ZONING ORDINANCE
DAVIDSON COUNTY
NORTH CAROLINA

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Article I. GENERAL PROVISIONS

Section I.1 LONG TITLE AND AUTHORITY

An Ordinance establishing zoning regulations for designated portions of Davidson County and providing for the administration, enforcement, and amendment thereof in accord with the provisions of NCGS ~~153A-Article 18~~160D, of the North Carolina General Statutes (NCGS), as amended, and for the repeal of all Ordinances in conflict herewith.

Section I.2 SHORT TITLE

This Ordinance may be known and cited as "The Zoning Ordinance of Davidson County."

Section I.3 INTENT

(A) Declaration of Necessity

In order to protect and promote the health, safety, and general welfare of the county and its residents, this Ordinance is adopted by the Davidson County Board of Commissioners to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts, and other open spaces, the density of population, and land for trade, industry, residence and other purposes, including off-street parking, the arrangement of lots, methods of land development and related matter.

(B) Purpose

The purpose of the regulations set out in this Ordinance shall be to accomplish compatible development of land within Davidson County in a manner which will best promote the health, safety, and general welfare of the public; provide for efficiency and economy in the process of development; make adequate provisions for traffic; secure safety from fire, panic, and other hazards; provide for light and air; prevent the overcrowding of land and undue concentration of population; facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other public infrastructure requirements; promote desirable living conditions and the sustained stability of neighborhoods; protect property against blight and depreciation; and for other purposes in accordance with the comprehensive plan for the County known as the "Davidson County Land Development Plan~~.~~" pursuant to NCGS 160D 160D-501.

Section I.4 JURISDICTION

The provisions of this Ordinance shall apply to all lands within the areas designated as zoning districts on the official Zoning District Map~~Atlas~~ of Davidson County, other than those areas validly controlled by the zoning jurisdiction of municipalities.

Section I.5 FARM EXEMPTION

The provisions of this Ordinance which are adopted under NCGS ~~153A-Article 18~~160D, ~~Section 3~~Article 7 do not affect bona fide farms as defined in this Ordinance. However, use of farm property for non-farm purposes shall be~~is~~ subject to the regulations herein.

Section I.6 **APPLICABILITY OF REGULATIONS**

(A) Zoning Affects Every Building and Use

Except as otherwise provided in this Ordinance, no structure or land shall hereafter be used or occupied, and no structure, or part thereof, shall be altered, moved, erected, or built except in conformity with the regulations herein specified for the Zoning District in which the structure or land is located. Bona fide farms shall not be affected by this Ordinance but use of farm property for non-farm purposes shall be~~is~~ subject to the regulations.

(B) Prohibited Uses

Uses of land or structures which are not expressly listed in the Schedule of Uses, as Permitted Uses, Permitted Accessory Uses, or Special Uses in a district are prohibited uses and shall not be established within that district.

(C) Relationships of Building to Lot

Every building hereafter erected, moved or structurally altered shall be located on a lot and in no case shall there be more than on (1) principal building and its customary accessory buildings on the lot, except where permitted in a particular zoning district in which it is permissible to have two (2) single family dwellings on a lot and in the RM-1 and RM-2 zoning district when multi-family uses are proposed.

(D) Administrative Regulations

The County Manager is authorized and directed to propose and promulgate administrative regulations, including but not limited to the type and amount of data required for a completed application, in order to implement the provisions of this Ordinance.

(E) Permit Choice

If an application made in accordance with local regulation is submitted for a development approval and the development regulation changes between the time the application was submitted and a decision is made, the applicant may choose which version of the development regulation will apply to the application. If the development permit applicant chooses the version of the rule or ordinance applicable at the time of the permit application, the development permit applicant shall not be required to await the outcome of the amendment to the rule, map, or ordinance prior to acting on the development permit. This section applies to all development approvals issued by the State and County.

Section I.7 **INTERPRETATION OF WORDS AND TERMS**

The word “shall” is always mandatory.

The word “occupied” and the word “used” shall be considered as though followed by the words “of intended, arranged, or designed to be used or occupied”.

Terms not herein defined shall have the meaning customarily assigned to them.

The term “person” shall include a corporation, company, partnership, association, trust, firm and proprietorship, as well as an individual.

Section I.8 **SEVERABILITY**

It is the legislative intent of the Governing Body in adopting this Ordinance that all provisions and sections thereof shall be liberally construed to protect and preserve the peace, health, safety and general welfare of the inhabitants of Davidson County and, further, that should any provision, portion, section, or subsection of this Ordinance be held to be invalid, such a decision shall not be construed as affecting the validity of any of the remaining provisions, portions, sections or subsections; it being the intent of the Governing Body that this Ordinance shall stand, notwithstanding the invalidity of any provision, or section or part thereof.

Section I.9 **CONFLICT WITH OTHER LAWS AND REGULATIONS**

Where a conflict exists between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, the more stringent limitation shall govern and prevail.

Section I.10 **REPEAL OF EXISTING ZONING REGULATIONS**

(A) Re-enactment

This Ordinance in part carries forward by re-enactment, portions of the "Zoning Ordinance of Davidson County," and it is not the intention to repeal but rather to re-enact and continue in force such existing provision of said "Zoning Ordinance of Davidson County" so that all rights and liabilities that have accrued there under are preserved and may be enforced.

All provisions of the "Zoning Ordinance of Davidson County" which are not re-enacted herein are hereby repealed. All suits at law or in equity and/or all prosecutions resulting from the violation of any Ordinance provisions heretofore in effect, which are now pending in any court of this state or of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance, but shall be prosecuted to their finality the same as if this Ordinance had not been adopted; and any and all violations of the existing "Zoning Ordinance of Davidson County", prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Ordinance shall be so construed as to abandon, abate or dismiss any litigation or prosecution now pending and/or which may heretofore have been instituted or prosecuted.

(B) Historical Reference

Davidson County's first zoning Ordinance was adopted November 26, 1968. A second Ordinance was adopted July 27, 1981, and amended April 19, 1984. A third Ordinance was adopted May 10, 1990, effective May 11, 1990. A fourth Ordinance was adopted December 14, 1993, effective January 1, 1994.

Section I.11 **EFFECTIVE DATE**

This Ordinance shall take effect and be in force on ~~September 1, 2011.~~

Commented [JD1]: Update in final

Article II. ESTABLISHMENT OF ZONING DISTRICTS

Section II.1 DIVISION INTO ZONING DISTRICTS

The Davidson County Zoning jurisdiction shall be and hereby is divided into Zoning Districts as described herein.

Section II.2 ZONING DISTRICT BOUNDARIES

The boundaries of said Zoning Districts are hereby established as shown on the Official Zoning ~~Atlas~~ District Map which accompanies this Ordinance and which, with all notations, references, and other information shown thereon, shall be as much a part of this Ordinance as if fully described herein. Maps and descriptions accompanying enacted amendments shall be displayed by the Planning Department adjacent to the Official Zoning ~~Atlas~~ District Map until such time as the official copy is corrected.

