50 ft. setback.  
from all external property lines.
  - f. Outdoor activities shall be buffers with a Type B land use buffer as detailed in Article 7 of this Ordinance.
  - g. Any outdoor events shall cease no later than 10 p.m. on Sunday through Thursday or 11 p.m. on Friday and Saturday.
- (B) Community Center / Meeting Facility / Retreat Center / Conference Center standards for the HC, GC, and OI General Use Zoning Districts:
- 1. Outdoor activities shall observe a setback of 40 ft. from all property lines.
  - 2. Areas reserved for outdoor activities shall observe a Type A land use buffer as detailed in Article 7 of the Ordinance.

**Sec. 5.6.4 Banquet Hall / Meeting Facility / Retreat Center / Conference Center:**

(A) General Standards

- 1. Unless public sewer is proposed to be extended, the adequacy for the method of sewage disposal will be determined by the lot size and soil suitability. Appropriate letters from the Town of Unionville Environmental Health Department and/or the State Division of Environmental Management shall be submitted to indicate preliminary approval of the septic/well layout for the project.
- 2. All structures shall observe a 50 ft. setback from all property lines.
- 3. All activities shall take place indoors.

**Sec. 5.6.5 Theater**

(A) General Standards:

- 1. Structures and parking areas shall be setback a minimum of 50 ft. from all property lines.
- 2. A Type A land use buffer, as indicated in Article 7 shall be observed around the perimeter of the property.

(B) Standards for the HC General Use Zoning District

- 1. All activities shall be indoors.

(C) Standards for the GC General Use Zoning District

- 1. Outdoor:

- a. All outdoor theater areas shall observe a 50 ft. setback from all property lines.
- b. Outdoor performances shall not extend past 10 p.m. Sunday through Thursday and 11 p.m. Friday and Saturday eastern standard time. <sup>263</sup>

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<sup>263</sup> New standard attempting to address light and noise trespass from an outdoor performance or 'drive-in' theater.

## SECTION 5.7: STANDARDS FOR AUTOMOTIVE / TRANSPORTATION LAND USES:

### Sec. 5.7.1 Airports, General Aviation, Heliports <sup>264</sup>

#### (A) Submittal Requirements and Standards of Evaluation for Special Use Permit.

1. Submittal Requirements. In addition to the information required by Section 3.5.8, the following information shall be supplied as part of the application for approval of this use:
  - a. A configuration diagram depicting the layout of runways, taxiways, approach zones, landing lights/infrastructure, and overrun areas. These diagrams should also be on aerial photographs that show the area within five miles of the proposed site.
  - b. Isotonic contours showing the effects of aircraft operations upon land within one mile of the boundary of the proposed site.
  - c. The number and type of aircraft proposed to be stored including the storage areas for aircraft, fuel and motor vehicles, service areas for aircraft.
  - d. How on-site fire and rescue services shall be provided and a letter from the appropriate agency stating services are available and adequate to protect the proposed facility.
  - e. List land uses within the final approach zones of the airport.
  - f. Map of all property within one mile<sup>265</sup> of the proposed airfield property line—including names and addresses of property owners and types of land use for each property, as given in the Town of Unionville tax listings.
  - g. A map depicting the location, type, and height of any structure, including towers, over 200 feet in height and within a five-mile radius.
  - h. Certification that all Federal Aviation Administration (FAA) and State standards and requirements have been met.
  - i. ~~Scaled drawings of locations and sizes of landing strips and the locations of landing lights.~~<sup>266</sup>
  - j. ~~A copy of the current FAA design, approach, and airspace obstruction standards.~~
  - k. ~~Documentation showing FAA permits and design approval.~~

#### (B) Standards of Evaluation:

<sup>264</sup>NFOCUS Staff is recommending new standards for these uses.

<sup>265</sup> Increase recommended to address potential impacts from a proposed airport so the County from a land use perspective.

<sup>266</sup> The deleted sections (i.e., subsections (i) (j) and (k)) represent existing regulations that have been condensed and captured with the proposed new subsection (h) above. They are shown as being deleted.

1. All F.A.A. and State regulations are met as a condition of approval.
2. The site and its operation will not adversely affect existing adjacent land uses.
3. Land sufficient to provide approach zones and overrun areas is owned or controlled by the applicant.
4. Adequate land area is provided for all proposed uses, buildings and storage areas.
5. Screening of buildings, storage and maintenance areas is provided from adjacent residentially zoned property and land uses. Screening shall be in accordance with the Type C land use buffer requirement per Section 6.17 of the UDO.
6. Letters from appropriate fire and rescue agencies that protective services can be provided at an adequate level.
7. Access shall be directly onto a State maintained road.
8. Compatible land uses are within the final approach areas of the airport.
- ~~9. Airport size and layout shall conform to current FAA design standards.<sup>267</sup>~~
10. There shall be a minimum of ~~300~~ 1,000 feet between any runway or taxiway to the nearest property used or zoned for residential purposes.
- ~~11. Screening and fencing. When located within 100 feet of the property line or street rights-of-way and abutting property used or zoned for residential uses, hangars, storage buildings, terminals, loading docks, parking lots, and any other associated structures shall be screened in accordance with article XIX (buffers and screening) of this chapter.<sup>268</sup>~~

#### **Sec. 5.7.2 Motor Vehicle Land Uses <sup>269</sup>**

- (A) Standards for Motor Vehicle Maintenance land uses in the HC and GC general use zoning districts:
1. No outdoor storage shall be permitted. <sup>270</sup>
  2. Tow-truck operations and/or storage of towed vehicles shall not be considered a customary accessory use.
  3. LI General Use Zoning District: Outdoor storage permitted provided a 50 foot setback is observed. Tow-truck operations shall be permitted as a customary accessory land use.
- (B) Standards for Motor Vehicle Repair land uses within the HB and GC General Use Zoning District

<sup>267</sup> Existing language recommended for deletion. Standard superseded by a new number 1.

<sup>268</sup> Existing language recommended for deletion. Standard has been superseded.

<sup>269</sup> With this update, staff is attempting to address intensity of land use in the various non-residential districts. By establishing building area limits for the CB and HB general use zoning districts, we are steering more intensive land uses to the HB general use district where it is more consistent with County policy and intent.

<sup>270</sup> This standard is recommended to prevent the creation of a 'junkyard' in the CG general use zoning district.

1. Outdoor storage:
  - a. Shall be limited to 24,000 sq.ft. of area.
  - b. All outdoor storage areas shall be enclosed by a fence, a minimum of 6 ft. in height, and shall observe a Type B land use buffer around the fence perimeter in accordance with Article 7 of this Ordinance.
  - c. Shall be setback from all property lines by a minimum of 50 ft.
2. Town truck operations shall be considered a customary accessory land use.

(C) Motor Vehicle Sales and Rental:

1. Submittal Requirements. In addition to the information required by Section 3.5.7 of the Ordinance, the site plan shall show the area for the display of vehicles for sale or rental.
2. Standards of Evaluation
  - a. Property shall have frontage and direct access onto a State maintained roadway.
  - b. Areas of the property designated for the display of vehicles for sale or rent shall be improved with an all-weather surface (i.e., concrete, or asphalt) and shall not be used for any other purpose.
  - c. All structures and areas displaying vehicles shall be setback a minimum of 30 ft. from all property lines.
  - d. Car detailing and cleaning of vehicles rented or sold on-site shall be considered a customary accessory activity. No public clearing services shall be permitted.
  - e. Parking/display areas for vehicles offered for sale or rental shall be separate from required parking areas for customers and staff, which shall be calculated based on the provisions of Section 6.18 of this Ordinance.
  - f. Tow truck operations and/or storage of junked vehicles shall be prohibited.

D. Submittal Requirements and Standards of Evaluation for Special Use Permit.<sup>271</sup>

- a. Submittal Requirements. In addition to the information required by Section 3.5.8 of the Ordinance, the following information shall be supplied as part of the application for approval of this use:
  - i. Areas intended for the display of vehicles intended for sale.
  - ii. Areas where vehicles under repair shall be displayed (motor Vehicle Maintenance and Repair land uses only).

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<sup>271</sup> Staff has attempted to preserve those land uses currently permitted within the RA general use zoning district but is concerned we are allowing commercial activities that are inconsistent with the purpose and intent of the district.

- b. Standards of Evaluation:
  - i. Shall be limited to the sale of vehicles only.
  - ii. Property shall have frontage and direct access onto a State maintained roadway.
  - iii. Shall limited to no more than 10 vehicles for sale at any one time.
  - iv. Operations (i.e., sales office, customer parking, and vehicle display areas) shall observe a 60 ft. setback from all property lines.
  - v. A Type B land use buffer, in accordance with Article 7 of the Ordinance, shall be installed around the perimeter of the property.
  - vi. Areas of the property designated for the display of vehicles for sale shall be improved with an all-weather surface (i.e., concrete, or asphalt) and shall not be used for any other purpose.
  - vii. No outdoor storage shall be permitted for a Motor Vehicle Sale/Rental land use
    - 1. For Maintenance/Repair land uses, outdoor storage of vehicles shall be capped at 20 vehicles at any one time. Storage areas shall be completely enclosed by a 6 foot fence and have a 10-foot wide landscaping area around the perimeter of the fence.
  - viii. Tow truck operations and/or storage of junked vehicles shall be prohibited at sales lots.

**Sec. 5.7.3 Postal and Parcel Delivery** <sup>272</sup>

(A) Use Standards:

- 1. Within the HCB General Use Zoning District, structures shall be limited to 36,000 sq.ft.

**Sec. 5.7.4 Service and Convenience Store** <sup>273</sup>

(A). Use Standards:

- 1. Within the EIA General Use Zoning District:
  - a. Structures shall be limited to 12,000 sq.ft.
  - b. Shall be limited to 6 'double sided' fuel pump stations.

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<sup>272</sup> UPS, FED-Ex, etc.

<sup>273</sup> Gas station.

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## **SECTION 5.8: STANDARDS FOR CARE AND EDUCATIONAL FACILITY LAND USES:**

### **Sec. 5.8.1 Care Center - Facility:** <sup>274</sup>

(A) **Standards and Evaluation for Special Use Permits.** In addition to the information required by Section 3.5.8, the following information shall be supplied as part of the application for approval of this use:

1. Site plan shall denote outdoor exercise, play, recreation area for clients,
2. The location, number, and means of access to required off street parking areas as well as client drop off and pick up areas.
3. The location of the residence in which the Center is in relation to existing property lines and adjacent homes.
4. A floor plan of the proposed facility, showing the use and dimensions of each room and the location of entrances and exits.
5. Where a State license is required to operate the facility, evidence that the requirements to qualify or said license have been, or will be, met shall be submitted.
6. Facilities shall be designed to care for children/adolescents or adults. There shall not be joint care of children/adolescents and adults at the same time.

(B) **Standards of Evaluation:**

1. Activity shall be conducted within a residence owned and occupied by the operator of the facility.
2. Number of clients shall adhere to State allowances.

(C) **Standards of Evaluation:**

1. There is direct frontage and access on a public State maintained road.
2. Indoor activity areas shall be provided equivalent to at least 25 square feet per attendee.
3. Adequate access to and from the site, as well as adequate space off the road right-of-way, is provided for the safe pickup and discharge of clients and is provided in such a manner that traffic generated by the use is not disruptive to adjacent residentially developed properties.
4. The plan shall show how the facilities will be screened from adjacent properties. A Type B land use buffer shall be provided around the use and play/exercise area in accordance with Section 6.17 of this Ordinance. These buffers will effectively screen the view of any outdoor area, and reduce noise associated with the operation.

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<sup>274</sup> Facilities can be for children, adolescents, and even adults. Local governments can no longer simply say 'childcare'. If you are going to allow care facilities like this, it must cover a larger spectrum of clientele. Standards have been revised to address this changing environment.

5. Each Center shall provide a minimum of 75 square feet of outdoor space for every client in care. This space may not be in a required buffer or in an area which is used or reserved for use as a sewage disposal nitrification field without the permission of the Town of Unionville Health Department.
6. Fencing is to be provided around the outdoor space, which ensures the protection of the client receiving care and protects adjacent residentially developed properties from trespassing.
7. All gates shall be self-closing and self-latching.

**Sec. 5.8.2 Care Center - Facility:** <sup>275</sup>

**(A). Use Standards**

**(A) Standards:**

1. A minimum of 75 square feet of outdoor space per client shall be provided.
2. Outdoor play/exercise space shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking area or land unsuited for other usage or natural features. All required fences shall comply with the regulations of this Ordinance. The minimum height in any case shall be three feet.
3. The minimum lot area for the first eight clients shall be 10,000 square feet. The minimum additional area for multiples of eight clients shall be 2,000 square feet.

**Sec. 5.8.3 Library:**

**(A) Standards and Evaluation for Special Use Permits.** In addition to the information required by Section 3.5.8, the following information shall be supplied as part of the application for approval of this use:

1. Distance of all structures from property lines and adjacent residential structures.

**(B) Standards of Evaluation:**

1. There is direct frontage and access on a public State maintained road.
2. Setbacks:
  - a. All structures shall be setback a minimum of 40 ft. from all residentially zoned property lines.
  - b. All parking shall be setback a minimum of 30 ft. from all residentially zoned property lines.
3. The plan shall show how the facilities will be screened from adjacent properties. A Type A land use buffer shall be provided around the use and play/exercise area in accordance with Article 7 of this Ordinance. These buffers

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<sup>275</sup> This is a 'day care center' in a commercial setting.

will effectively screen the view of any outdoor area, and reduce noise associated with the operation.

**Sec. 5.8.4 Museum:**

**(A) Submittal Requirements and Standards of Evaluation for Special Use Permit.** In addition to the information required by Section 3.5.8, the following information shall be supplied as part of the application for approval of this use:

1. Submittal Requirements. In addition to the information required by Section 3.5.8, the following information shall be supplied as part of the application for approval of this use:
  - a. A description of the exact type of facility planned, the size of the building, and the number of participants.
  - b. A site plan showing the location of the existing and proposed buildings, access points, parking, service areas, and outdoor recreation areas.
  - c. Building plans for all existing or proposed structures.