Section II.3 OFFICIAL ZONING DISTRICT MAP ~~ATLAS~~

(A) Authentication

The digital version of the Official Zoning District ~~Atlas~~ Map shall be authenticated by the County Clerk and one (1) printed copy shall be on file in the Planning Department. The Map should be maintained consistent with NCGS 160D-105. ~~Copies of the Official Zoning Map Atlas, or portions thereof, may be made from time to time. These copies are informational only; the Official Zoning Atlas is the final and sole authority as to the zoning status of land within the zoning jurisdiction of Davidson County.~~

(B) Copies

Copies of the zoning district map reproduced by any method of reproduction that gives legible and permanent copies, when certified by the local government clerk in accordance with NCGS 160A-79 or 153A-50, shall be admissible in evidence and shall have the same force and effect as would the original map

~~(B)~~(C) Amendments

The Zoning Administrator shall be responsible for entering amendments to the Official Zoning ~~Atlas~~District Map. Such entries shall be made within five (5) working days of the date of passage of such amendments.

The Zoning Administrator shall authenticate the entry of each amendment to the Official Zoning ~~Atlas~~ District Map and shall maintain a record of the nature and date of entry of each amendment.

Changes to the Official Zoning District Map ~~Atlas~~, other than those authorized by duly approved amendments to this Ordinance, shall not be made. The making of unauthorized changes to the Official Zoning District Map ~~Atlas~~ shall be considered a violation of this Ordinance.

Amendments to the Zoning Ordinance which result in the change in classification of any piece of land shall become effective immediately upon the enactment of such amendment. Revisions to the official Zoning ~~Atlas~~ District Map shall be made within five (5) working days of the date of such an amendment.

Section II.4 INTERPRETATION OF DISTRICT BOUNDARIES

When there is any uncertainty as to the intended location of any zoning district boundary on the Zoning ~~Atlas~~District Map, the Zoning Administrator shall make an interpretation of said Map~~Atlas~~ upon request of any person. Any person aggrieved by any such interpretation may appeal to the Board of Adjustment. The Zoning Administrator and the Board of Adjustment, in interpreting the Zoning ~~Atlas~~ District Map or deciding any appeal, shall apply the following standards.

1) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed as following such centerlines;

Boundaries indicated as approximately following lot lines shall be construed as following such lot lines;

Boundaries indicated as approximately following City and County boundaries or extra-territorial jurisdiction boundaries shall be construed as following such boundaries;

Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

Boundaries indicated as following shorelines shall be construed to follow such shorelines; in the event of change in the shoreline, the boundary shall be construed as moving with the actual shorelines; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed as following such centerlines; boundaries shown as approximately following designated flood hazard area limits shall be construed as following such limits, as shown on the official Base Floodway and Floodplain Boundary Maps and Base Flood Profiles;

Boundaries indicated as parallel to or extensions of features indicated in the subsections above shall be so construed. Distances not specifically indicated on the Zoning District Map ~~Atlas~~ shall be determined by reference to the scale of the ~~Atlas~~Zoning District Map;

Where physical or cultural features existing on the ground are at variance with those shown on the Zoning ~~Atlas~~District Map, or in other circumstances not covered in the subsections above, the Board of Adjustment shall interpret the district boundaries.

Article III. PERMITTED AND CONDITIONAL ZONING DISTRICTS

Section III.1 ESTABLISHMENT OF USE REGULATIONS

Except as otherwise provided herein, regulations governing the use of land and structures are hereby established as shown in the Schedule of Permitted Uses.

Uses requiring a Special Use Permit must meet certain conditions specified in this Ordinance. Only after the existence of these specified conditions has been determined by the Board of Adjustment, the Planning Board or the Governing Body, as appropriate, will a Special Use Permit be issued; otherwise such uses are prohibited.

Certain permitted and accessory uses shall meet specific development standards listed in Article VI to mitigate potential negative impacts. Only after compliance with these standards has been determined by the Zoning Administrator will a Zoning Permit be issued. Otherwise, such uses are prohibited.

Section III.2 GENERAL ZONING DISTRICTS

(A) RA-1, RA-2 and RA-3, Rural Agricultural District

The intent of these Rural Agricultural Districts is to provide for rural non-farm and farm operations, where soil types, topography, lot size and related factors are appropriate. Long term solutions to sanitary sewage disposal shall be individual septic tanks or equivalent methods. The mix of uses shall recognize that agricultural is an important land use in these districts. Mobile homes are permitted as single family dwellings on individual lots, subject to varying location controls.

(B) RS, Low Intensity Residential District

The intent of the Low Intensity Residential District is to provide space for suburban residential development, where soil types, location, and topography make this type of development appropriate.

(C) RM-1, Medium Density Residential District

The intent of the Medium Density Residential District is to provide space for medium density residential development in areas served by public water supply and where sanitary sewage disposal can be appropriately handled. This district shall normally be located with access to collector or primary streets.

(D) RM-2, High Density Residential District

The intent of the High Density Residential District is to provide for high density residential development in areas that can be served by both public water supply and sanitary service collection systems and has a mechanism for perpetual maintenance. This district should be located adjacent to or in close proximity to municipalities where urban services can easily be provided. The district should also lie within one half mile of an arterial road or one that serves to link towns and cities together.

(E) RC, Rural Commercial District

The intent of the Rural Commercial District is to provide for low traffic volume sales of convenience goods and limited personal service needs in rural areas. Rural Commercial Districts are intended primarily for establishments serving the immediate vicinity.

(F) CS, Community Shopping District

The intent of the Community Shopping District is to provide for personal services, offices, and the retailing of durable and convenience goods for the community. Because these commercial uses are high generators of traffic they should be concentrated at the intersection of collector and arterial roads.

(G) O/I, Office and Institutional District

The Office/Institutional District is intended to provide locations for medium intensity office and institutional development and where appropriate, will be applied as a buffer between non-residential and residential zoning districts.

(H) HC, Highway Commercial District

The Highway Commercial District is intended to provide locations for the retailing of convenience goods, automotive products and services, food services, and transient lodging for travelers along major streets and highways. Because these commercial uses are subject to considerable public exposure and are important to the economy of Davidson County, they shall have ample parking, controlled traffic movement and suitable landscaping.

(I) LI, Limited Industrial District

The Limited Industrial District is intended to provide sites for manufacturing, warehousing, processing and related uses whose operating characteristics limit their effects on adjacent uses.

(J) HI, Heavy Industrial District

The Heavy Industrial District is intended to provide sites for industrial, processing and related operations whose external effects could be detrimental to certain classes of uses. This district shall normally be located so that traffic to and from the use has direct access to an arterial street and normally this district shall not be located directly adjacent to residentially zoned land.

Section III.3 **PROCEDURES**

Applications for rezoning to a general zoning district shall be processed, considered and voted upon in the same manner as that required for other zoning map amendments as outlined in Article VII, Section 10-12.

Section III.4 **MIXED USE ZONING DISTRICTS**

The purpose of mixed-use zoning districts is to encourage the development of planned communities that may incorporate a full range of housing types and compatible nonresidential uses that provide goods, services, and employment opportunities. The districts encourage high quality design and the innovative arrangement of buildings and open spaces throughout the project. To enable this, these districts provide flexibility from the conventional use and dimensional requirements of the other general zoning districts.

(A) MX-R, Mixed Use, Residential District

The intent of the Mixed Use, Residential District is to provide for the development of planned communities that may incorporate a full range of housing types and where appropriate, compatible non-residential uses that provide goods, services, and employment opportunities.