**(B) Standards of Evaluation:**

- a. Lot size shall be adequate for the method of sewage disposal, and for the other improvements proposed or required.
- b. The site plan shall show the boundaries of the site, the distances to the nearest residential structures, access points, parking areas, service area, location of proposed existing buildings.
- c. The landscape plan shall be at the same scale as the site plan and should show how the facilities will be screened from the adjacent properties, in addition, to proposed or existing trees, shrubs, and ground cover.
- d. Elevations of buildings should show that the buildings preserve the residential character of the area.
- e. All structures and parking areas shall be located a minimum of 50 feet from all property lines.

**Sec. 5.8.5 Elementary, Middle, High School:** <sup>276</sup>

**(A) Submittal Requirements.** In addition to the information required by either Section 3.5.7 of the Ordinance, the following information shall be submitted as part of the application:

1. Total student capacity of school as designed.
2. Total number of employees at time of greatest shift.
3. Number and dimensions of designated parking spaces for school buses.
4. Number of designated parking spaces for employees' visitors, students, etc.

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<sup>276</sup> Staff is recommending the County consider submittal standards and evaluation criteria for schools. Staff would also like to discuss the possible requirement that a school be reviewed through the Conditional Zoning process.

5. Location of student drop off points with stacking spaces.
6. Location of all proposed and future athletic fields and structures, including:
  - a. Total number of seats for spectators, and
  - b. Location of concession stands, if any anticipated
7. Proposed public roadway improvements.
8. Existing and proposed infrastructure improvements (water and sewer).
9. Estimated water usage for structures, landscaping and athletic fields.
10. If required, a Traffic Impact Assessment (TIA) shall be completed in accordance with Section 6.23 of this Ordinance.

**(B) Standards of Evaluation:**

1. The project meets all applicable design standards and other requirements of this Ordinance.
2. The required lot size shall be adequate to accommodate all on-site activities, including and proposed on-site nitrification fields and repair areas and recreation/sports activities. The proposed methods to handle the maximum number of participants and patrons for any single event shall be provided while also adhering to safe vehicular and pedestrian circulation.
3. The project meets all service provision criteria as set forth below:
  - a. Fire – identifies the primary and secondary responders and the source(s) of water.
  - b. Police – identifies the primary and secondary responders.
  - c. Rescue services – identifies the primary and secondary responders.
  - d. Water Supply – identification of public or private utility source and capacity of water supply or identification of water source through a water resource study.
  - e. Wastewater Treatment Methods – provider and capacity of wastewater treatment source.
  - f. Solid Waste – identifies the method for solid waste and recycling removal and disposal meeting County standards.
4. There shall be a Type B land use buffer installed around the perimeter of the School consistent with the requirement of Article 7 of the Ordinance.
5. All grading, erosion control, and stormwater management plans shall be approved by the appropriate authorities.
6. Access to the school project shall be via existing public roads and shall conform to and follow any public road access management plan adopted by Town of Unionville.
7. Site Access:

- a. There shall be a minimum of two access points to the site.
- b. Access points shall separate student drop-off areas and visitor parking from bus traffic.
- c. If school buses are used, then at least one access shall be limited to school employees and bus use during normal school hours.
- d. All access points shall be located to provide maximum visibility and safety.
- e. No driveway shall be permitted in a location that will hinder or congest traffic movement on a public street.

**Sec. 5.8.6 University/College:** <sup>277</sup>

(A) **Submittal Requirements for both Zoning Compliance and Special Use Permit requests.** In addition to the information required by Section(s) 3.5.7 or 2.5.8 respectively of the Ordinance, the following shall be submitted as part of the application:

1. The site plan, in addition to other requirements detailed within this Ordinance, shall denote the following:
  - a. Location, width and type of all internal vehicular and pedestrian circulation.
  - b. Location and dimensions of all on site signage.
  - c. Boundaries of the site and distance to nearest residential structures.
2. Description of the proposed use(s) of the site and the buildings therein, including the following:
  - a. Amount of area allocated to each use.
  - b. Number of full and part-time employees.
  - c. Number of students and staff expected to use the facility.
  - d. Proposed hours and days of operation.
3. Building plans for all existing or proposed structures to include floor plans, elevations and sections showing proposed use.
4. Statement from the appropriate agencies concerning the method and adequacy of water supply and wastewater treatment.
5. Statement from the appropriate agencies concerning the provision of fire, police and rescue protection to the site and structures.
6. A detailed description of the organization, its staff, membership, affiliations and activities.

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<sup>277</sup> Again, we have a land use that had no development standards. Staff is recommending the imposition of minimal land use development standards for the use.

**(B) Standards of Evaluation for Special Use Permits.**

1. Fire, police and rescue services and water supply and wastewater treatment methods are adequate to serve the proposed uses and facilities.
2. The site has frontage and access on to a paved State maintained road. The developer must show that the existing facilities have the capacity to handle the additional traffic generated by the use or has an agreement with NCDOT to upgrade the facility to accommodate expanded needs.
3. Internal vehicular and pedestrian circulation is designed to encourage smooth traffic flow and reduce hazards.
4. All access roads and employee/visitor parking areas shall be paved.
5. All buildings associated with the operation shall be designed to be harmonious with the character of the zoning district and neighborhoods in which it is proposed to be located.

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**SECTION 5.9: STANDARDS FOR EXTRACTIVE LAND USES:** <sup>278</sup>

**Sec. 5.9.1 Borrow Pits for Federal and State Highway Projects** <sup>279</sup>

**(A) Use Standards**

1. Permitted by right in all districts in accordance with the provisions of Section 5.1.2 of this Ordinance.

**(B) Standards of Evaluation**

1. The borrow pit is located within one mile of the construction site.
2. An Erosion Control Plan has been approved by the Department of Environment, Health and Natural Resources.
3. The material extracted is to be used solely for a State or Federal road construction project; and
4. Road construction plans include provision for reclaiming the excavated area. If the reclamation plan involves filling the excavated area, the fill material must be inert material defined as beneficial fill by the Solid Waste Branch of the Department of Environment and Natural Resources, provided that the debris is also associated with a State or Federal Highway road construction project.
5. Inclusion of reusable or recyclable materials in the reclamation or filling of the borrow pit should be minimized. A proposed debris recycling program or a statement as to why material will not be recycled shall be submitted for review by Town of Unionville.

**Sec. 5.9.2 Extraction Land Uses.** <sup>280</sup>

**(A) Use Standards**

1. Processing of materials on-site, beyond incidental mechanical consolidation or sorting to facilitate transportation off-site for further processing, shall be prohibited.

**(B) Submittal Requirements and Standards of Evaluation for Special Use Permit and Zoning Compliance Permit.** In addition to the information required by Section 3.5.8, the following shall be submitted as part of the application for Special Use and for development within the HI general use zoning district:

1. Extent of area to be excavated or mined.
2. Aerial photograph of site and all areas within 1,000 feet of the perimeter of the property flown within six (6) months of the application for a Special Use Permit.
3. Existing topography at a contour interval of two feet based on mean sea level datum.

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<sup>278</sup> Staff is strongly recommend existing regulations governing mines be revamped.

<sup>279</sup> This 'borrow pit' is only associated with State or Federal roadway projects.

<sup>280</sup> New land use standards associated with a mine operation. As a reminder, staff has recommended this type of activity only be permitted through the special use permit process.

4. Land use, road system, natural features and topographical ten-foot contour intervals details for the area within 1,000 feet of the perimeter of the property.
5. Typical cross sections showing the extent of overburden, extent of sand and gravel deposits, and water table.
6. Proposed handling and storage areas for overburden, by products and excavated materials.
7. Location and results of groundwater borings showing depth of groundwater.
8. Any areas proposed for ponding.
9. Wind pattern details and on-site windbreaks.
10. Soils details and statement addressing agricultural productivity and reclamation.
11. Traffic impact analysis (TIA) prepared in accordance with applicable NC Department of Transportation engineering standards and requirements addressing the capacity of the roads to serve the site and the provisions of Section 6.23 of this Ordinance.
12. Access roads to the site, as well as on site roads, with indication of surface treatment to limit dust. Sight distances on all roads used for access to the site.
13. Required setback areas, including screening/buffering existing and/or proposed. If plant materials are to be installed, the number, location, size and type of plants are to be identified.
14. An Operations Plan which shall include:
  - a. The date proposed to commence operations and their expected duration.
  - b. Proposed hours and days of operations.
  - c. Estimated type and volume of extraction.
  - d. Description of method of operation, including the disposition of topsoil, overburden and by products.
  - e. Methods to control and respond to spillage of extracted materials, overburden or by products and vehicular mud on off-site roads.
  - f. Description of equipment to be used in the extraction process.
  - g. Methods to prevent pollution of surface and ground water.
  - h. Operational test wells and schedule of results, analysis, and response staff be provided consistent with State law.
  - i. Compliance with the Sediment and Erosion Control provisions of the State of North Carolina.
  - j. Depth of extractive operations.
  - k. Any phasing of the operation and the relationship among the various phases.

15. A Rehabilitation Plan which shall include:
  - a. A statement of planned rehabilitation of the excavated land, including detailed methods of accomplishment and planned future use of the rehabilitated land.
  - b. A map showing the final topography, after rehabilitation, to the same scale as the Site Plan, depicting any water areas and methods of preventing stagnation and pollution thereof, landscaping and ground cover proposed to be installed, and the amount and type of back fill to be employed, if any.
  - c. Typical cross sections showing planned rehabilitation.
  - d. A phasing and timing plan, related to the phasing and timing portion of the Operations Plan, showing the progression of the rehabilitation and the date when it will be complete.
  - e. The method of disposing of all equipment, structures, dikes and spoil piles associated with the operations.
  - f. A written legal description or survey of the property, prepared by a North Carolina registered land surveyor or engineer.

**(C) Standards of Evaluation**

1. The applicant demonstrates that the extractive use operation fulfills primarily a local need as opposed to a regional need in terms of supplying sand and/or gravel for building and construction purposes.
2. All operations associated with extraction shall conform to the following performance standards:
  - a. Direct illumination resulting from the operation shall not fall upon any land not covered by the application.
  - b. Equivalent sound levels at the boundaries of the extraction site shall not exceed established standards as follows:
    - i. 7:00 a.m. to 7:00 p.m. 65 dBA
    - ii. 7:00 p.m. to 7:00 a.m. 50 dBA
3. The Rehabilitation Plan shall be referred to the Town of Unionville Soil and Water Conservation District for review and recommendation, which shall not be binding upon the Board of Adjustment, regarding the landscape material specified, the planting and maintenance proposed to ensure continuous growth and development, and the acceptability of the proposals for the handling of lakes, ponds, etc.
4. The permanent roads, defined as those to be used more than one year within the excavation site, shall be surfaced with a dust free material such as soil cement, bituminous concrete or Portland Cement concrete from the nearest public road to the yard area. Also, all permanent roads located within 300 feet of the residentially zoned land shall be treated the same.

5. Roads other than permanent roads shall be treated with dust inhibitors, to be specified in the Operations Plan, which will reduce to a minimum the generation of dust from the road surfaces as a result of wind or vehicular action. Properly operated water wagons shall be an acceptable method of dust inhibition.
6. A security fence at least six feet in height shall be installed around the perimeter of the operation and processing areas of the extraction land use.
7. Spoil piles and other accumulations of byproducts shall not be created to a height more than 40 feet above the original contour and shall be so graded that the vertical slope shall not exceed the material's natural angle of response.
8. The Operations Plan and the Rehabilitation Plan shall be coordinated so that the amount of disturbed land is kept to the absolute minimum consonant with good practices and so that rehabilitation proceeds in concert with extraction.
9. No land disturbance shall take place within 200 feet of the property line. Within this area, existing vegetation shall be retained for the purpose of providing a visual screen and noise buffer. No disturbance or removal of vegetation shall be permitted except for access roads leading from the excavation area to public roads.

Where vegetation within this 200-foot setback does not exist, the applicant shall be required to provide a dense, evergreen buffer consistent with the purpose cited above. The buffer shall be in place prior to the initiation of any excavation activities.

10. The applicant shall submit operational reports, prepared on an annual basis, detailing the amounts of materials extracted, extent of extractive area, depth of extractive area, and results of groundwater test borings.
11. Annual inspections of the operation shall be conducted by the Planning Director following submittal of the annual operations reports to determine compliance with the provisions of the development approval.
12. In cases of abandonment or termination of operations for a period of 12 consecutive months, application for a new development approval is required.
13. A performance guarantee shall be required to ensure that the provisions of the Rehabilitation Plan are met. Such performance guarantee shall be in a form approved by the County Attorney. The amount of such guarantee shall cover the cost of rehabilitation on a per acre basis, if the cost does not exceed the amount posted with the State. If the rehabilitation cost exceeds the amounts required by the State, then the difference shall be made up in a bond to Town of Unionville consistent with State law.

**SECTION 5.10: STANDARDS FOR GOVERNMENT LAND USES:**

**Sec. 5.10.1 Refuse Collection Centers** <sup>281</sup>

**A. Use Standards**

1. Shall be owned, leased, and/or operated by Town of Unionville.

**B. Site standards.**

1. All structures associated with collection centers shall maintain standard setbacks applicable in the zoning district from street rights-of-way and twice the standard setbacks from any other property line.
2. All equipment producing noise, sound or waste, or using recyclable material containers, shall be set back 50 feet from any property line.
3. All storage must be located indoors. No outdoor storage shall be allowed, other than waste containers.
4. A Type B land use buffer, in accordance with Article 7 of this Ordinance, shall be erected around the perimeter of the property or leasehold area.
5. A fence, a minimum of 6 ft. in height, shall be erected around the perimeter of the collection center operation, outside of the required land use buffer.
6. All hazardous run-off shall be contained on-site.

**Sec. 5.10.2 Correctional Facilities** <sup>282</sup>

**A. Standards of Evaluation for Special Use Permits**

1. No facility shall be permitted to locate or expand within a half-mile radius of any property used or zoned for residential purposes and any property used as a hospital, nursing or convalescent home, retirement home, life care community, school, or church.
2. All structures, recreation areas, work areas, parking and loading areas, and common areas associated with the correctional facility shall be required to maintain five times the applicable setbacks of the corresponding zoning district.
3. Outdoor lighting shall be fully shielded and designed to prevent light from directly hitting adjacent property or any public right-of-way.
4. All correctional facilities shall be required to install and maintain a Type C land use buffer, in accordance with Article 7 of this Ordinance, on the outside perimeter of the facility.
5. A security fence shall be erected on the outside of the required land use buffer along the property line for additional security.

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<sup>281</sup> Town of Unionville trash and recycling convenience centers.

<sup>282</sup> Existing standards with a few additional recommended standards of evaluation for the Board of Adjustment.

Sec. 5.10.3 **Military Installations / Armories**<sup>283</sup>

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<sup>283</sup> Currently, staff has no recommended standards and is seeking comments from the Planning Board, Management, and Elected Officials.

**SECTION 5.11: STANDARDS FOR MANUFACTURING, ASSEMBLY, PROCESSING, AND DISTRIBUTION USES – FOOD LAND USES:** <sup>284</sup>

**Sec. 5.11.1 General Standards for Manufacturing, Assembly, Processing, and Distribution Uses – Food**

**(A) Standards For HC General Use Zoning District**

1. Uses shall be limited to 36,000 sq.ft. of building area.

**(B) Standards for GC General Use Zoning District:**

1. Uses shall not exceed 50,000 sq.ft. of building area.

**(C) Standards for LI, IM, and OI General Use Zoning Districts**

1. Development adjacent to a residentially zoned parcel of property shall observe a minimum 50 ft. setback for all structures and vehicle use areas from all property lines.

**Sec. 5.11.2 Distilleries / Microbrewery / Winery**

**(A) Submittal Requirements and Standards of Evaluation for Special Use Permit.** In addition to the information required by Section 3.5.8, the following shall be submitted as part of the application:

1. The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel.
2. An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
3. An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.
4. Floor plans denoting all aspects of the proposed land use including outdoor event areas, production areas, retail, and restaurant facilities.

**(B) Standards of Evaluation:**

1. Minimum lot size shall be based on compliance with applicable development standards (i.e., setbacks, parking, etc.) and the need for land area supporting utilities (i.e., on-site wastewater treatment/disposal and required repair area) as determined by Town of Unionville Environmental Health.
2. The site shall have direct access to a State maintained road.
3. If located adjacent to residentially zoned property, all structures, facilities, storage areas, and parking areas shall be setback a minimum of 50 feet from all property lines.
4. A Type C land use buffer, in accordance with Article 7 of the Ordinance, shall be erected around the perimeter of the property.

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<sup>284</sup> Staff is recommending manufacturing of food items be combined into a central section for ease of use.

5. Loudspeakers and public address systems shall not be used before 7 a.m. or after 7 p.m. if an existing residence is located within 1,000 feet of the facility.
6. Special events shall cease no later than 10 p.m. on Sunday through Thursday or 11 p.m. on Friday and Saturday.
7. Retail sales of products proceeded on site, and facility tours shall be permitted during normal operating hours. Sales may include complementary items produced off-site but are intended to be comprised primarily of products produced on-site.
8. Food service/restaurant facilities:
  - a. Shall be permitted as a customary accessory use.
  - b. Facilities are subject to review and approval by the Town of Unionville Health Department.
  - c. Seating shall not exceed 50 patrons.
  - d. The restaurant shall be open to the public.

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**SECTION 5.12: STANDARDS FOR MANUFACTURING, ASSEMBLY, PROCESSING, AND DISTRIBUTION USES – OTHER LAND USES:**

**Sec. 5.12.1. General Standards for Manufacturing, Assembly, Processing, and Distribution Uses – Other**

**(A) Standards for HC General Use Zoning Districts**

1. Uses shall be limited to 32,000 sq.ft. of building area.

**(B) Standards for LI, HI, and OI General Use Zoning Districts**

1. Development adjacent to a residentially zoned parcel of property shall observe a 50 ft. setback for all structures and vehicle use areas from all property lines.

**Sec. 5.12.2 Asphalt Plant and Concrete Processing Plants:**

**(A) Submittal Requirements and Standards of Evaluation for Special Use Permit.** In addition to the information required by Section 3.5.8, the following shall be submitted as part of the application:

- i. Existing topography at a contour interval of two feet based on mean sea level datum.
- ii. Traffic impact analysis (TIA) prepared in accordance with applicable NC Department of Transportation engineering standards and requirements addressing the capacity of the roads to serve the site.
- iii. Required setback areas, including screening/buffering existing and/or proposed. If plant materials are to be installed, the number, location, size and type of plants are to be identified.
- iv. An Operations Plan which shall include:
  - a. Proposed hours and days of operations.
  - b. Methods to control and respond to spillage of product.
  - c. Description of equipment to be used in the process.
  - d. Methods to prevent pollution of surface and ground water.
  - e. Compliance with the Sediment and Erosion Control provisions of the State of North Carolina.

**(B) Standards of Evaluation:**

1. Access: Access to the use shall be from a State maintained roadway.
2. Screening and Buffering: An area of land, not less than 50 feet in width, shall be provided along all boundaries of the affected land apart from permitted ingress and egress to public roadways. This buffer area may be left in a natural vegetative state if sufficient visual buffering is provided otherwise the buffer, where practicable, must be planted with trees, shrubs or plants that create a visual screen.

Trees, plants, and ground covers to be planted must be native to the area and trees shall not be less than 10 feet in height when mature. Alternatively, an earthen berm (or berms) may be placed within the buffer for visual screening. Any berm must have a vegetative groundcover and side slopes sufficient to minimize erosion. If the berm(s) is (are) less than ten feet in height, trees not less than six (6) feet in height at the crown shall be planted on the berm(s) to supplement visual screening.

3. The boundary of the processing plant and storage yards shall be at least 1,000 feet from any residential use or zoning district.
4. The use shall be totally enclosed by a security fence or wall at least 8 feet high.
  - a. For Asphalt Plants, this requirement may be waived if the use is completely enclosed within a fireproof building.
5. All plans shall be reviewed by Fire and Emergency staff prior to approval to determine that existing services provide adequate protection for citizens.
6. Applicant shall be required to demonstrate the facility has secured or can secure prior to the commencement of earth disturbing activities to commence construction, all require permits from the State of North Carolina to operate including, but not limited to, an Air Quality Permit.

### **Sec. 5.12.3 CHEMICAL MANUFACTURING AND PROCESSING**

#### **(A) Standards of Evaluation for Special Use Permit:**

1. All plans shall be reviewed by Fire and Emergency staff prior to approval to determine that existing services provide adequate protection for citizens.
2. The use shall be totally enclosed by a security fence or wall at least 8 feet high.
3. Access: Access shall be from a State maintained roadway.
4. All structures and storage areas shall be at least 1,000 feet from any residential use or zoning district.
5. Screening and Buffering: An area of land, not less than 50 feet in width, shall be provided along all boundaries of the affected land apart from permitted ingress and egress to public roadways. This buffer area may be left in a natural vegetative state if sufficient visual buffering is provided otherwise the buffer, where practicable, must be planted with trees, shrubs or plants that create a visual screen.

### **Sec. 5.12.4 Sawmills**

#### **A. Standards for HC General Use Zoning District**

1. Operations, including structures, storage areas, parking, and processing operations location on property adjacent to a residentially zoned parcel of property, or property used as a hospital, Care Facility, school, or Assembly Land Use, shall observe a 100 ft. setback from property lines.
2. An operations plan outlining the collection, storage, and disposal of waste including saw dust, wood scraps, and other debris. The operation plan for the site shall be approved by the Town of Unionville Fire Marshal.
3. All parking areas shall be improved (i.e., asphalt or concrete). All storage areas shall be improved with an all-weather surface (i.e., asphalt, concrete, or gravel).
4. A Type C land use buffer, in accordance with Article 7 of the Ordinance, shall be installed along the perimeter of the property.
5. Operations shall not commence before 8:00 a.m. and shall cease by 6:00 p.m. Monday through Friday and 9:00 a.m. to 3:00 p.m. Saturday. No operations shall be permitted on Sunday.

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**SECTION 5.13: STANDARDS FOR MEDICAL LAND USES:** <sup>285</sup>

**Sec. 5.13.1 Medical Uses**

**A. Standards for the GC General Use Zoning District**

1. Shall be limited to no more than 32,000 sq.ft. of building area.
2. No on-site laboratory facilities shall be permitted.

**B. Standards for HC General Use Zoning District**

1. Laboratory and diagnostic centers shall be permitted for testing of samples generated on-site only.

**Sec. 5.13.2 Hospital**

**A. Use Standards**

1. In addition to the site plan required under Section 3.5.7 of the Ordinance, the submittal shall be accompanied by a certificate of need as required under NC General Statutes.
2. Setbacks:
  - a. All structures and storage areas shall be setback a minimum of 50 ft. from common property lines.
  - b. All parking areas shall be setback a minimum of 20 ft. from all property lines.
3. A Type C land use buffer, in accordance with Article 7 of this Ordinance, shall be installed along all common property lines.

**Sec. 5.13.3 Veterinary Clinic**

**A. Use Standards for HC General Use Zoning District**

1. Shall be limited to 24,000 sq.ft. of building area.
2. No overnight boarding of animals shall be permitted.
3. All structures and use areas, including any outdoor runs or rehabilitation areas, shall be setback a minimum of 50 ft. from all property lines.
  - a. A veterinary clinic located within a rental unit shopping mall/commercial strip center shall be required to abide by the same setback requirement(s).
  - b. If the facility is located within a commercial strip or shopping center building, outdoor facilities shall not be permitted.
4. A Type C land use buffer, in accordance with Article 7 of this Ordinance, shall be installed along all common property lines.

**B. Standards and Evaluations for Special Use Permits.** In addition to the information required by Section 3.5.8 , the following shall be submitted as part of the application:

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<sup>285</sup> Doctor and dentist office. Would also include psychiatrist and counselors.

1. The site plan shall denote all proposed development on the property including structures, parking, and outdoor areas (i.e., exercise, rehabilitation, runs, etc.)
2. An operations plan outlining all services being performed on-site (i.e., animals who will be served, services provided, hours of operation, etc.).
3. If animals are euthanized on site, the submittal shall detail how remains will be handled. No cremation or interment services shall be permitted on the premises.

**C. Standards of Evaluation.**

1. No overnight boarding of animals shall be permitted.
2. All structures, outdoor runs/exercise areas and pens, etc. shall be located approximately 50 ft. from all property lines.
3. A Type C land use buffer, in accordance with Article 7 of this Ordinance, shall be installed along all common property lines.

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**SECTION 5.14: STANDARDS FOR OFFICE AND FINANCIAL SERVICE LAND USES:**  
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**Sec. 5.14.1 Use Standards**

1. Specific Standards for the GC Zoning Districts
  - a. Uses shall be limited to 24,000 sq.ft. of building area.
  - b. No outdoor storage of equipment or materials shall be permitted.
  - c. Drive-thru facilities are prohibited.
2. Specific Standards for all other General Use Zoning Districts:
  - a. Outdoor storage of equipment or materials shall be limited to 20 percent (20%) of the parcel area. Storage areas shall be located in the side or rear portion of the property and shall be screened by a Type B land use buffer.
  - b. Drive-thru facilities are permitted subject to the following:
    - i. Facilities shall be located on the rear or side of a structure and be setback a minimum of 30 feet from property lines.

**Sec. 5.14.2 Building/Trade Contractors Office with Equipment Storage Yard**

(A) Use Standards in the LI and IM General Use Zoning District

1. Equipment storage yards shall be:
  - a. Setback a minimum of 50 ft. from all property lines.
  - b. Enclosed by a minimum 6 ft. high fence.
  - c. Screened along all sides with a Type B Land Use Buffer as detailed in Article 7 of this Ordinance.

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<sup>286</sup> Professional offices, banks, etc.

**SECTION 5.15: STANDARDS FOR RECREATIONAL LAND USES:** <sup>287</sup>

**Sec. 5.15.1 Recreational Uses as Accessory Uses**

- (A) Use Standards - Residential Land Uses. In addition to the requirements contained within this Ordinance, recreational uses developed as an accessory use to a residence shall abide by the following:
1. General Standards
    - a. Shall meet applicable setback standards.
    - b. Accessory recreational uses shall not be open to the public or serve as a recreation amenity for other lots.
    - c. Amenities, equipment, and/or facilities intended for spectators such as bleachers or public address systems shall not be permitted.
    - d. Outdoor sports field lighting shall be prohibited.

**Sec. 5.15.2 Amusement Parks / Carnivals**

- (A) Standards of Evaluation for Special Use Permits
1. Property shall have frontage and receive direct access from State maintained road. The roadway shall be able to accommodate the anticipated traffic volume when the fairground is in use.
  2. All buildings, arenas, stadiums, exhibit areas, barns, and similar activity areas shall be set back from all property lines and street rights-of-way at a minimum of 100 feet.
  3. All parking areas shall be setback a minimum of 20 ft. from all property lines and street rights-of-way,
  4. A Type B land use buffer, in accordance with Article 7 of this Ordinance, shall be installed along all property lines.

**Sec. 5.15.3 Recreational Facilities**

- (A) Standards of Evaluation – In General
1. The standards included herein shall be applied to recreational facilities as a principal use of property.
  2. The minimum lot area shall be two acres.
  3. Facilities may include such features as play and training areas, athletic field lights, public address systems, parking for patrons and staff, storage/office facilities, and restroom/locker facilities.
  4. No building shall be closer than 50 feet from any right-of-way or property line.
  5. Outdoor athletic field lighting shall comply with the provisions of this Ordinance.

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<sup>287</sup> Staff has grouped all recreational land uses into a central location for convenience.