Standards

1) This district permits residential mixed use development (dwellings and permitted accessory uses and structures) on tracts which are ten (10) acres or larger and mixed residential and non-residential use development on tracts that are no less than fifteen (15) acres.

The use of this district shall be limited to areas along major thoroughfares, minor thoroughfares or collector streets having adequate access. Developments seeking MX-R zoning shall be encouraged to locate in areas with adequate public facilities including public water and sewer service, schools and transportation facilities.

This district shall allow for any use as indicated in the Table of Permitted Uses; provided that no more than fifteen percent (15%) of the total project acreage is dedicated for commercial uses.

Development proposals within this district shall comply with the applicable development standards as described in Article VI.

(B) MX-C, Mixed-Use, Commercial District

The Mixed Use Commercial Zoning District is intended to provide for the development of planned commercial sites that incorporate a mixture of retail, service, office, institutional and high density residential opportunities.

Standards

1) This district permits mixed use development on tracts of no less than 25 acres.

The use of this district shall be limited to areas along major thoroughfares, minor thoroughfares or collector streets having adequate access. Developments seeking MX-C zoning shall be encouraged to locate in areas with adequate public facilities including public water and sewer service, schools and transportation facilities.

This district shall allow for any use as indicated in the Table of Permitted Uses; provided that no more than fifteen percent (15%) of the total project acreage is dedicated for residential uses.

Development proposals within this district shall comply with the applicable development standards as described in Article VI.

(C) PEC, Planned Employment Center

The Planned Employment Center Zoning District is intended to provide for the development of planned corporate campuses that incorporate business and professional services, research and development facilities, limited light manufacturing, wholesale trade, and general offices along with permitted commercial uses. This district is intended to be pedestrian oriented, while providing adequate vehicular facilities. This district is intended to minimize the presence of nuisance factors and hazards. The application of this district should not result in a predominance of commercial uses in an area designated for non-commercial activities.

Standards

1) This district permits mixed use development on tracts of no less than fifteen (15) acres of property.

The use of this district shall be limited to areas along major thoroughfares, minor thoroughfares or collector streets having adequate access. Developments seeking PEC zoning shall be encouraged to

locate in areas with adequate public facilities including public water and sewer service, schools and transportation facilities.

This district shall allow for any use as indicated in the Table of Permitted Uses; provided that no more than fifteen percent (15%) of the total project acreage is dedicated for commercial uses.

Development proposals within this district shall comply with the applicable development standards as described in Article VI.

Required Plans

Pedestrian Access Plan

Development within this zoning district shall submit a plan for on-site pedestrian circulation, connecting the street to the public entrances of structure(s) on the site and demonstrating compliance with the following requirements:

1) Pedestrian facilities shall be at least five (5) feet wide and constructed of pavement, concrete or other similar material in compliance with ADA standards and as approved by the Zoning Administrator.

Where the system crosses driveways, parking, and/or loading areas, the system must be clearly identifiable through the use of elevation changes, speed tables, varied paving materials or other similar methods approved by the Zoning Administrator and in compliance with ADA standards.

Pedestrian facilities and parking areas shall be lighted to a level which provides adequate nighttime visibility.

Pedestrian facilities shall connect to site and adjacent public streets, public open space, parks, or adjacent like uses.

Development patterns must consider future site-to-site pedestrian connections, even if an adjacent site is not planned for development at the time of the applicant's development.

Design plan.

Site Design Plan

Development within this zoning district shall submit a site design plan that demonstrates compliance with the following requirements:

1) Blank walls are discouraged next to residential zones. If a blank wall is adjacent to residential zones the applicant shall provide and maintain a vegetative buffer of at least six (6) feet high that creates a varied appearance to the blank wall. Other features such as false or display windows, artwork, and varied building materials are acceptable.

Building facades facing public streets shall have a minimum of fifteen percent (15%) of the total surface area of the wall transparent.

Parking areas adjacent to rights-of-way shall be physically separated by landscaping or other features to a height of three (3) feet. A combination of walls, berms and landscape materials is highly recommended. Sidewalks may be placed within this landscaping.

Primary building entrances shall be physically oriented to the street or to a pedestrian walkway.

Required setback areas adjacent to streets and those abutting a residential district shall be continuously maintained in lawn or live groundcover. Allowed uses in these areas are bikeways, pedestrian paths and water quality facilities.

A minimum of five percent (5%) of the site shall be landscaped. Landscaping which is part of a stormwater treatment facility may be used to satisfy this requirement.

Open spaces should be clustered on-site to maximize the open space qualities within the development.

When security fencing is required it shall be a combination of solid wall, wrought iron, dense hedges or other similar treatment. Long expanses of fences or walls shall be intersperse with trees or hedges to break up the appearance of the wall at least every fifty (50) feet for a distance of at least five (5) feet.

(D) General Requirements for all Mixed Use Districts

1) Master Development Plan Required. A master development plan shall be submitted as part of the rezoning application for a mixed use district in the same manner as other development plans required by the Ordinance. The master development plan shall identify areas designated for each category of uses, required open space and proposed development phases in a conceptual manner.

Evidence of Unified Control. A statement of agreement of all present owners and their successors in title shall be required that binds such owners to the proposed development plans as submitted.

Bonds and Agreements. Required Bonds, dedications, agreements and deed restrictions shall be provided for review by the Governing Body to insure the completion of required public facilities and services as described in the development plans as submitted.

Modification of Standards. If applicable, a request for modifications to the standards identified below may be submitted as part of the rezoning application for a conditional mixed use district. The Governing Body may consider the modification of the standards identified below as established herein and in the Subdivision Ordinance in order to accommodate a mixed use development project:

a) Street right-of-way
b) Use of private streets in lieu of public streets (in gated communities only)
c) Sidewalks, curbs, and gutters
d) Minimum lot size
e) Public street frontage
f) Setbacks and yards
g) Off-street parking
h) Lot width

(E) Procedures

2) Rezoning . Applications for rezoning to a mixed use district shall be processed, considered and voted upon in the same manner as that required for other zoning map amendments as outlined in Article VII, Section 12. An additional thirty (30) days of internal review shall be permitted for requests for a zoning map amendment to a mixed use district.

Applicant Conference. The applicant may request a conference with the Zoning Administrator and Internal Review Committee (IRC) members to discuss and clarify any aspect of the master development plan, district development standards or the requested modification of standards following the submittal of the rezoning application.

Minor Modifications. The Zoning Administrator may approve minor modifications of an adopted Master Development Plan where the modifications will result in equal or better performance, provided that the objectives and purposes of the requirements and conditions of the permit are maintained.

Amendment of Permit Conditions. The Governing Body may change or amend a Master Development Plan in the same procedure as that required for a zoning map amendment.

Timing of Amendments. No proposal to change or amend a Master Development Plan shall be considered within one (1) year after the date of the original approval of the zoning map amendment, or within one (1) year after the hearing of any previous proposal to change or amend the Master Development Plan.

Submittal of Plans. Plans specific to each phase of a Master Development Plan shall be submitted for review and approval by the Zoning Administrator. The form and content of such plans shall conform to the requirements of this Ordinance and the applicable development standards.

Section III.5 **EXISTING PLANNED DEVELOPMENT DISTRICTS**

Planned development districts which legally existed on the date of the adoption of this Ordinance shall be considered a sub-district of the appropriate mixed use zoning district as interpreted by the Zoning Administrator. New development proposals within these sub districts shall be permitted according to the prevailing standards established at the time of the original rezoning, as referenced in Section 1.10 (A).

New development proposals which expand beyond the current zoned area or substantially deviates from the original development proposal shall require formal rezoning to a mixed use district.

Section III.6 **DEVELOPMENT AGREEMENTS**

(A) Purpose

The purpose of this Article is to establish standards and procedures for the County to enter into Development Agreements for long-term, large-scale developments, in recognition of the following findings and statements of intent:

1) *Large-Scale Development Projects and Long-Term Commitment of Resources*
   Large-scale development projects often occur in multiple phases extending over a period of years, requiring a long-term commitment of both public and private resources.
2) *Potential Community Impacts*
   Such large-scale developments often create potential community impacts and potential opportunities that are difficult or impossible to accommodate within traditional zoning processes.
3) *Careful Integration between Public Capital Facilities Planning, Financing, Schedules*
   Because of their scale and duration, such large-scale projects often require careful integration between public capital facilities planning, financing and construction schedules and the phasing of the private development.
4) *Stable Development Standards*
   Because of their scale and duration, such large-scale projects involve substantial commitments of private capital by private developers, which private developers are unwilling to risk without sufficient assurances that development standards will remain stable through the extended period of the development.

5) *Nontraditional Development Types*
Because of their size and duration, such developments often permit communities and developers to experiment with different or nontraditional types of development concepts and standards, while still managing the impacts on the surrounding areas.
6) *Negotiating Flexibility*
To better structure and manage development approvals for such large-scale developments and ensure their proper integration into local capital facilities programs, local governments need the flexibility in negotiating such developments.
7) *Plan Consistency*
In negotiating for such developments, it is the intent of the County to remain consistent with the adopted plans, policies, and goals of the County as they relate to land use and capital improvements.

(B) Authority

The County may enter into a Development Agreement with a developer, subject to the procedures and standards of this Article. In entering into such a Development Agreement, the County may not exercise any authority or make any commitment not authorized by general or local act and may not impose any tax or fee not authorized by otherwise applicable law. If more than one local government is made party to an agreement, the agreement must specify which local government is responsible for the overall administration of the Development Agreement.

(C) Relationship to Prior Development Approvals

Although an application for a Development Agreement generally is submitted and reviewed before, or in conjunction with, the first development approval required for the proposed development (e.g., a Mixed Use Development), such an application may be submitted and decided at any stage of the development. If the application is submitted after development approvals have been granted, either the Development Agreement should incorporate the terms and conditions of those prior approvals or any approval of the Development Agreement shall be contingent upon any amendments to those prior approvals necessary to ensure conformance between the Development Agreement and applicable development approvals.

(D) Initiation

An application for a Development Agreement may be initiated by any person who may submit applications in accordance with the provisions of this Article.

(E) Procedures

1. *Application Contents*
    a. An application for a Development Agreement shall include a proposed Development Agreement that shall, at a minimum, include all of the following:
        1) A legal description of the property subject to the agreement and the names of its legal and equitable property owners.
        2) The duration of the agreement.
        3) A development schedule, including commencement dates and interim completion dates at no greater than five-year intervals.

4) The development uses permitted on the property, including population densities and building types, intensities, placement on the site, and design.
5) A description of public facilities that will service the development, including who provides the facilities, the date any new public facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of the development.
6) If the Development Agreement provides that the County shall provide certain public facilities, the Development Agreement shall provide that the delivery date of such public facilities will be tied to successful performance by the developer in implementing the proposed development (such as meeting defined completion percentages or other performance standards).
7) A description, where appropriate, of any reservation or dedication of land for public purposes and any provisions to protect environmentally sensitive property.
8) A description of all local development permits approved or needed to be approved for the development of the property together with a statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction does not relieve the developer of the necessity of complying with the law governing their permitting requirements, conditions, terms, or restrictions.
9) A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the County for the public health, safety, or welfare of its citizens.
10) A description, where appropriate, of any provisions for the preservation and restoration of historic structures.
11) An indemnification and "hold harmless" clause whereby the developer/property owner holds the County and its agents harmless from liability for damages, injury, or death that may arise from the direct or indirect operations of the owner, developers, contractors, and subcontractors that relate to the project.

b. The proposed Development Agreement may include the following:
1) A provision that the entire development or any phase of it be commenced or completed within a specified period of time.
2) Other defined performance standards to be met by the developer.
3) Other matters not inconsistent with law.

c. The application shall include a master plan that depicts the general configuration and relationship of the principal elements of the proposed development, including major uses, general building types, pedestrian and vehicular circulation, open space, public facilities, and phasing.

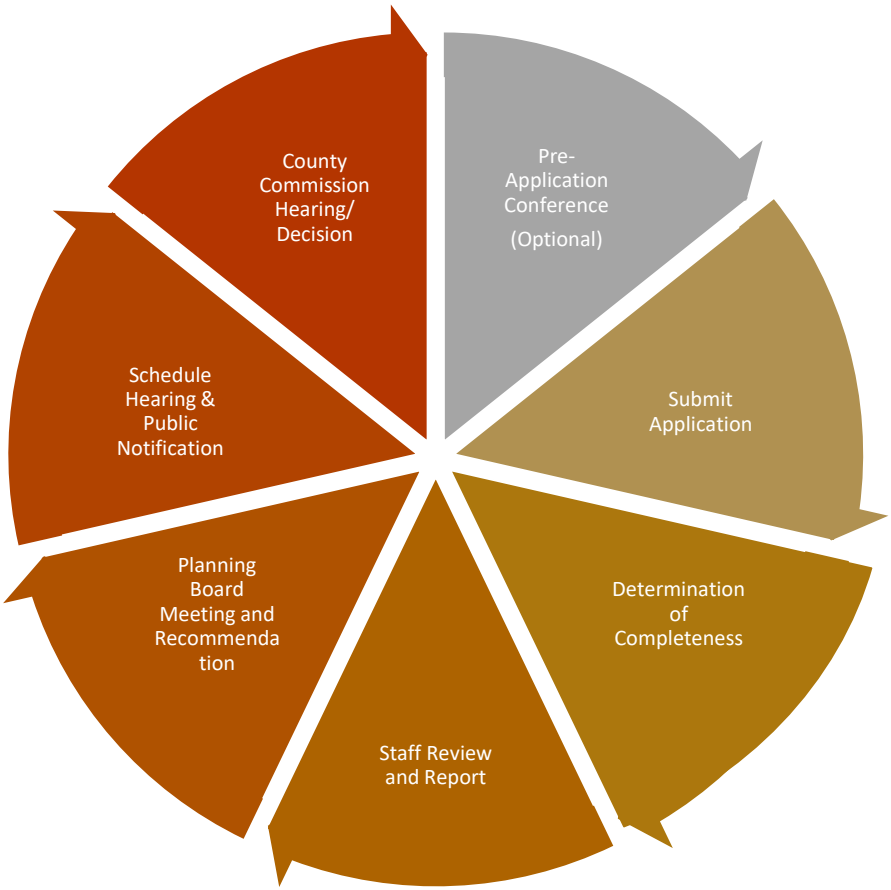
2. *Review and Report by County Manager*
As part of the staff review of the application, the County Manager or the Manager's designee may

negotiate revisions to the proposed Development Agreement consistent with the provisions of Subsection (G) Development Agreement Standards.