6. All outdoor recreational facilities shall utilize a combination of screens, fences, nets, berms, or vegetation to keep equipment on the property.
- (B) Submittal Requirements for all Special Use Permits: In addition to the information required by Section 3.5.8, the following information shall be supplied as part of the application for approval of special uses as identified in Section 5.2 of this Ordinance:
1. A description of the exact type of facility planned, the amount of area, including and number of members or participants expected a site plan showing siting and size of existing and proposed building.
  2. Access, parking, service and recreation areas for all planned facilities or existing facilities.
  3. Plans, and elevation for all proposed and existing structures and descriptions of the color and nature of all exterior materials.
  4. A landscape plan showing, at the same scale as the site plan, existing and proposed trees, shrubs, ground cover and any other landscape materials.
  5. A signed statement from the owners or operators that there shall be no activity allowed that will have adverse effects on adjacent property. The statement shall also include a complete list of all recreational activities that will take place on the site.
- (C) General Standards of Evaluation – Special Use Permits for Recreational Facilities. In addition to any specific standard detailed herein, all permits for a Recreational Facility shall abide by the following standards of evaluation:
1. The property shall have direct frontage on, and obtain vehicular access from, a State maintained road.
  2. Lot size shall be adequate for the method of sewage disposal proposed, and for the proposed recreational uses.
  3. The site plan should show the boundaries of the site, the distances to the nearest residential structures, proposed or existing access points, parking and service areas, location of outdoor recreational facilities, and location of existing or proposed buildings.
  4. The landscape plan shall be at the same scale as the site plan and should show how the facilities will be screened from the adjacent properties, in addition to proposed or existing trees, shrubs and ground cover.
  5. Elevations of all structures and buildings. The structure shall be of such a nature as to preserve the residential character of the area.
- (D) Specific Use Standards and Standards of Evaluation – Shooting Ranges:
1. Shooting Ranges Indoor within the LI and HI General Use Zoning Districts:
    - a. Be located a minimum of 50 feet from all property lines, street rights-of-way, or access easements.

- b. Be located a minimum of 500 feet from occupied dwelling units, residentially zoned property, schools, or Assembly land uses external to the property; and
- c. Maintain a Type C land use buffer, as detailed in Article 7, around the perimeter of the property.

2. Additional Standards of Evaluation for Outdoor Shooting Range – Special Use Permit

- a. Shooting ranges, including skeet shooting activities, shall be designed or oriented to keep projectiles on the property.
- b. Outdoor shooting ranges shall:
  - i. Be located a minimum of 300 feet from all property lines, street rights-of-way, or access easements.
  - ii. Be located a minimum of 1,000 feet from occupied dwelling, school, Care facility, or Assembly land use external to the property; and
  - iii. Direct all stationary target shooting activities into a projectile proof backstop a minimum of 15 feet in height and 30 feet in depth.
  - iv. Operate only from 10:00 a.m. to 6:00 p.m. daily.
  - v. Maintain a Type C land use buffer, as detailed in Section 6.17, around the perimeter of the range.

3. Nothing herein shall be construed as:

- a. Regulating hunting activities including turkey shoots or other similar activities conducted as a fundraiser or community event so long as such activity does not occur more than 14 days in a given calendar year on a parcel of property.
- b. The operation of a shooting range developed for, and exclusively utilized by, local, State, and/or Federal law enforcement agencies; or
- c. The incidental discharge of a firearm, the discharge of a firearm in self-defense, or engaging in target shooting activities on their parcel of property.

(E). Additional Standards of Evaluation – Outdoor Paintball/Airsoft Special Use Permit:

- a. Minimum land area shall be 2 acres.
- b. Areas where outdoor paintball/airsoft activities occur shall be a minimum of 100 feet from all property lines, street rights-of-way, or access easements.
- c. A Type B land use buffer, as detailed in Section 6.17, shall be required around the perimeter of the portion of property where the activity occurs.

(F). Additional Standards of Evaluation – Outdoor Recreational Facilities including Golf Course, Golf Driving Range, Golf Chip and Putt, Putt-Putt Course, Country Club, Swim Club, Tennis Club, Athletic and Track Facilities Special Use Permit:

1. No maintenance building or clubhouse shall be closer than 100 feet to any residential use.
2. In residential districts, parking located between the structure and the street shall be set back from the right-of-way consistent with the district standard.
3. Fencing, netting, or other approved control measures shall be provided around the perimeter of activity to prevent materials from leaving the property.
4. For uses employing public address systems or outdoor speakers, land use shall not operate after 9:00 p.m. nightly.
5. A Type C land use buffer, as detailed in Article 7 of the Ordinance, shall be required around the perimeter of the portion of property where the activity occurs.
6. The project shall comply with outdoor lighting standards as detailed within this Ordinance.

(G). Additional Standards of Evaluation – Racetrack Special Use Permit.

1. The minimum lot size shall be 20 acres.
2. Tracks, structures, and outdoor storage areas shall be a minimum of 75 ft. from all property lines.
3. Required parking shall be located a minimum of 30 ft. from all property lines.
4. Land uses shall operate from:
  - a. Monday through Thursday: 11:00 a.m. to 9:00 p.m.
  - b. Friday and Saturday: 11:00 a.m. to 10:00 p.m.
  - c. Sunday: 12:00 p.m. to 7:00 p.m.
5. A Type C land use buffer, as detailed in Section 6.17 of the Ordinance, shall be required around the perimeter of the portion of property where the activity occurs.
6. The project shall comply with outdoor lighting standards as detailed in Section 6.19 of this Ordinance.

(H). Additional Submittal Requirements and Standards of Evaluation – Camp, Summer Camp Facility.

1. Additional Submittal Requirements:
  - a. A detailed project narrative outlining the type of facility planned, the size, capacity, and use of proposed buildings; a signed statement from the owners or operators that there shall be no activity allowed that will have adverse effects on adjacent property. The statement shall also include a complete list of all recreational activities that will take place on the site.

b. The site plan shall include/denote the following:

- i. Buildings,
- ii. Campsites,
- iii. Storage areas,
- iv. Fencing and gates,
- v. Outdoor recreation areas

c. Distance to the nearest residential structure.

2. Standards of Evaluation:

- a. Unless public sewer is proposed to be extended, the adequacy for the method of sewage disposal will be determined by the lot size and soil suitability. Appropriate letters from the Town of Unionville Environmental Health Department, local jurisdictions and/or the State Division of Environmental Management shall be submitted to indicate preliminary approval.
- b. The landscape plan shall show how the facilities will be screened from the adjacent properties. A Type B buffer, as indicated in Article 7 of the Ordinance shall be observed around the perimeter of the property.
- c. Off-street parking requirements shall be provided in accordance with Article 8 of this Ordinance.

## **SECTION 5.16: STANDARDS FOR RESIDENTIAL LAND USES:**

### **Sec. 5.16.1 Auxiliary Dwelling Unit (ADU) / Efficiency Apartment <sup>288</sup>**

#### **(A) Standards of Evaluation:**

1. Efficiency apartments shall be allowed only as an accessory use to a single-family residence.
2. There shall be no more than one efficiency apartment, whether detached or attached, on any lot.
3. The efficiency unit shall contain no more than 1,200 square feet of gross floor area.
4. The residential lot shall meet all dimensional requirements of the zoning district in which it is located.
5. The efficiency unit shall comply with the N.C. Residential Building Code including minimum light/ventilation and room sizes.
6. The efficiency unit shall be served by an approved water supply and sanitary facilities.
7. The efficiency unit shall remain in the same ownership as the primary residence.
8. The efficiency unit shall be an on-site stick built or modular unit meeting NC Residential Building Code. No manufactured home or recreational vehicle shall be used as an efficiency apartment.

### **Sec. 5.16.3 Home Occupations <sup>289</sup>**

#### **(A) Submittal Requirements:**

1. In addition to the completed application form, applicants for a home occupation shall submit the following:
  - a. A plot plan of the property, drawn to scale, on which the home occupation is to be located. The plot plan shall show:
    - i. The location of the residence and/or accessory building in which the home occupation is to be located in relation to existing property lines and adjacent homes.
    - ii. The location, number, and means of access to required off street parking areas; and
    - iii. The location and type of required landscaping and/or screening.
  - b. A floor plan of the residence and/or accessory building in which the home occupation is to be located showing the location, size, and use of each room or area within the residence and/or accessory building.

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<sup>288</sup> Your current Ordinance allows for an 'Accessory Apartment'. Unfortunately, there are no standards governing how such uses are developed. Staff is recommended some basic regulations to address the deficiency.

<sup>289</sup> Existing standards contradict themselves and are vague. Staff has attempted to streamline this section and address how a local property owner can engage in a home occupation activity.

B. Standards of Evaluation:

1. No home occupation may be operated in a residence except as permitted under this Ordinance and only after a Home Occupation Permit has been issued in accordance with the provisions of this Ordinance.
2. Home based business operations that conduct only online retail sales and do not include nonresident employees located onsite, signage, or onsite students, customers, and/or clients do not require a home occupation permit. <sup>290</sup>
3. Prohibited Uses: Except for the office component of the business operation, the following activities are explicitly prohibited as home occupations:
  - a. Automotive repair, service, detailing, etc.
  - b. Body shop,
  - c. Junk/salvage yard,
  - d. Tow-truck operation, and
  - e. Hauling.

The above list is not intended to include all uses which may be unsuitable as a home occupation. Home Occupation applications for other uses may be denied if the Standards of Evaluation listed herein are not fully met.

4. No equipment or process shall be employed that will cause noise, vibration, glare, odor, or electrical interference detectable to the normal senses at the lot lines in the case of detached dwelling units or outside the dwelling unit, in the case of attached dwelling units.
5. The on-premises sale and/or delivery of goods which are not produced or modified in a manner that adds value to the product on the premises is prohibited, except in the case of the delivery and sale of goods incidental to the provision of a service. No goods, products, or commodities purchased and secured for the main purpose of onsite resale shall be permitted.
6. General Operations Standards: The following requirements apply to home occupations in all residential districts:
  - a. The owner or operator of the home occupation must live in a residence located on the same zoning lot as the home occupation.
  - b. Shall not exceed two nonresident employees onsite at any one time.
  - c. No more than 40% of the floor area of the dwelling unit or 900 square feet, whichever is less, may be used for the home occupation.
  - d. Up to two students, customers, and/or clients shall be permitted onsite at any one time, not to exceed a total of six students, customers, and/or clients per day.

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<sup>290</sup> If someone just simply has a home office and does work where there are no on-site impacts (i.e., deliveries/traffic, students, etc.) there is no need to make them go through the permitting process.

- e. Limitations on Traffic Generation
  - i. Traffic generated by employees, students, customers, and/or clients shall not exceed more than twenty trips per day.
  - ii. All deliveries must be made by vehicles of a size normally used for household deliveries.
  - iii. Parking generated by the home occupation shall be met off the street and not in a required yard area.
  - iv. There shall be no use of a vehicle with a gross vehicle weight in excess of 14,000 pounds used in connection with the home occupation.

7. Use of Accessory Structures:

- a. An accessory building containing up to 1,500 square feet may be utilized in the residential zoning districts provided that the structure is built with materials not incompatible with a residential accessory structure.
- b. The accessory structure must be screened from view of the road and adjacent property by a densely planted evergreen hedge of shrubs or trees. In lieu of an evergreen hedge, a six-foot stockade fence and deciduous vegetation planted along the outside of the fence may be used for screening purposes. Screening will not be required when:
  - i. The accessory structure is located 40 feet or more from all property lines; or
  - ii. Existing vegetation provides suitable screening of the accessory structure from all adjacent properties.
  - iii. New structures built for the purpose of conducting a home occupation shall not exceed 1,500 square feet in area.
  - iv. An existing accessory structure which is larger than 1,500 square feet may be used for the home occupation provided that no more than 1,500 square feet is used for the home occupation and the area is physically separated by walls or other barriers.

8. Use of Outdoor Storage shall be prohibited.

**Sec. 5.16.4 Manufactured Home Park (MHP) <sup>291</sup>**

(A) Standards for MHP Conditional District:

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<sup>291</sup> Currently, a manufactured home park is permitted through the review and approval of a special use permit. Staff is recommending it be acted upon as a Conditional Zoning request (i.e., legislative hearing by the BOCC). Why? It will be less expensive on the applicant as they will not have to have 'experts' prepare all the necessary documentation detailing how the project complies with the Ordinance. It will also be a more open, fluid process.

1. Permitted Uses and Structures: In addition to Manufactured Homes and/or Temporary Residential Units, as defined by this Ordinance, the following land uses and accessory structures shall be permitted:
  - a. Caretaker's or manager's home or office which may be stick-built residential structure, modular residence, or a manufactured home.
  - b. Service buildings and areas necessary to provide washing and drying machines for domestic laundry, sanitation, rest rooms, storage, vending machines, mail kiosk, and other similar services provided by the facility for the use and convenience of the home park tenants.
  - c. Recreation buildings/facilities and areas serving only the MHP in which they are located.
  - d. Customary accessory buildings and facilities necessary for operation of the MHP in which they are located.
  - e. Storage buildings for individual MHP spaces and intended for the exclusive use of occupants shall be permitted. Such accessory structures shall meet required setbacks from adjacent structures.
    - i. Only one accessory structure, erected and maintained by the operator of the MHP, shall be erected within a space serving a Temporary Residential Unit.
    - ii. The accessory structure shall be no larger than 144 sq.ft. in area.
    - iii. No other accessory structures, including porches, decks, carports, shall be erected within a space serving a Temporary Residential Unit.
  - f. Fenced, communal storage areas provided by the park operator for boats, campers, and other accessory vehicles belonging to park residents. No off-site storage shall be permitted.
2. Home Park Space Requirements:
  - a. A MHP shall be divided into individual Home Park Spaces, each having an area and width consistent with **as detailed herein**.
  - b. Only one manufactured home or a single Temporary Residential Unit, and permitted accessory structure, may be located within any Home Park Space at any one time.
    - i. Efficiency Units or Temporary Residential Units are prohibited within an occupied Home Park Space serving a manufactured home.
  - c. The location of each Home Park Space must be at an elevation, distance and angle in relation to the adjacent access drive or street such that placement and removal of the manufactured home or Temporary Residential Unit is practical by means of customary moving equipment.

- d. The surface of each Home Park Space and the area around it shall be graded where necessary to provide proper drainage and prevent the accumulation of water.
  - e. Each Home Park Space shall have a solid base surface consisting of at least three inches of compacted fill dirt, crusher run or gravel, or paved slab, and it shall comply with those standards specified in the State of North Carolina Regulations for Mobile Homes and Modular Housing. Prior to installation of the base surface, all topsoil shall be removed from the area to be occupied by the manufactured home or Temporary Residential Unit.
3. Unit Separation Requirements: The following separation requirements shall pertain to every manufactured home and Temporary Residential Unit within an MHP.
- a. 20 ft. separation between each manufactured home and/or Temporary Residential Unit and/or any other building within an individual Home Park Space. For purposes of determining separation requirements, all attached structures, including any attached structure, steps, carports and covered porches, will be considered part of a manufactured home or Temporary Residential Unit.
  - b. Each manufactured home or Temporary Residential Unit shall be located 25 feet from the right of way line or edge of pavement of an access drive or street providing access to the Home Park Space.
  - c. Accessory storage structures within an individual Home Park Space shall be at least 10 feet from any other accessory structure, individual manufactured home (including attached structures, carports and covered porches) and Temporary Residential Unit.
4. Installation of Individual Units:
- a. Manufactured Homes:
    - i. Shall be set up and installed in accordance with the standards specified in the State of North Carolina Residential Code and other regulations for Mobile Modular Housing.
    - ii. The owner/operator of a home park shall designate a uniform type of solid foundation enclosure or skirting fully enclosing the crawl space beneath each mobile home. Foundation enclosures or skirting must be installed in accordance with applicable standards of the North Carolina State Building Code and, in any event, within 60 days of placement.
    - iii. Access shall be provided in accordance with the standards of the North Carolina State Building Code.
  - b. Temporary Residential Units:

- i. Shall be set up and installed in accordance with standards specified in the State of North Carolina Regulations for Recreational Vehicle (RV) Park Model units.
- ii. Access to all entrances that are provided shall be installed in accordance with the standards of the North Carolina State Building Code.

5. Vehicular Access:

- a. Internal roadways shall be paved with asphalt or concrete to a minimum width of 22 feet. All streets shall be located within a 50 ft. right-of-way.
- b. Ditching shall be installed on either side of internal roadways to allow for the conveyance of runoff and stormwater drainage.
- c. Each individual Home Park Space shall abut an improved access roadway. No Home Park Space shall have vehicular access to a street or thoroughfare other than those within the MHP.
- d. The street layout within the MHP should be appropriately related to the topography, locations of abutting land uses, drainage patterns, street function and other natural features of the site.
- e. The maximum length of a cul-de-sac within an MHP shall be 800 feet. Cul-de-sacs shall have a paved turnaround radius to accommodate emergency vehicle (i.e., fire truck) traffic as determined by the Town of Unionville Fire Marshal.
- f. No street shall intersect another street at an angle less than 60 degrees and the turning radius at a street intersection shall not be less than 30 feet. Offset intersections shall be avoided.
- g. Streets intersecting with a State maintained street shall conform to the standards of the North Carolina Department of Transportation specified in Subdivision Roads Minimum Construction Standards.
- h. Required off-street parking spaces within individual Home Park Spaces or serving community areas shall be improved with an all-weather surface (i.e., asphalt or concrete) and meeting Town of Unionville minimum parking space requirements.

6. Signage:

- a. Any sign erected on-site shall comply with the standards established in Article 9 of this Ordinance.
- b. Traffic control signs (stop, yield, speed limit, children playing signs, etc.) meeting the standards of the Uniform Traffic Control Manual shall be placed throughout the MHP where necessary. Cul-de-sac(s) shall have 'Dead End' street signs erected at the entrance to such streets.

7. Street Names, Signs & Addressing:

- a. All street names shall be approved by the Town of Unionville Planning Department and County Land Records staff.
- b. Street signs shall be located and constructed to Town of Unionville standards and shall be installed outside the right-of-way at all intersections.
- c. Each applicant shall submit to the Central Permitting Department and Land Records for approval of a space addressing system consistent with the Town of Unionville Addressing Ordinance. Upon approval of the MHP, the applicant shall submit an approved copy of the addressing plan to the emergency services/fire protection agency responsible for providing such services.
- d. Each space shall have a permanent address sign erected in accordance with the Town of Unionville Addressing Ordinance.

8. Grounds and Buildings:

- a. The grounds shall be maintained free of litter, debris and trash, including but not limited to abandoned appliances, automobiles, building materials or similar materials.
- b. Grounds, buildings and storage areas shall be maintained to prevent the growth of ragweed, poison ivy, poison oak and other noxious weeds.

9. Mail Facilities:

- a. Each MHP shall provide a clustered mail delivery system, in compliance with the appropriate postal service guidelines. Applicants shall consult the appropriate agency for the specific requirements of this system.
- b. Access to the mail delivery facility must be designed to allow a minimum of four vehicles to stop at the mail delivery facility without conflict from passing vehicles. One parking space shall be a van accessible handicapped parking space and one space shall be reserved for postal personnel delivering mail.

10. Garbage & Refuse Collection:

- a. All garbage and refuse shall be stored in suitable waterproof and rodent proof receptacles which shall be kept covered with tightly fitting lids.
- b. A central collection system shall be provided either through a private collection system for individual spaces or using bulk containers (dumpsters).
- c. Where bulk containers are used, there must be at least one four cubic yard bulk container for every 16 individual spaces, which shall be emptied weekly. Within the district, parks with fewer than 16 spaces shall be required to provide one container. Bulk containers shall be front loading wherever practicable. A sideloading container may be

allowed where a front-loading container is not feasible, and the property is accessible to a regular route of a sideloading refuse collection vehicle.

- d. Where bulk containers are provided, a six-inch reinforced concrete pad shall be provided to set the container and support the front wheels of the truck during the loading operation. The pad shall be 10 feet in width and 20 feet in length with at least 10 feet of the pad accessible for the truck to drive onto in front of the dumpster container for front loading pickup. If side loading containers are used, the pad may be 12 feet in width and eight feet deep with no projection for the truck wheels.
  - e. Bulk refuse containers (dumpsters) shall be screened in accordance with the provisions of Article 7 of this Ordinance.
11. Operations: As part of the Conditional District application process, each applicant shall submit tenancy rules and regulations governing the operation of the MHP for review and comment.
12. Recreation Areas and Facilities: Recreation areas shall be provided for MHP residents consistent with the requirements of Article 10 *Subdivisions* of this Ordinance.
13. Buffers and Landscaping:
- a. All Home Park spaces, community buildings, recreation areas, parking, etc. shall be located a minimum of 50 feet from any external property lines and/or rights-of-way. Disturbance in this area is prohibited.
  - b. Existing vegetation in this area shall be retained. Additional plantings may be required to meet the Type C land use buffer standard as established in Article 7 of this Ordinance.
14. Utilities:
- a. All utility installations shall comply with applicable building and health codes of Town of Unionville and the State of North Carolina, and the requirements of the North Carolina Utilities Commission.
  - b. Temporary Residential Unit utility services shall meet applicable State of North Carolina Building Code and HUD requirements.
  - c. An adequate and safe potable water supply shall be required from either a municipal or public water system. When a municipal or public system is not available, the MHP shall be serviced by a supply approved in accordance with State and local regulations.
  - d. An adequate and safe method of sewage disposal shall be required. Collection systems, sewage treatment facilities, or individual septic tank systems shall be approved in accordance with State and local regulations.

- e. Street lighting shall be provided at each street intersection and throughout the MHP. Where the distance between street intersections exceeds 500 feet, additional streetlights may be required.
- f. All permanent utility systems shall be located underground, and easements necessary for water, sewer, gas, electrical, cable TV, stormwater and other permanent or temporary utility systems and their connection pedestals shall be shown on the home park plans.

**Sec. 5.16.5 Existing Manufactured Home Parks:** <sup>292</sup>

(A) Standards of Evaluation:

1. Existing Home Parks that do not meet the standards set forth in this Ordinance shall be considered non-conforming.
2. Non-conforming parks shall not expand in any way, beyond the existing developed portions, but shall be allowed to remove and replace units existing within the park at the time of adoption of this section.
3. Only the replacement of units on an existing mobile home space shall be permitted, provided the following conditions are met:
  - a. The total number of units does not exceed the number existing at the time that the mobile home park became non-conforming; and,
  - b. The existing waste treatment system is functioning properly.

Removal and replacement of such units shall not be considered expansion of the non-conforming use.
4. Existing Home Parks that convert spaces or stalls to accommodate Temporary Residential Units must meet applicable standards of this section. Conversion of spaces shall constitute an expansion of the park, requiring the park to be brought into compliance with the provisions of Section 5.5.6 of this Ordinance.
  - a. Expanded home parks shall be required to go through the Conditional Zoning approval process as detailed within this Ordinance.
5. New, or portions of existing, Home Parks that have been previously approved, but have not constructed substantial improvements, including, but not limited to, water systems, roads, parking areas, recreational facilities, and mobile home pads, or do not have sewage disposal systems installed by the date of adoption of this section shall meet all applicable standards as set forth in this Ordinance.

**Sec. 5.16.6 Manufactured Homes on Individual Lots**

(A) Standards of Evaluation:

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<sup>292</sup> Vance lacks standards on how existing parks are addressed. This section corrects for this problem.

1. Manufactured homes, as principal residential buildings on individual lots, in existence at the time of the adoption of this section may be improved by replacement with another manufactured home in accordance with the following:
  - a. The replacement manufactured home must not create non-conforming yards or setbacks.
  - b. Replacement manufactured home units on individual lots are not required to meet lot area and dimensional or lot coverage standards but must meet setback requirements as well as those requirements specified in Subsections (3) below, if applicable.
2. Individual manufactured homes may be erected on any lot where the use is permitted, as detailed in the Table of Permitted Land Uses, and in accordance with the dimensional and development standards of the general use zoning and overlay district where the parcel is located including, but are not limited to: minimum lot area and dimension; front, rear, and side yard setbacks; and lot coverage.
3. Manufactured homes shall be placed on a permanent support system and must be skirted.
4. Temporary Manufactures Homes installed in accordance with the Table of Permitted Uses are exempt from the support system requirements established in Subsection (3) above. However, skirting is required, and the manufactured home must be connected to waste disposal and permitted water source in conformance with all applicable laws and regulations.

**Sec. 5.16.7 Manufactured Home for Hardship (Health Care) <sup>293</sup>**

- A. Submittal Requirements and Standards of Evaluation for Special Use Permit or Conditional Districts:
  1. Submittal Requirements: In addition to the information required by Section 3.5.8, as applicable, the following information shall be supplied as part of the application for approval of this use:
    - a. A description of the persons being cared for, the nature of the care being provided, relationship status with property owner.
    - b. Copy of Health Department approval for the location and hook-up of facility to existing well/septic systems.
  2. Standards of Evaluation:
    - a. Unit shall be limited to only 1 single-wide manufactured home. If a special use permit is issued authorizing this activity, no other temporary health care structures shall be allowed.

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<sup>293</sup> Added back in by request.

- b. Unit shall meet all applicable dimensional requirements for the zoning district in which located as detailed in Article 4 of this Ordinance.
  - c. Care is being provided for a relative of the property owner.
  - d. Original letter from primary care physician indicating the individual needs care.
3. Unit shall be removed within 90 days of occupant moving out of the unit. Once unit removed, special use permit authorization shall expire.

**Sec. 5.16.8 Family Care Home**

- A. No family care home shall be located within one-half (1/2) mile of a parcel of property with an existing family care home facility.

**Sec. 5.16.9 Group Care Facility**

- (A) Submittal Requirements and Standards of Evaluation for Special Use Permit or Conditional Districts:

- 1. Submittal Requirements: In addition to the information required by Section 3.5.8, as applicable, the following information shall be supplied as part of the application for approval of this use:
  - a. A description of the persons being cared for and the nature of the care being provided.
  - b. If structural alterations to existing structures or new construction is required, a complete description of the nature and extent of these alterations or new construction.
- 2. Standards of Evaluation:
  - a. The proposed use is not within one-mile of another existing Family Care Facility or Group Care Facility.
  - b. Structural alterations shall be of such a nature as to preserve the residential character of the building.
  - c. If a state license or permit is required to operate such a facility, the standards necessary to qualify for such a permit have been met.

**Sec. 5.16.10 Health and Personal Care Facility <sup>294</sup>**

- (A) Use Standards:

- 1. Where a State license is required to operate the facility, evidence that the requirements to qualify for said license have been, or will be, met shall be submitted.

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<sup>294</sup> Assisted living, retirement home, convalescent center, etc.

**(B) Specific Standards**

1. No facility or institution shall be permitted to locate or expand within a one-half-mile radius of any property used or zoned for residential purposes and any property used as a hospital, nursing or convalescent home, retirement home, life care community, school or church.
2. The minimum lot size shall be three acres.
3. Minimum setbacks shall be two times the applicable setbacks of the corresponding zoning district.

**Sec. 5.16.11 Multi-family Units including Duplex and Multi-family homes with three or more units**

**(A) General Use and Development Standards:**

1. Minimum density requirements shall be two units per acre; however, the environmental health department may increase lot size requirements through site evaluations on a case-by-case basis.
2. A developer shall be permitted to develop up to 12 units per acre if access to public water and sewer systems is available.
3. A minimum of 15 percent of the gross acreage shall be preserved as open space.
4. Parking spaces and internal streets shall not be located closer than 15 feet from the front, side, or rear of any building.
5. Buildings shall not be located closer than 50 feet from one another.
6. Any group of buildings forming a courtyard shall reserve at least 25 percent of the perimeter of such courtyard open for access by emergency vehicles.
7. Buffers shall be installed meeting the Type B land use buffer standards as detailed in Section 6.17 of this Ordinance.
8. A plan for solid waste storage collection and disposal shall be approved by the local ordinance officer.
9. All common open space, as shown on the approved development plan, must be conveyed in accordance with one of the following methods for the purpose of upkeep and maintenance:
  - a. By leasing or conveying title to a corporation, homeowners' association, or other legal entity; and
  - b. If units are rented, the property owner or management firm. Also, a copy of the maintenance agreement must be submitted with the development plan.

**(B) Standards of Evaluation HC General Use Zoning District for Special Use Permits.**

1. New structures shall meet a minimum setback of twice the typical district requirements.
2. A Type B land use buffer, as detailed in Article 7 of this Ordinance shall be installed along common property lines zoned non-residential.