3. *Review and Recommendation by Planning Board*
   Following staff review, preparation of a staff report, and provision of public notification in accordance with Subsection (G) Development Agreement Standards, the staff shall recommend that:
   a. the County enter into the Development Agreement as submitted;
   b. the County enter into the Development Agreement application subject to modifications agreed to by the applicant, in writing; or
   c. the County not enter into the Development Agreement.

4. *Review and Action by Board of Commissioners*
   Following Planning Board review, the governing body shall conduct a legislative public hearing on the application in accordance with Article VII Section 7.10 Amendments of this Ordinance. Thereafter the Board may vote:
   a. To enter into the Development Agreement as submitted;
   b. To enter into the Development Agreement, subject to modifications agreed to by the applicant, in writing;
   c. Not to enter into the Development Agreement; or
   d. Remand the application to the Planning Board for further consideration.

DEVELOPMENT AGREEMENT PROCEDURES DIAGRAM



(F) Recording the Agreement

Within 14 days after entering into a Development Agreement, the County shall record the agreement with the Davidson County Register of Deeds.

(G) Development Agreement Standards

In consideration of the County's participation in a Development Agreement, a development subject to the agreement must meet the following criteria:

1. *Planned Development*
   The information regarding the property subject to the Development Agreement shall contain details of the property and the planned development in accordance with NCGS 160D Article 10 Development Agreements.
2. *Phasing and Duration of Development*
   The development shall demonstrate phasing and participation in the proposed agreement shall be of reasonable terms that shall be specified in the agreement.
3. *Impact on Capital Improvements*
   The development shall demonstrate the impact on existing and future provisions of capital improvements by the County including at least one of the following: transportation, potable water, sanitary sewer, solid waste, stormwater management, educational, parks and recreational, and health systems and facilities.

(H) Effect of Development Agreement

1. *Burdens and Benefits*
   The burdens of the Development Agreement are binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.
2. *Rights and Obligations*
   Rights and obligations established by a Development Agreement shall not preclude or supersede rights and obligations established pursuant to other law regarding building permits, site specific development plans, phased development plans or other provisions of law.
3. *Building Code*
   A Development Agreement shall not exempt the property owner or developer from compliance with the State Building Code.
4. *Subsequently Enacted Laws*
   Unless the Development Agreement specifically provides for the application of subsequently enacted laws, the laws applicable to development of the property subject to a Development Agreement are those in force at the time of execution of the agreement.
5. *Application of Subsequently Adopted Laws*
   Except for grounds specified in Section 160D-1-(e) of the North Carolina General Statutes, the County may not apply subsequently adopted ordinances or development policies to a development that is subject to a Development Agreement.
6. *Change in State or Federal Law*
   If State or Federal law is changed after a Development Agreement has been entered into and the change prevents or precludes compliance with one or more provisions of the Development Agreement, the County, by ordinance after notice and a hearing, may modify the affected provisions, upon a finding that the change in State or Federal law has a fundamental effect on the Development Agreement.
7. *Vested Rights*
   This Ordinance does not abrogate any rights preserved by NCGS 160D-1-8, or that may vest pursuant to common law or otherwise in the absence of a Development Agreement.

(I) Approval of Debt

If any of the obligations of the County in the Development Agreement constitute debt, the County shall comply, at the time of the obligation to incur the debt and before the debt becomes enforceable against the County, with any applicable constitutional and statutory procedures for the approval of this debt. The agreement shall be signed by the County Attorney, Finance Director, and County Manager.

(J) Periodic Review and Breach of Agreement

1. *Annual Review*
   During any period of time in which a development permit is active, the County shall review the development at least once every 12 months for compliance with the agreement. The developer shall be required to demonstrate good faith compliance with the terms of the Development Agreement. The failure to meet a commencement or completion date specified in the Development Agreement shall not, in and of itself, constitute a material breach of the agreement, but must be judged based upon the totality of the circumstances.
2. *Material Breach*
   If the County finds and determines that the developer has committed a material breach of the terms or conditions of the Development Agreement, the County shall serve written notice of the breach upon the developer within a reasonable time after the periodic review. Such notice shall set forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination and shall provide the developer a reasonable time in which to cure the material breach.
3. *Failure to Cure Material Breach*
   If the developer fails to cure the material breach within the time given, then the County unilaterally may terminate or modify the Development Agreement.
4. *Appeal*
   The notice of termination or modification may be appealed to the Board of Adjustment for review and decision in accordance with Section 7-13(D Appeals.

(K) Amendments to Development Agreement

1. *Mutual Consent*
   A Development Agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest.
2. *Major Modification*
   Consideration of a proposed major modification of a Development Agreement shall follow the same procedures as required for initial approval of the agreement.
3. *Minor Modification*
   The Planning Director may approve minor modifications of the Development Agreement with the mutual consent of the other parties to the agreement, without following the same procedures as required for initial approval of the agreement, upon making written findings that the proposed modifications would not significantly change the use, intensity, or design of the development, would be consistent with the purposes and goals of the agreement, would comply with this Ordinance, and would not adversely affect the public health, safety, or general welfare.

(L) Assumption of Jurisdiction Over Development Agreements

1. *County Assumes Planning Jurisdiction*
   If the County assumes planning jurisdiction over property subject to a Development

Agreement established by another jurisdiction, such development agreement shall be valid for the duration of the agreement, or eight years from the effective date of the County's assumption of planning jurisdiction over the subject property, whichever is earlier.

2. *Rights and Obligations*
   The parties to the development agreement and the County shall have the same rights and obligations with respect to each other regarding matters addressed in the Development Agreement as if the property had remained in the previous jurisdiction.
3. *Modification or Suspension*
   The County may modify or suspend the provisions of the Development Agreement if the County determines that the failure to do so would place the residents of the area subject to the Development Agreement, or the residents of the County's planning jurisdiction, or both, in a condition dangerous to their health or safety, or both.

Section III.7 **CONDITIONAL ZONING~~USE~~ DISTRICTS**

(A) Purpose

Where the regulations and restrictions applicable within a zoning district permitting a proposed use are inadequate to ensure the compatibility of a proposed development with the immediately surrounding neighborhood in accordance with the principles of this Ordinance and applicable adopted plans, the property owner may apply for rezoning to a conditional zoning~~use~~ district bearing the same designation as a standard zoning district but subject to additional conditions.

(B) Conditional Zoning~~Use~~ Districts

A conditional zoning~~use~~ district bearing the designation CZ~~U~~ is hereby established as a companion district for every district established in Sec. 3.02. These districts are: CZ~~U~~-RA-1, CZ~~U~~-RA-2, CZ~~U~~-RA-3, CZ~~U~~-RS, CZ~~U~~-RM-1, CZ~~U~~-RM-2, CZ~~U~~-RC, CZ~~U~~-HC, CZ~~U~~-CS, CZ~~U~~-O/I, CZ~~U~~-LI, CZ~~U~~-HI.