DRAFT

**SECTION 5.17: STANDARDS FOR RETAIL LAND USES:** <sup>295</sup>

Sec. 5.17.1 Retail

(A) Use Standards:

1. Specific Standards for the HC General Use Zoning District:
  - a. Uses shall be limited to 32,000 sq.ft. of building area.
  - b. No outdoor sales, displays, or storage shall be permitted.
2. Specific Standards for the GC General Use Zoning District:
  - a. Outdoor sales, displays, or storage shall be permitted subject to the following.
    - i. No more than 20% of the property area shall be utilized to support outdoor sales/displays.
    - ii. Displays shall not be located within any required parking, septic disposal, or land use buffer area on the property.
    - iii. Displays shall not block entrances and exists to the structure.
3. Specific Standards for the EIA and LI General Use Zoning District:
  - a. Outdoor sales, displays, or storage shall be permitted subject to the following:
    - i. No more than 30% of the property area shall be utilized to support outdoor sales/displays.
    - ii. Displays shall not be located within any required parking, septic disposal, or land use buffer area on the property.
    - iii. Displays shall not block entrances and exists to the structure.

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<sup>295</sup> Again, staff is attempting to address intensity of land uses within the various districts.

## SECTION 5.18: STANDARDS FOR SERVICE LAND USES:

### Sec. 5.18.1 Service Uses

#### (A) Standards for the GC Zoning Districts

1. Structures and parking areas shall be setback a minimum of 30 ft. from all property lines.

#### (B) Standards for the HC Zoning District

1. Structures shall be setback a minimum of 40 ft. from all property lines.
2. Parking and outdoor storage areas shall be setback a minimum of 25 ft. from all property lines.

#### (C) Standards for the LI and HI Zoning District

1. Structures shall be setback a minimum of 100 ft. from all property lines when adjacent to a residentially zoned parcel of property or land use. Parking and outdoor storage areas shall be setback a minimum of 50 ft. from all property lines.

### Sec. 5.18.2 Cemetery <sup>296</sup>

(A) Nothing within this Section shall be construed as prohibiting private interment on private property completed in accordance with State law.

#### (B) Commercial Cemetery - Submittal Requirements and Standards:

1. Submittal Requirements: In addition to the information required by Section 3.5.7, as applicable, the following shall be submitted as part of the application:
  - a. Evidence that the requirements of the North Carolina General Statutes Chapter 65 can be achieved and that the standards of the N.C. Cemetery Commission shall be met. This includes green burial sites and areas allowing for the dispersal of cremated remains.
2. Standards of Evaluation:
  - a. A minimum lot size of two acres shall be provided.
  - b. The site shall have direct access to a public road.
  - c. There shall be adequate space within the site for the parking and maneuvering of funeral cartilages.
  - d. A minimum of 14 improved parking spaces shall be provided, including 2 handicapped parking spaces.
  - e. No interments shall take place within 50 feet of any property line.

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<sup>296</sup> Does the County allow private cemeteries on family property? If so, staff should include a small reference to same in the new UDO.

- f. All proposed structures shall observe a setback of 50 feet from all property lines.

**Sec. 5.18.3 Crematoria**

**(A) Use Standards**

1. All structures shall be setback a minimum of 100 ft. from all property lines.
2. A Type C land use buffer, in accordance with Section 6.17 of the Ordinance, shall be installed along all common property lines.

**Sec. 5.18.4 Eating and Drinking Establishments** <sup>297</sup>

**(A) Use Standards**

1. Shall have frontage, and obtain access from, a public roadway.
2. Buildings housing nightclubs, bars, and pubs shall not be located within 500 ft. of a residential structure unless approved as part of a Planned Unit Development.
3. Drive-thru facilities shall only be permitted within the HC, EIA, and OI General Use Zoning District and Conditional Districts.

**Sec. 5.18.5 Funeral Homes**

**(A) Use Standards**

1. On-site Crematoria shall only be permitted within the Li and IM Zoning District and Conditional Districts.

**(B) Standards of Evaluation**

1. Minimum lot size shall be two acres.
2. Minimum building setback from any street right-of-way shall be at least 25 feet greater than is required for the district in which said use is located.
3. Parking areas shall also be subject to setback requirements.
4. Minimum side and rear setbacks shall be 50 feet.
5. A Type A land use buffer, in accordance with Article 7 of the Ordinance, shall be installed along all property adjacent to parcels used or zoned for residential purposes.

**Sec. 5.18.6 Garden Center**

**(A) Use Standards**

1. Rental of moving vehicles shall be permitted as customary accessory use.

**(B) Standards of Evaluation**

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<sup>297</sup> Restaurants, bars, nightclubs, etc.

1. Outdoor display and storage of goods, including bulk storage, shall be permitted within the side and rear yards only. Materials shall not be stored on designated primary or repair septic areas as defined by the Town of Unionville Health Department.
2. Areas where goods are stored outdoors:
  - a. Shall be screened on three sides by a minimum six-foot-high opaque wall or fence.
  - b. Shall be limited to 2,000 square feet per acre of the zoning lot.

### **Sec. 5.18.7 Junkyards/Salvage Yards**

#### **(A) Submittal Requirements and Standards of Evaluation for Special Use Permit**

1. Submittal Requirements. In addition to the information required by Section 3.5.8, the following information shall be supplied as part of the application for approval of this use:
  - a. Detailed plans and specifications for the site screening proposed.
  - b. Description of type and number of motorized machines to be employed upon site.
  - c. Indicate on the site plan the extent of area to be used for the storage of junked or wrecked motor vehicles.
  - d. Operations plan detailing how hazardous material including, but not limited to gasoline, oil, anti-freeze, etc. shall be collected, stored, and removed from the site.
  - e. If tow truck operations are proposed as a customary accessory use, the site plan shall note the area reserved for the storage of vehicles, the hours of operation of the tow truck operation, number of employees/vehicles associated with the operation, etc.
2. Standards for Evaluation
  - a. The minimum lot size shall be 2 acres.
  - b. The site shall be screened from adjacent property by:
    - i. A minimum of an eight-foot-high solid fence except for required vehicle access points.
    - ii. A minimum Type C land use buffer as detailed on Article 7 of the Ordinance.
  - c. No materials, including vehicles associated with tow truck operations, shall be stored closer than 50 feet to the public right of way or external property lines.
  - d. The site is of adequate size to protect adjacent properties from adverse effects of the junkyard including noise, odor, and light.
  - e. All runoff shall be contained on-site.

### **Sec. 5.18.8 Kennel**

#### **(A) Submittal Requirements and Standards of Evaluation for Special Use Permit or Conditional Districts**

1. Submittal Requirements. In addition to the information required by Section 3.5.8 of the Ordinance as applicable, the following information shall be supplied as part of the application for approval of this use:
  - a. Plans for all kennels, exercise yards, dog runs, pens and related improvements, including signage.
2. Standards of Evaluation
  - a. No part of any building, structure, dog run, pen, or exercise yard in which animals are housed or exercised shall be closer than 100 feet from a property line, except property occupied by the owner/operator of the kennel.
  - b. External runs or exercise yards shall be enclosed by an eight-foot-high security fence. This fence shall have a Type B land use buffer around its perimeter erected in accordance with Section 6.17 of the Ordinance.
  - c. The site plan and building plans shall be reviewed and approved by the Town of Unionville Animal Shelter Director.

### **Sec. 5.18.8 Massage Business**

#### **(A) Use Standards**

1. Applicants shall be required to provide documentation of certification that they are licensed to provide therapeutic massage therapy services to clients.
2. Applications shall include the submittal of construction plans for all existing and proposed buildings housing the massage business showing the floor plans and cross sections of the proposed use of all portions of such buildings.

### **Sec. 5.18.9 Sexually Oriented Business / Adult Establishment <sup>298</sup>**

#### **(A) Standards of Evaluation:**

1. Sexually oriented business(es) shall not be in any building, or portion thereof, that is:
  - a. Within 1,200 feet of an existing sexually oriented business.
  - b. Within 1,200 feet of a:
    - i. Residential land use including any open space established as part of the residential subdivision approval process,
    - ii. Church and/or place of worship,

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<sup>298</sup> To address State law, staff is going to recommend this land use category be permitted within the MI-2 general use zoning district subject to compliance with applicable standards. I am concerned if only permitted through the Special Use Permit process, someone could argue we are denying their rights to allow the use as the 'process' could be seen as expensive and overly restrictive. Also, does Town of Unionville have a business licensing requirement for sexually oriented businesses?

- iii. School (public, private, or specialty),
  - iv. Public or private library,
  - v. State licensed childcare facility, or
  - vi. Public park or recreational facility.
- c. Measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted to the nearest portion of a building, structure, or open space area of a use listed above.

**Sec. 5.18.10 Short Term Rental – Host Occupied** <sup>299</sup>

(A) Submittal Requirements and Standards of Evaluation for Special Use Permit or Conditional Districts

1. Submittal Requirements. In addition to the information required by Section 3.5.8 of the Ordinance, as applicable, the following information shall be supplied as part of the application for approval of this use:
  - a.

(B) Standards of Evaluation:

1. Shall have frontage or vehicular access onto a state-maintained roadway.
2. Proposed uses and facilities are complementary and compatible with surrounding area, and appropriate in the location proposed given character of surrounding development.
3. Fire, police and rescue services and water supply and wastewater treatment methods are adequate to serve the proposed uses and facilities.
4. Guestrooms shall not be equipped with kitchen or cooking facilities.
5. There shall be no less than one bathroom consisting of a bath or shower, water closet, and lavatory for every two guestrooms.
6. Internal vehicular and pedestrian circulation is adequate for the proposed use(s). The Fire Marshall shall approve the site plan indicating there is sufficient area for emergency vehicles to access the facility during an emergency.
7. Parking shall be prohibited within the front yard.
8. Screening. Parking and outdoor storage areas shall be screened by a Type B land use buffer as detailed in Section 6.17 of the Ordinance.
9. Signage. One freestanding sign, limited to 24 sq.ft. in area, shall be permitted advertising the land use. The sign shall not be illuminated.
10. Building plans for all building areas intended for public use shall be reviewed and approved by the Fire Marshal and Building Inspections Division.

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<sup>299</sup> Bed and Breakfast.

**Sec. 5.18.11 Storage of Goods** <sup>300</sup>

(A) Use Standards

1. Standards for the GC Zoning Districts
  - a. Shall be limited to no more than 32,000 sq.ft. of building area.
  - b. Outdoor storage shall be prohibited.
2. Standards for the HC Zoning Districts
  - a. Outdoor storage shall be permitted subject to the following:
    - i. Shall be setback 40 ft. from all property lines.
    - ii. Shall be enclosed by a fence a minimum of 8 ft. in height.
    - iii. Shall be screened by a Type A land use buffer as detailed in Section 6.17 of this Ordinance.
3. Standards for LI Zoning Districts
  - a. Outdoor storage areas shall be permitted subject to the following:
    - i. Shall be setback 50 ft. from all property lines.
    - ii. Shall be enclosed by a fence a minimum of 8 ft. in height.
    - iii. Shall be screened by a Type B land use buffer as detailed in Section 6.8 of this Ordinance.

**Sec. 5.18.12 Taxidermy**

- (A). Use Standards.** If located adjacent to residentially zoned property, all buildings, structures, facilities, etc. used in the taxidermy enterprise shall be located a minimum of 100 feet from the property line.

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<sup>300</sup> Self-storage facilities.

## **SECTION 5.19: STANDARDS FOR TELECOMMUNICAITON LAND USES:**

### **Sec. 5.19.1 Ham Radio Towers <sup>301</sup>**

#### **(A) Standards of Evaluation**

1. Shall be for the private use of the resident residing on the parcel.
2. Shall not exceed 90 ft. in height.
3. Minimum setbacks from the base of the antenna to the property boundary shall be equal to 110% of the tower height.

### **Sec. 5.19.2 Telecommunication Facilities**

#### **(A) In General**

1. It is the policy of Town of Unionville to encourage collocation and the use of existing structures where appropriate rather than promote the wholesale development of new Wireless Support Structures (telecommunication towers).
2. The County may elect to retain outside consultants or professional services to review a special use application for a Wireless Support Structure and to make recommendations on relevant issues including, but not limited to, verification of the applicant's due diligence, analysis of alternatives, conditions of approval, and compliance with state and federal rules and regulations at the applicant's expense. Fees for this review shall be in accordance with the adopted County fee schedule. <sup>302</sup>
3. For purposes of this section, public properties shall be subject to the same restrictions and standards of appropriateness as private properties with respect to the erection of a Wireless Support Structure (telecommunication tower). All such public agencies or instrumentalities shall retain discretion as to whether to make a specific property available for Wireless Support Structure (telecommunications towers) and to make determinations with respect to site capacity, aesthetics, or suitability of such facilities.
  - i. The provisions of this Section shall not apply to emergency telecommunication equipment intended to support local public safety officials where co-location of commercial network antenna is not permitted or prohibited.
4. Guyed towers are expressly prohibited. Wireless Support Structures (telecommunications towers) shall be of a monopole design unless the applicant demonstrates through competent material evidence and sworn testimony an alternative design would better blend into the surrounding environment.
5. Use of dual-polarized antennas which electronically combine the functions of transmit and receive antennas (rather than spatial diversity antenna arrays

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<sup>301</sup> Allowance consistent with State law.

<sup>302</sup> Staff will be recommending a fee to the County Manager and BOCC as part of this process.

which rely on antennas being physically separated), dual-band/multi-band antennas (allowing two or more providers of different types of commercial wireless services to share a common antenna), and use of combiners (allowing antenna sharing by providers using the same frequency band) shall be encouraged.

6. Antennas, weather co-location of as part of a proposed new Wireless Support Structure, shall be mounted to present the smallest possible silhouette, profile, or cross-section. Preferred antenna mounting scenarios are, in order of descending preference:
  - i. Compact dual-polarized antennas in a cylindrical uni-cell arrangement extending no more than two feet from the sides of the supporting structure and mounted atop the tower;
  - ii. Panel antennas flush-mounted against the tower;
  - iii. Antennas mounted at the end of straight or curved davit arms or brackets extending from the sides of the tower.

(B) Submittal and Additional Advertising Requirements for Special Use Permit:

1. In addition to the typical information and advertising requirements required by Section 3.5.8 of the Ordinance as applicable, the following additional information and advertising requirements shall be required as part of the application for approval of this use:
  - a. Balloon Test. Once the pre-application meeting has occurred, the applicant shall be required to coordinate the scheduling of a balloon test with Staff in accordance with the following:
    - i. The test shall occur prior to the submittal of the formal application.
    - ii. The balloon or dirigible shall be flown/displayed at the height of the proposed Wireless Support Structure at the anticipated location of same on the subject parcel.
    - iii. The applicant is required to notify, by regular first-class mail, all property owners within a one-quarter mile (1,320 feet) radius of the property where the Wireless Support Structure is proposed.
    - iv. The notice shall state the purpose and intent of the test, provide the primary and alternate test dates, as well as a range of dates for testing in the event of extended periods of inclement weather.
    - v. Staff shall review and approve the sufficiency of the notice prior to mailing. As part of its application, the applicant shall be required to submit an affidavit of mailing and attach a copy of the notice and a list of the addresses to which it was sent.
    - vi. In the event the applicant shall seek to increase the height of a proposed Wireless Support Structure (telecommunications

towers), or move its location more than 150 feet laterally, from that stated in the original notices, a new balloon test shall be required prior to the holding of an evidentiary hearing to review the application.

- vii. The applicant and property owner are responsible for ensuring adequate parking on the property to accommodate vehicles from interested parties wishing to observe the test.
  - viii. Applicant representatives shall be on-site during the duration of the test to answer questions related to the project.
  - ix. The balloon test shall serve as the required neighborhood information meeting for the project as detailed in Section 3.3 of the Ordinance. Staff shall attend the test for the purpose of answering questions related to the processing of the special use permit application only.
  - x. The visibility of the balloon to adjacent properties and the surrounding area shall not constitute sole justification of denial of a permit application but is an indication of what location on the site may be less visually intrusive.
- b. Additional submittal information. In addition to the site plan required under Section 3.5.7 of the Ordinance, the applicant shall provide the following:
- i. The site plan shall include the following additional information:
    - 1. The entire site (including property boundary lines) and size of all existing structures within 500 feet of the site,
    - 2. Existing and proposed structures on site,
    - 3. The fall zone of the tower, and
    - 4. Any officially designated floodways and floodplains, or the presence of alluvial soils.
  - ii. A detailed description of the proposed telecommunication support structure (i.e. monopole, self-supporting lattice, etc.) including a detailed narrative description and explanation of the specific objective(s) for the new facility including a description as to the coverage and/or capacity, technical requirements including anticipated and required power levels, color and nature of all exterior material, the make, model and manufacture of the structure, maximum antenna heights, and the identified boundaries of the specific geographic area of intended coverage for the proposed Wireless Support Structure.
  - iii. Elevation drawings and color renderings of the proposed tower showing:

1. The vertical rendition of the telecommunication support structure(s) identifying all users and attachments,
  2. All related fixtures, structures, appurtenances and apparatus including the height of said structures above the lowest adjacent pre-existing grade,
  3. The materials that will be used on site for said structures including their color and any proposed lighting and shielding devices, and
  4. If the facility is intended to be stealth, as defined herein, the colors and screening devices for the Planning Director to verify consistency with applicable definitions.
- iv. A signed statement from the applicant certifying that the proposed Wireless Support Structure:
1. Shall be maintained in a safe manner,
  2. Is in compliance with all conditions of all applicable permits and authorizations without exception, and
  3. Is in compliance with all applicable and permissible local, State, and Federal rules and regulations.
- v. A statement, prepared by a professional engineer licensed in the State of North Carolina, which through rational engineering analysis, certifies the tower's compliance with applicable standards as set forth in the State of North Carolina Building Code, and any associated regulations; and describes the tower's capacity, including an example of the number and type of antennas it can accommodate.
- vi. A statement stating how the proposed tower will minimize visual intrusiveness to surrounding properties in the area. Criteria that may be used for such evidence may be height and type of existing trees surrounding the proposed tower, and local topography.
- vii. A copy of the installed foundation design including a geotechnical sub-surface soils investigation, evaluation report, and foundation recommendation for the proposed wireless support structure.
- viii. The existing cell sites (latitude, longitude, power levels) to which this proposed site will be a handoff candidate.
- ix. The search ring utilized in finding the proposed site.
- x. The number, type, height, and model of the proposed antennas along with a copy of the applicable specification sheet(s).
- xi. The frequency, modulation and class of service of radio or other transmitting equipment.

- xii. The maximum transmission power capability of all radios, as designed, if the applicant is a cellular or functional equivalent carrier, or the maximum transmission power capability, as designed, of all transmission facilities if the applicant is not a cellular or functional equivalent carrier.
- xiii. The actual intended transmission and the maximum effective radiated power of the antenna(s).
- xiv. The direction(s) of maximum lobes and associated radiation of the antenna(s).
- xv. Certification that the NIER levels at the proposed site are within the threshold levels adopted by the FCC.
- xvi. Certification that the proposed antenna(s) will not cause interference with other telecommunications devices.
- xvii. A copy of the FCC license applicable for the intended use of the facility as well as a copy of the 5 and 10 year building out plan required by the FCC.
- xviii. A Landscape and Tree Preservation Plan drawn at the same scale as the site plan, showing the existing and proposed trees, shrubs, ground cover and other landscape materials. .
- xix. Evidence that the applicant has investigated the possibilities of placing the proposed equipment on an existing Wireless Support Structures. Such evidence shall consist of:
  - 1. A listing of all wireless telecommunications support structures within a two mile radius as well as all utility poles and other structures in the vicinity of the proposed facility that are technically feasible for utilization by the applicant to fill all or a substantial portion of the telecommunications service need identified by the Applicant pursuant to this Section at the time of the application. Documents indicate the applicant's ability or inability to co-locate on the identified structures and reasons why.
  - 2. Delineation of the boundaries of the maximum search ring within which the telecommunication equipment can function as intended. The following information shall be provided for all existing wireless support structures within the search ring:
    - a. Wireless telecommunication support structure height;
    - b. Existing and planned wireless support structure users;

- c. Whether the existing wireless telecommunication support structure could accommodate the telecommunication equipment to be attached to the proposed wireless support structure without causing structural instability or radio frequency interference; and
- d. If the proposed telecommunication equipment cannot be accommodated on the existing wireless telecommunication support structure, assess whether the existing wireless support structure could be structurally strengthened or whether the antennas transmitters and related equipment could be protected from electromagnetic interference, and describe the means and projected cost of shared use of the existing wireless support structure; and
- e. Any restrictions or limitations of the FCC or FAA that would preclude the shared use of the wireless support structure.

3. A summary explanation of why proposed telecommunication equipment cannot be located on any of the existing wireless support structures in the search ring.

- xx. Documentation from applicable state or federal agencies indicating requirements, which affect the appearance of the proposed wireless support structure, such as lighting and coloring.
- xxi. Draft bond which will guarantee the removal of the Wireless Support Structure if it is abandoned or unused for a period of 12 months.
- xxii. A report containing any comments received by the applicant in response to the balloon test along with color photographs from various locations around the balloon.
- xxiii. Evidence that the balloon test requirement has been met, including a notarized statement and listing of the property owners notified of the test, a copy of a current Town of Unionville Tax Map showing the subject property and all properties within the notification ring, and affidavit of mailing.
- xxiv. Photographs of a clearly visible balloon floated at the proposed tower location to the maximum height of the tower, as well as photographs with the proposed tower and associated antennas superimposed upon them showing what the proposed tower will look like. Photographs shall be taken from locations such as:

property lines, and/or nearby residential areas, historic sites, roadways, including scenic roads and major view corridors, and other locations as deemed necessary by the Staff to assess the visual impact of the proposed tower.

- xxv. The application shall include a statement that the facility and its equipment will comply with all federal, state and local emission requirements.

(C) Standards of Evaluation:

1. Applicant demonstrates the proposed Wireless Support Structure complies with all applicable FCC standards.
2. Wireless Support Structure shall not exceed 200 ft. in height as measured from finished grade at the base of the structure to the top of the tower. A lightning rod may extend 4 ft. above the tower.
3. **Setbacks: The minimum setback from the base of the Wireless Support Structure shall be equal to 110% of the structure's height. For example, a Wireless Support Structure that is 100 ft. in height shall observe a setback from all property lines of 110 ft.**
4. No habitable structures, other than those housing telecommunication equipment, shall be located within the Wireless Support Structure fall zone.
5. Wireless Support Structure shall not be located within one-half (½) mile of any existing monopole, lattice or guyed Wireless Support Structure having capacity to allow for antenna co-location.
6. Access: The property shall have frontage on a State maintained roadway. The access road serving the site shall have sufficient turnaround space and parking to assure adequate emergency and service access.
7. Landscape Buffers:
  - a. The area around the perimeter of the Wireless Support Structure shall be enclosed by a fence, a minimum of 6 ft. in height.
  - b. A Type C land use buffer shall be erected along the perimeter of the fence in accordance with the provisions of Section 6.17 of the Ordinance.
8. All abandoned communication wireless support structures shall be removed within 12 months of the cessation of use. A bond or other security guaranteeing the removal of the tower if it is abandoned or unused for a period of 12 months shall be posted. A cost estimate shall be provided by a qualified General Contractor licensed in the State of North Carolina. The amount of the security shall be 110% of the estimate.
9. The Special Use Permit shall include a condition that the electromagnetic radiation levels maintain compliance with requirements of the FCC, regarding emission of electromagnetic radiation.
  - a. Within 30 days of installation of equipment on the tower, and within 30 days of the installation of any additional equipment in the future, the tower owner

shall provide documentation of emission levels in relation to FCC standards to the County.

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**SECTION 5.20: STANDARDS FOR UTILITY LAND USES:**

**Sec. 5.20.1 Telephone exchanges, subscriber loop huts, pressure regulator stations, water and sanitary sewer pumping stations (no business offices)**

(A) Standards of Evaluation

1. The design of structures shall conform as closely as possible to the character of the area in which it is located.
2. All buildings and structures shall be landscaped and screened according to the standards that follow:
  - a. Buildings and structures which resemble residential accessory structures must be landscaped and maintained in the character of a residential area.
  - b. Any outside storage areas must be fenced with a minimum six-foot fence and the area screened from adjacent property according to the standards in this section.
  - c. Lighting in and around these facilities shall be constructed and shielded so as not to shine directly on adjoining property used for or zoned for residential purposes. Electrical and telephone services to the structure shall be placed underground. The types of lighting to be considered shall include, but not be limited to, indoor lights when visible through windows, outdoor lighting, automobile headlights and signs. Devices to shield lighting may include shades, fences, shrubs, trees and natural conditions.
  - d. Parking areas and driveways used in connection with facilities constructed pursuant to this Section shall either be surfaced or shall be located and maintained in a condition so that dust and dirt will not settle on adjoining properties as a result of their use. Driveway entrances shall be located in a manner that will create as few additional traffic hazards as possible.
  - e. Screening
    - i. Buildings, structures, equipment or material shall be screened by either a durable masonry wall, or a fence, or by natural planting, designed to be compatible with the character of adjoining properties, in order to materially screen the uses within the subject property from the view of adjacent properties.
    - ii. Screening shall be required along any portion of the perimeter of the parcel, easement, or leasehold located adjacent to property zoned for residential use, except where such property is owned or leased by a utility and used by the utility for public utility purposes.
    - iii. Where screening is required, walls and fences shall be at least five feet, measured from the ground along the common lot line

of adjoining properties. Walls and fences shall be constructed and maintained in a safe and sound condition.

- iv. Where natural planting is used as screening, a strip of land at least five feet in width shall be reserved for this purpose. The planting strip shall be composed of an arrangement of shrubs and trees. The shrubs shall be evergreen and shall be arranged in two rows as minimum and planted at an initial height of at least three feet, with distance between shrubs being not more than five feet. The shrubs shall be of such variety that an average height of at least six feet could be expected as normal growth within no more than two years from the time of planting. Trees, which may be eight evergreen or deciduous, shall augment the arrangement of shrubs so that there will be a screening effect of opacity to materially screen the use within the subject property from the view of adjacent properties.
3. The minimum required lot area shall be consistent with underlying base zoning district or a deeded lease area for such use shall be acceptable to a minimum area of 10,000 square feet. The facility shall be located on a parcel or easement across the parcel, (whether owned or leased by the utility) which has been recorded with the Town of Unionville Register of Deeds.
4. Access easements extending from an approved public or private road to the facility shall be a minimum width of 30 feet.

#### **Sec. 5.20.2 Electrical Substations, Switching and Metering Stations, and Associated Transmission Lines**

##### **(A) Standards of Evaluation**

1. Perimeter fencing and setbacks for the utility structure shall be provided in accordance with the National Electrical Safety Code.
2. The facility shall be located on a parcel or easement across the parcel, (whether owned or leased by the utility) which has been recorded with the Town of Unionville Register of Deeds.
3. Access easements extending from an approved public or private road to the facility shall be a minimum width of 30 feet.
4. A Type C Land Use Buffer shall be provided along any portion of the perimeter of the parcel, easement, or leasehold located adjacent to property zoned for residential use, except where such property is owned, leased or consists of other utility easements currently used for electrical distribution or transmission purposes or no other purposes.
5. Existing vegetation within an easement, leasehold or parcel of a public utility may be used to satisfy the landscaping requirements.
6. Modification to or replacement of existing facilities shall be subject to the requirements set forth in this Section. Preexisting facilities may remain during

construction of replacement facilities but shall be dismantled after the replacement facility is in operation.

7. The applicant shall submit proof of liability insurance covering bodily injury and property damage demonstrating a minimum coverage limit of \$ 500,000.00 per occurrence.

### **Sec. 5.20.3 Solar Array**

#### **(A) Standards for Accessory Use**

1. Standards of Evaluation. Residential and non-residential land uses shall be allowed to develop onsite solar arrays as a customary accessory use subject to submittal of a professionally prepared site plan in accordance with Section 2.5, demonstrating compliance with applicable standards as well as the following:
  - a. Nothing detailed herein shall be construed as the County mandating or requiring property owners adjacent, or in proximity, to a parcel where a solar array is being erected to manage, remove, or otherwise alter foliage to guarantee solar access to a proposed array.
  - b. Capacity, Volume, and Area Limits Solar Arrays, whether building or ground mounted, shall conform to the following limits:
    - i. Residential
      - a. Have a rated capacity consistent with local utility providers net metering policy not to exceed 28 kilowatts (for electricity); or
      - b. Have a rated storage volume of less than or equal to 240 gallons (for heated water); or
      - c. Have a collector area of less than or equal to 1,000 square feet (for thermal).
    - ii. Non-residential
      - a. Limits shall be based on the average electricity, storage volume, and thermal collector area necessary to support the needs of the proposed facility,
  - c. Device(s) shall provide power for the principal use of the property on which it is located and shall not be installed and/or used solely for income generation purposes where power is sold either to a utility provider or other similar third-party entity. This provision shall be in no way construed as limiting the ability of the property owner to:
    - i. Transfer or sell excessive power generated onsite back to the utility provider or other third-party entity or
    - ii. Receive credit from a local utility provider for the power generated onsite to offset utility bills.