All regulations which apply to a general use zoning district also apply to the companion conditional zoning~~use~~ district. All other regulations, which may be offered by the property owner and approved by the Governing Body as a part of the rezoning process shall also apply.

(C) General Requirements

Conditional zoning~~use~~ application. The conditional zoning~~use~~ district application shall be considered only upon request by the property owner(s). The owners(s) may specify the use(s) of the property and shall propose conditions to ensure compatibility between the development and the surrounding neighborhood.

Site Plan Required. A site plan for any development made pursuant to a conditional zoning~~use~~ ~~permit~~ shall be submitted for review in the same manner as other development plans required by this Ordinance.

(D) Other regulations apply

Within a conditional zoning~~use~~ district, all standards and requirements of the corresponding zoning district shall be met, except to the extent that the conditions imposed are more restrictive than the district standards.

~~1)~~ Uses within district. Within an approved conditional zoning~~use~~ district, no use shall be permitted except ~~pursuant to a conditional zoninguse permit authorized~~ as provided in the rezoning approved by ~~and granted by the~~ Governing Body, which shall specify the use or uses authorized.

1)

2) Conditions. A Conditional Zoning~~Use~~ ~~Permit~~ shall specify the uses which are permitted on the property to one or more use(s) otherwise permitted in the zone. The ~~permit~~ rezoning and the site-specific development plan may further specify the location on the property of the proposed use, the number of dwelling units, the location and extent of supporting facilities such as parking lots, driveways, and street addresses, the location and extent of buffer areas and other special purpose areas, the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public purposes, and other such matters~~rs~~ ~~as the applicant may propose as conditions upon the request.~~ agreed to in the rezoning.

3) Greater Restrictions. ~~In granting a Conditional ZoningUse Permit~~, In rezoning to a conditional zone, ~~the Governing Body upon request of the applicant, may impose more restrictive requirements upon the permit as it may deem necessary in order that the purposes and intent of this Ordinance be served~~. the applicant shall have a reasonable opportunity to consider and respond to any conditions proposed by the governing body before final action. Evidence of the applicant's agreement shall be documented by the applicant's signature on the conditions adopted by the governing body. The signed conditions shall be retained by the County and a copy provided to the applicant.

4) Violation of ~~Permit~~ Condition of Rezoning. Any violation of a condition in an approved Conditional Zoning~~Use~~ Permit shall be treated the same as any other violation of this Ordinance and shall be subject to the same remedies and penalties.

~~5) Cancellation of Permit. If for any reason a condition imposed under these regulations is found to be illegal or invalid, or if the applicant should fail to accept any condition, the authorization of such Conditional Use Zoning Permit shall be null and void and of no effect and proceedings shall be instituted to rezone the property to its previous zoning classification.~~

Procedures

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(E) Rezoning

Applications for rezoning to a conditional zoning~~use~~ district shall be processed, considered and voted upon in the same manner as that required for other zoning map amendments as outlined in Article VII-10-12. ~~, except as provided below. No Conditional ZoningUse Permit shall be approved before approval of the conditional zoniguse district to which it applies.~~

(F) Required Findings

As provided in Article VII Section 7.10 (E), when there is an amendment to the zoning map, the governing board shall adopt a statement of reasonableness analyzing relevant factors among those identified in Article VII Section 7.10 E.

~~A zoning map amendment and conditional zoninguse permit shall be issued by the Governing Body in a hearing open to the public. The following findings shall be made.~~

~~1) That the development of the property in accordance with the proposed conditions will not materially endanger the public health or safety;~~

~~2) That the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that the development is a public necessity; and~~

~~3) That the location and character of the development in accordance with the proposed conditions will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the County and its environs.~~

~~(G) Oaths and Affirmations~~

~~All evidence presented at the public hearing in regard to applications for conditional use zoning districts and conditional zoning use permits shall be under oath or affirmation.~~

~~(H)~~(G) ~~Permit Perpetually Binding~~

~~Any conditional zoning use permit so authorized shall be perpetually binding upon the property included in the permit unless it is later changed or amended as provided for in this Section.~~

~~(I)~~(H) ~~Greater Restrictions and Applicant Approval~~

~~In granting a conditional zoning use permit, the Governing Body must obtainupon written request of the applicant for conditions related to a conditional zoning approval, may impose onlythese may only be more restrictive requirements upon the permit than those initially offered by the applicant as it may deem necessary in order that theto serve the purposes and intent of this Ordinance be served.~~

~~(J)~~(I) Minor Modifications

The Governing Body hereby designates the Davidson County Planning Board to approve minor modifications of the conditions in the conditional ~~use~~ zoning permit where the modifications will result in equal or better performance, provided that the objectives and purposes of the requirements and conditions of the permit are maintained.

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~~(K)~~(J) Amendment of Permit Conditions

The Governing Body may change or amend a conditional zoning ~~use~~ permit in the same procedure as that required for the original issuance of the conditional zoning ~~use~~ permit.

~~(L)~~(K) Timing of Amendments

No proposal to change or amend any conditional zoning ~~use~~ ~~permit~~ shall be considered within one (1) year after the date of the original authorization of the permit, or within one year after the hearing of any previous proposal to change or amend the permit.

Section III.8 **AIRPORT HEIGHT OVERLAY DISTRICTS**

(A) Airport Height District (AHD)

The purpose of the Airport Height District is to protect the airport environs from encroachment of incompatible land uses which present hazards to users of the airport as well as to persons residing or working in the airport vicinity, prevent conflict with land development which may result in a loss of life and property, and to encourage development which is compatible with airport use characteristics within the intent and purpose of zoning.. The additional regulations imposed in the AHD are designed to place additional restrictions on buildings, structures and trees.

The District is intended to be utilized as an overlay designation which identifies areas subject to supplementary regulations and designated as such on the Zoning Atlas.

Airport Zone Height Limitations

Except as otherwise provided in this section, no structure shall be erected, altered or maintained, and no trees shall be allowed to grow in any zone created by this section to a height in excess of the applicable height limitations herein established for each zone in question as follows.

1) Approach Zone-AHD. Slopes thirty-four (34) feet outward for each one (1) foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline.

2) Transitional Zones-AHD-T. Slopes seven (7) feet outward for each foot upward beginning at the side of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation or eight hundred and seventy four (874) feet above mean sea level, and extending one thousand fifty (1,050) feet each side of runway primary surface. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides and at the same elevation as the approach surface, and extending to where they intersect the horizontal surface.

3) Horizontal Zone-AHD-H. Established at one hundred fifty (150) feet above the airport or at an elevation of eight hundred and seventy four (874) feet above mean sea level.

4) Conical Zone-AHD-C. Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above the airport elevation and extending to an elevation of one thousand seventy four (1,074) feet above mean sea level. There are four conical zones (AHD-C-A, AHD-C-B, AHD-C-C, and AHD-C-D) one thousand (1,000) feet horizontally and rise over three hundred (300) feet in elevation. Maximum height of any structure within Conical Zones.

   a) AHD-C-A= 874’ above MSL
   b) AHD-C-B= 924’ above MSL
   c) AHD-C-C= 974’ above MSL
   d) AHD-C-D= 1,024’ above MSL

   Within each of the four conical zones, the Zoning Administrator may grant additional height allowance based on a 1. 20 slope beginning at the outer edge of the horizontal surface and extending out four thousand (4,000) feet, if and only if the person requesting the additional height can provide proof of exact elevation of the property by a Registered Land Surveyor.

(B) Restrictions within the Airport Overlay District

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

(C) Non-Conforming Uses within the Airport Overlay District

1) Regulations Not Retroactive. The regulations prescribed by this section shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure begun prior to the effective date of this Ordinance.

2) Markings and Lighting. Notwithstanding the preceding provision of this section, the owner of an existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Davidson County Airport Authority to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of Davidson County Airport Authority.

(D) Permit Required

The Zoning Administrator shall not issue a zoning permit within an AHD-A, AHD-T, AHD-H or AHD-C area until it has been determined that the proposal is in compliance with the terms of these regulations.

1) Future Uses. Except as specifically provided in (1), (2), and (3) below, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no trees shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient information particularly to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this section shall be granted.

    a) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree structure less than one hundred (100) feet of vertical height above the ground except when because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
    b) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than three thousand six hundred (3,600) feet from each end of the runway, no permit shall be required for any tree or structure less than one hundred (100) feet of vertical height above the ground except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

c) In the areas lying within the limits of the transition zones, no permit shall be required for any tree or structures less than one hundred (100) feet above the ground, except when such tree or structure because of terrain, land contour or topographic features, would extend above the height limit prescribed for such transition zones.
d) Amateur radio operators must comply with Part 97 of Federal Communications Commission (FCC) regulations.
e) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any structure or growth of any tree in excess of any height limits established by this Ordinance except as set forth herein.

(E) Existing Uses

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

(F) Nonconforming Uses Abandoned or Destroyed

Whenever the Zoning Administrator determines that a nonconforming tree or structure has been abandoned or more than eighty percent (80%) torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

(G) Proposed Structures

For all structures exceeding 200 feet in height and lying outside of the enforcement zones, the applicant must file a Form 7460, as amended and applicable documentation with the Federal Aviation Administration (FAA) and County. The Applicant must receive and provide to the County correspondence from the FAA which indicates what, if any, impact the proposed structure has on the existing or proposed airport. If the FAA determines that the proposed structure has either a detrimental impact or is a hazard to navigation, then the structure will be considered unsuitable and inappropriate for construction at that site.

(H) Obstruction Marking and Lighting

Any permit or variance granted may be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary.

Section III.9 **TABLE OF PERMITTED USES**

(A) General Guidance

1) All uses unless otherwise described, are considered a principal use.
2) Districts in which particular uses are permitted as a use by right are indicated by "X."
3) Districts in which a particular use is permitted upon demonstrating compliance with specific development standards are indicated by "D."
4) Districts in which particular uses are permitted as a Special Use upon approval by the Governing Body are indicated by "SA" (Class A Special Use).
5) Districts in which particular uses are permitted as a Special Use upon approval by the Board of Adjustment are indicated by "SB" (Class B Special Use).
6) Districts in which particular uses are prohibited are indicated by a blank.
7) Any use not described or categorized in the Table below shall be interpreted by the Zoning Administrator to be subject to the standards and restrictions of the most similar use listed below. Appeals of the interpretation may be made to the Board of Adjustment.

TABLE OF PERMITTED USES															
Use	**Zoning District**														
	RA-1	**RA-2**	**RA-3**	**RS**	**RM-1**	**RM-2**	**RC**	**CS**	**OI**	**HC**	**LI**	**HI**	**MX-R**	**MX-C**	**PEC**
Abattoir; animal processing												X			
Above Ground Three Phase Electric Power Distribution Lines[1]	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Accessory Residence to a Non-Residential Use within a Single Structure[5]							D	D		D	D	D	D	D	D
Adult Use										SA				SA	
Agritourism Business, less than 10,000 sq. ft. retail area	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Agritourism Business, 10,000 sq. ft. or more retail area	SB	SB	SB	SB	SB	SB	SB	SB	SB				SB	SB	SB
Airport, General Aviation	SA	SA	SA								SA	SA			SA
Animal Grooming (Stand Alone Business)	D	D	D		D	D	D	D	D	D			D	D	D
Animal Husbandry	SB	SB	SB												
Animal Shelter[10]	SA	SA	SA				D	D		D			SA	D	D
Apartments					X	X			X				X	X	X
Arena							SB			SB	SB	SB		SB	SB
Auditorium								X		X	X	X	X	X	X
Automobile Body Shop[2]							D	D		D	D	D		D	D
Auto Car Wash, Drive-thru with Vehicle Stacking							X	X		X	X	X	X	X	

TABLE OF PERMITTED USES															
Use	**Zoning District**														
	RA-1	**RA-2**	**RA-3**	**RS**	**RM-1**	**RM-2**	**RC**	**CS**	**OI**	**HC**	**LI**	**HI**	**MX-R**	**MX-C**	**PEC**
Automobile Sales, New and Used							X	X		X	X	X		X	X
Banks; Savings and Loan Association								X	X	X			X	X	X
Beauty and Barber Shop							X	X		X			X	X	X
Bed and Breakfast Inn[3]	SB	SB	SB	SB	SB	SB	X	X		X			SB	SB	X
Biodiesel Fuel Production, Accessory Use	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Botanical Gardens, Arboretum	X	X	X	X	X	X							X		
Bottling Plant											X	X			X
Brick, Tile, & Cement Manufacturing												X			
Builders Supply Sales										D	D			D	D
Bus Passenger Terminal								X		X			X	X	X
Carnival, Fairgrounds										X	X			X	X
Cemetery	SB	SB	SB	SB	SB	SB	SB			SB			SB	SB	
Chemical Manufacturing												X			
Church and Customary Accessory Uses (on-premises Cemeteries, Child Care, etc…)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Community Center, Public or Non-Profit, for Assembly and Recreation	X	X	X		X	X	X	X		X			X	X	X

TABLE OF PERMITTED USES															
Use	**Zoning District**														
	RA-1	**RA-2**	**RA-3**	**RS**	**RM-1**	**RM-2**	**RC**	**CS**	**OI**	**HC**	**LI**	**HI**	**MX-R**	**MX-C**	**PEC**
Compartmentalized Storage for Individual Storage of Residential and/or Commercial Goods							X	X		X	X	X	X	X	X
Concrete and/or Asphalt Product Plant												X			
Condominium					X	X			X				X	X	X
Convenience Store							X	X		X			X	X	X
Country Club, Membership Swim and Tennis Club	X	X	X	X	X	X							X	X	
Day Care Facility, freestanding							X	X	X	X			X	X	X
Day Care, Home	X	X	X	X	X	X							X	X	
Day Care, Home (Large)	SB	SB	SB	SB	SB	SB			SB				SB	SB	
Drive-In Theater										SB	SB			SB	SB
Drive-In Window, accessory to a use permitted in the District								X	X	X	X		X	X	
Dry Cleaning, Laundry								X		X	X		X	X	X
Dumpster Site (box site)	X	X	X								X	X			
Dwelling, Single-Family	X	X	X	X	X	X			X				D	D	D
Dwelling, Two-Family	D	D	D		D	D			D				D	D	D
Electrical Generation Facility[1]												X			