- d. The property owner shall provide the County with written authorization from the local utility company acknowledging and approving the utility connection.
- e. The site plan shall denote the location of any batteries or other similar storage devices onsite.
- f. Panels shall be designed and oriented on the property such that concentrated solar radiation or glare shall not be directed onto nearby properties or road rights-of-way, or otherwise create a safety hazard.
- g. As part of the site plan submittal, the applicant shall be required to submit documentation detailing the proposed array will not alter, or require alteration of, any condition imposed as part of a previous approval allowing for the development and use of the property.
- h. All mechanical equipment associated with, and necessary for, the operation of the array shall be shielded to avoid damage. This shielding may take the form of a small, enclosed structure properly vented to allow for air flow, fence, or landscape hedge.
- i. Mechanical equipment shall not be located within the required setback areas for the underlying zoning district as detailed within Article 4.
- j. Before commencement of earth disturbing activities, the property owner must acknowledge that he/she is the responsible party for owning and ensuring the perpetual maintenance of the solar array.
- k. In cases where a solar array has not been in operation for a period of 6 months due to a malfunction or other defect the property owner shall affect repair(s) to the system within 30 days of notice from the County in accordance with Article 9 of this Ordinance. In cases where the array has been deemed unsafe it shall be removed or repaired immediately in accordance with Article 9.

2. Standards for Building Mounted Devices:

- a. An array may be mounted on the roof of a principal, or an accessory structure located on the property.
- b. The array shall be viewed as an extension of the roof structure and, as a result, shall not exceed the maximum building height detailed within Article 4 for the underlying zoning district where the property is located.
- c. As part of the building permit review process, structural engineering shall be provided demonstrating the roof can support the weight of the proposed array.

3. Standards for Ground Mounted Devices:

- a. Ground mounted system shall not exceed a maximum height of 20 feet from finished grade.
- b. Arrays shall be allowed to be erected anywhere on the property outside of established setback areas, designated open space areas, and well/septic

system setback areas as identified by Town of Unionville Environmental Health.

- c. Arrays shall observe the principal setback requirements of the underlying zoning district where the property is located as detailed within Article 4.
- d. In the case of an array erected on a non-residentially zoned property, the array shall not be located within any required setback, landscape, or buffer area.
- e. If a ground mounted array is removed, any earth disturbance shall be graded and reseeded within 60 days.

**(B) Submittal Requirements and Standards of Evaluation for Solar Array (Special Use Permit)**

1. Submittal Requirements. In addition to the information required by **Section 3.5.8**, the following shall be submitted as part of the application:
  - a. A site plan showing all existing structures on the property, any proposed buildings or structures that are necessary to support the proposed array, existing and proposed storage areas, parking and access areas, topography at a contour interval of five feet, any officially designated floodplains, streams, ponds, water features, required riparian buffers, or alluvial soils. The site plan shall also denote the property lines of all parcels within 300 ft. of the parcel(s) subject to the project.<sup>303</sup>
  - b. Signed agreements from the property owners indicating their authorization for the applicant to submit the request.
  - c. An assessment of the anticipated power generated by the proposed array including a breakdown on the number, type, and power capacity of proposed arrays.
  - d. The proposed arrays distance from all structures located on the property and the closest residential structure to the proposed array off the property.
  - e. Plans and elevations for all proposed structures and arrays as well as descriptions of the color and nature of all exterior materials.
  - f. Landscape Plan, at the same scale as the site plan, showing existing and proposed trees, shrubs, ground cover and other landscape material.
  - g. A soils report denoting the types of soil on the property including detail on the compaction necessary to support the proposed development.
  - h. Maintenance Plan: a detailed maintenance plan for the proposed array denoting the following:
    - i. Inspection and maintenance procedures will be taken to keep the facility (i.e., panels, electrical equipment, transformers, fencing, etc.) operating quietly and efficiently.

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<sup>303</sup> Current Ordinance language.

- ii. Inspection and maintenance procedures will be taken to keep the required landscaping healthy, neat, orderly in appearance, and free of litter and debris.
- iii. Inspection and maintenance procedures will be taken to properly maintain all roadways serving the project and passable in all weather conditions.<sup>304</sup>
- i. Documentation from the anticipated utility provider that will be accepting power from the facility the array can be tied into the power grid/network and the provider can accept the proposed power being generated by the facility.
- j. Certification that the proposed array:
  - i. Is for an International Electrical Congress (IEC) facility designed to meet all applicable State of North Carolina Building Codes.
  - ii. Proposed solar panels pass the environmental Protection Agency's Toxicity Characteristic Leaching Procedure (TCLP) Test.
  - iii. Meets all state and federal permit requirements (i.e., stormwater and erosion control permit from the NC Department of Environmental Quality, Certificate of public Convenience and Necessity from the NC Utilities Commission, etc.).

## 2. Standards of Evaluation

- a. No solar facility shall be located within two (2) miles of an existing solar facility or parcel of property leased as part of a solar facility land use.
- b. At no time shall more than 10% of the cumulative land area within Town of Unionville's planning jurisdiction be permitted for Solar Array – Public Utility land uses.<sup>305</sup>
- c. Setbacks:<sup>306</sup>
  - i. The fence which secures improved areas shall be setback at least fifty (50) feet from all property lines, rights-of-way, and vehicular access easements.
  - ii. Solar arrays and other equipment shall be setback at least twenty-five (25) feet from the interior fence line.
  - iii. No array or other equipment shall be located within three hundred (300) feet from residential, commercial, and institutional buildings, with the exception of accessory buildings such as storage sheds.

<sup>304</sup> This standard is designed to address comments from residents and County staff on establishing limits on the total cumulative number of solar facilities within the County.

<sup>305</sup> This standard is designed to address comments from residents and County staff on establishing limits on the total cumulative number of solar facilities within the County.

<sup>306</sup> Staff has concerns over existing setback regulations and would like to review potential modifications.

- d. Fencing shall be erected around the perimeter of the entire project where solar panels and/or equipment are housed to a minimum height of eight (8) feet. All solar panels and mechanical equipment necessary for the operation of the array (i.e., power converters, batteries, etc.) shall be located within the fenced in area.
- e. The proposed array shall not require the alteration of existing land use(s) to accommodate development.
- f. All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
- g. The height of proposed arrays and support structures shall not exceed the height of the required land use buffer.
- h. Individual arrays/solar panels shall be designed and located to prevent reflective glare toward any inhabited buildings on adjacent properties as well as adjacent street rights-of-way.
- i. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- j. A Type C Land Use Buffer, a minimum 50 ft. in width, shall be provided along any portion of the perimeter of the parcel, easement, or leasehold area located adjacent to property zoned, or otherwise utilized for, residential use except where such property is owned, leased or consists of other utility easements currently used for electrical distribution or transmission purposes in accordance with Section 6.17 of this Ordinance.

**Existing vegetation may be used to satisfy the landscaping requirement.**

- k. Ground Cover. Soil with adequate vegetative cover must be maintained under and around the panels to reduce runoff and erosion. Native grasses and wildflowers are encouraged to be used as ground cover around the individual solar panels.
  - l. The applicant shall submit proof of liability insurance covering bodily injury and property damage demonstrating a minimum coverage limit of \$500,000.00 per occurrence.
  - m. A decommissioning plan meeting the standards of this Ordinance.
3. Decommissioning. The applicant agrees to the following conditions in case the utility is to be abandoned:
- a. The owner/operator of the facility is required to notify the Town of Unionville Planning Director in writing 60 days prior to planned the cessation or abandonment of the facility for any reason. This notice shall provide the exact date when the use of the facility will cease.
  - b. Documentation shall be provided indicating that the public utility purchasing the power has been made aware of the decision.
  - c. The facility shall be removed within 6 months of the date the applicant ceases use of the facility.

- d. Once the infrastructure is removed the property, the owner shall obtain the necessary Erosion Control permits from the State to re-stabilize the property. The time frame for completion shall be determined by the State of North Carolina.
- e. The owner shall provide financial security in the form and amount acceptable to the County to secure the expense of dismantling and removing said structures consistent with this Ordinance in the form of a Performance Guarantee.

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**SECTION 5.21: STANDARDS FOR WASTE MANAGEMENT FACILITY LAND USES:**

**Sec. 5.21.1 Solid Waste Collection Facilities Owned and Operated by A Public Agency for the Purpose of Disposal of Household Waste by Town of Unionville Residents**

(A) Standards of Evaluation

1. Facility shall be owned/leased, maintained, and operated by Town of Unionville.
2. The site shall consist of a parcel, or easement across a parcel, which has been recorded by the Town of Unionville Register of Deeds.
3. The parcel shall have frontage on a State maintained road.
4. A Type B landscape buffer shall be provided along the perimeter of the parcel or easement consistent with Section 6.17 of this Ordinance.
5. Fencing at least six feet in height shall be provided between the landscape buffer and the improved portion of the parcel or easement.'
6. An entrance sign shall identify the site as a sanitation collection site and shall identify the responsible public agency. The sign shall contain a maximum of nine square feet and shall not exceed eight feet in height. Instructional signs may be erected as needed within the facility.

**Sec. 5.21.2 Landfills, Construction, Land Clearing, and Sanitary.**

(A) Submittal Requirements and Standards of Evaluation for Special Use Permit

1. Submittal Requirements. In addition to the basic information required by Section 3.5.8, the following information shall be submitted as part of the application:
  - a. Typical cross sections showing extent of overburden, extent of fill and water table elevation, based on mean sea level datum;
  - b. Proposed handling and storage areas for overburden, by products and fill materials;
  - c. Proposed fencing, screening and gates, parking, service and other areas;
  - d. Any areas proposed for ponding; and
  - e. Access roads to the site, as well as on site roads, with indication of surface treatment to limit dust, and sight distances on all roads used for access to the site.
  - f. An Operations Plan which shall include:
    - i. The date of commencement of operations and their expected duration.
    - ii. Proposed hours and days of operation.

- iii. Complete description of operation, including source of materials, method of compaction, type of sealing proposed, types and number of equipment to be used.
  - iv. Any phasing of operations and relationship among phases.
  - v. Operating practices to be followed to ensure compliance with applicable performance standards in Section 6.4.
- g. A Rehabilitation Plan which shall include:
- i. A statement of planned future use of the site, including detailed methods of accomplishment.
  - ii. A map, to the same scale as the Site Plan, showing final proposed topography, landscaping and ground cover proposed and any drainage or other structures proposed.
  - iii. A phased plan of rehabilitation, related to the operations plan, showing how the rehabilitation will relate to the fill operations and the date of final completion.

#### 4. Standards of Evaluation

- a. All operations shall conform to the following performance standards:
- i. Direct illumination resulting from the operation shall not fall upon any land not covered by the application.
  - ii. Equivalent sound levels at the boundaries of the fill site shall not exceed the following standards:
    - 1. 7:00 a.m. to 7:00 p.m. 65 dBA
    - 2. 7:00 p.m. to 7:00 a.m. 55 dBA
- b. The Rehabilitation Plan shall be referred to the Town of Unionville Soil and Water Conservation District for review and recommendation, regarding the landscape material specified, the planting and maintenance proposed to ensure continuous growth and development, and the acceptability of the proposals for the handling of lakes, ponds, etc.
- c. The permanent roads, defined as those to be used more than one year, within the fill site shall be surfaced with a dust free material, such as soil cement, bituminous concrete or Portland Cement concrete.
- d. Roads other than permanent roads shall be treated with dust inhibitors, to be specified in the Operations Plan, which will reduce to a minimum the generation of dust from the road surfaces because of wind or vehicular action. Properly operated water wagons are an acceptable means of dust inhibition.
- e. Where the proposed fill shall take place within 500 feet of a dwelling, school, church, hospital, commercial or industrial building, public building, or public land, a security fence at least six feet high shall be installed.

- f. The Operations Plan and the Rehabilitation Plan shall be coordinated so that the amount of disturbed land is kept to the absolute minimum consonant with good practices and so that rehabilitation proceeds in concert with filling.
- g. A Type C land use buffer shall be erected around the perimeter of the site in accordance with Section 6.17 of this Ordinance.

### **Sec. 5.21.3 Waste Management Facility, Hazardous and Toxic, Transfer Station**

#### **(A) Submittal and Evaluation Standards for Special Use Permits**

1. Submittal Requirements. In addition to the information required in **Section 3.5.8**, the following shall be supplied as part of the application:
  - a. A copy of the application filed with the North Carolina Department of Health and Human Services for a hazardous waste management facility.
  - b. A detailed description of the type of facility planned. Included in this description will be the size of the project, size of the site, the type of storage involved, and the method of permanent disposal anticipated.
  - c. Letters from the appropriate agencies that the facility has adequate protection against fire, vandalism and personal injury.
  - d. Survey of floodplain and floodway location on the site plan.
  - e. An emergency management plan that has been submitted to the appropriate North Carolina State agency and approved.
2. Standards of Evaluation
  - a. All necessary State permits have been applied for and granted to the applicant.
  - b. The description of the type facility planned, including a detailed description of the type of wastes to be stored or disposed of on the site, the size of the finished project, method of storage or final disposal.
  - c. Adequate fire, police and rescue protection can be provided. The appropriate agencies have written letters confirming adequate protection.
  - d. The site is of adequate size to provide a buffer for adjacent properties. The buffer shall also be of sufficient size to prevent adverse effects in adjacent property.
  - e. Access to the site is directly from an interstate or State maintained road.
  - f. Accident prevention/emergency management plan approved by the State.
  - g. A Type C land use buffer shall be erected around the perimeter of the site in accordance with Section 6.17 of this Ordinance.
  - h. All waste management activities shall observe a 100 ft. setback from all property lines.