TABLE OF PERMITTED USES															
Use	**Zoning District**														
	RA-1	**RA-2**	**RA-3**	**RS**	**RM-1**	**RM-2**	**RC**	**CS**	**OI**	**HC**	**LI**	**HI**	**MX-R**	**MX-C**	**PEC**
Electrical Power Transmission Lines over 44,000 Volts; Gas and Fuel Distribution Lines over 100 PSI	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Expansion of Non-Conforming Commercial or Industrial Use in a Residential District	SB	SB	SB	SB	SB	SB							SB	SB	
Extraction of Earth Products	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA
Family Care Home	D	D	D	D	D	D			D				D	D	D
Farm Machinery Sales		X	X					X		X	X	X	X	X	X
Farm Supplies Sales (feed, seed, fertilizer, etc.)	X	X	X				X	X		X			X	X	X
Farm – Bona Fide~~s~~ (exempt from zoning)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Firing Range, Indoor							SB	SB		SB	SB	SB	SB	SB	SB
Firing Range, Outdoor including Skeet, Trap, and Turkey Shoot	SB	SB	SB												
Flea Market, Indoor or Outdoor							X	X		X			X	X	
Foundry, Up to 6,000 sf											X	X			X
Foundry, Greater than 6,000 sf												X			
Freight Terminal, Truck or Rail											X	X			X

TABLE OF PERMITTED USES															
Use	**Zoning District**														
	RA-1	**RA-2**	**RA-3**	**RS**	**RM-1**	**RM-2**	**RC**	**CS**	**OI**	**HC**	**LI**	**HI**	**MX-R**	**MX- C**	**PEC**
Fuel Oil Dealer											X	X			X
Funeral Home							X	X	X	X			X	X	
Furniture Manufacturing											X	X			X
Golf Course	X	X	X	X									X	X	
Golf Driving Range	SB	SB	SB		SB	SB		SB	SB	SB	SB	SB	SB	SB	SB
Golf, Miniature								X		X			X	X	
Governmental Emergency Services	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Governmental Offices	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Greenhouse, Nursery, Landscaping, Plant Cultivation & Sales, commercial							X	X	X	X	X	X	X	X	X
Grocery Store (Supermarket)								X		X			X	X	X
Group Care Facility; Group Home	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB	SB
Hazardous Waste Facility												SA			
Home Furnishings and Appliance Sales								X		X			X	X	X
Home Occupation	D	D	D	D	D	D	D		D				D	D	D
Hospitals, Medical Clinic								X	X	X			X	X	X
Hotel /Motel								X		X			X	X	X

TABLE OF PERMITTED USES															
Use	**Zoning District**														
	RA-1	**RA-2**	**RA-3**	**RS**	**RM-1**	**RM-2**	**RC**	**CS**	**OI**	**HC**	**LI**	**HI**	**MX-R**	**MX-C**	**PEC**
Junk Motor Vehicle, Accessory Use	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Junkyard, Automobile Graveyard											SB	SB			SB
Kennels, Commercial	SB	SB	SB				D	D		D			D	D	D
Kennel, Non-Commercial, Accessory Personal Use	X	X	X	X	X	X	X	X		X			X	X	X
Laboratories; Analytical, Experimental, or Testing											X	X			X
Landfill, Greater than 10 Acres		SA	SA								SA	SA			
Landfill, Less than 10 Acres		SA	SA								SA	SA			SA
Library							X	X	X	X			X	X	X
Livestock Sales	X	X	X									X			
Lodges, Fraternal and Social Organizations	SB	SB	SB		SB	SB		X	SB	X			SB	SB	SB
Machine Shop, Welding Shop											X	X			X
Manufacturing, fabrication or assembly of pre-structured materials or components											D	D			D
Manufacturing, heavy processing or fabrication												D			
Manufacturing, light processing or fabrication											D	D			D

TABLE OF PERMITTED USES															
Use	**Zoning District**														
	RA-1	**RA-2**	**RA-3**	**RS**	**RM-1**	**RM-2**	**RC**	**CS**	**OI**	**HC**	**LI**	**HI**	**MX-R**	**MX-C**	**PEC**
Manufactured Home, Class A (on individual lot)	X	X	X		X				X						X
Manufactured Home, Class B (on individual lot)		X	X		X										
Manufactured Home, Class C (on individual lot)[4]		SB	SB		SB										
Manufactured Home, Class B/C Accessory (family hardship)	SB	SB	SB	SB	SB	SB			SB				SB	SB	SB
Manufactured Home, Class B/C ,Park Model Temporary (disaster hardship)	SB	SB	SB	SB	SB	SB			SB				SB	SB	SB
Manufactured Home, Park Model (on individual lot)															
Manufactured Home Park, more than ten (10) Spaces					SA										
Manufactured Home Park, less than ten (10) Spaces	SB	SB	SB		SB										
Manufactured Housing, Travel Trailer, Camper, Marine or Recreational Vehicle Sales										X	X			X	X
Micro Farm	D	D	D	D	D	D	D	D					D	D	
Microwave, Television or Radio Antenna Tower and Facilities (any size)								SA		SA	SA	SA	SA	SA	SA
Motor Vehicle Maintenance & Repair							D	D		D	D	D	D	D	

TABLE OF PERMITTED USES															
Use	**Zoning District**														
	RA-1	**RA-2**	**RA-3**	**RS**	**RM-1**	**RM-2**	**RC**	**CS**	**OI**	**HC**	**LI**	**HI**	**MX-R**	**MX- C**	**PEC**
Museums							X	X	X	X			X	X	
Nursing and Rest Homes					X	X	X	X	X	X			X	X	
Offices							X	X	X	X	X	X	X	X	X
Outdoor Advertising Sign								D		D	D	D	D	D	
Outdoor Storage Yard										D	D	D		D	
Parking, Principal Use[8]	D	D	D	D	D			X	X	X	X	X	X	X	
Parcel Delivery Service								X		X	X		X	X	X
Parks, Playing Fields (Non-profit)	X	X	X	X	X	X	X						X	X	
Pharmacy and Drug Store							X	X		X			X	X	X
Printing Establishment								X		X	X	X	X	X	X
Race Track, Drag Strip, Speedway												SB			
Recreational Facility, Commercial Indoor (e.g., bowling alley, skating rink, game room)								X		X	X	X	X	X	X
Recreational Facility, Commercial Outdoor	SB	SB	SB								SB	SB	SB	SB	SB
Recycling Drop-Off Center							X	X		X	X	X	X	X	X
Repair Service, Electronic & Appliance							X	X		X	X		X	X	X
Residential Storage Facility[8]	SB	SB	SB	SB	SB	SB			SB						

TABLE OF PERMITTED USES															
Use	**Zoning District**														
	RA-1	**RA-2**	**RA-3**	**RS**	**RM-1**	**RM-2**	**RC**	**CS**	**OI**	**HC**	**LI**	**HI**	**MX-R**	**MX- C**	**PEC**
Restaurant, Food and Beverage Establishment							X			X	X	X	X	X	X
Retail Trade, Durable and Non-Durable Goods							X	X		X	X	X	X	X	X
Retreat Center, public or private	SB	SB	SB	SB					SB						SB
Riding Academies	X	X	X												
Rooming Houses					X	X			X				X	X	X
Rural Family Occupation of a non-agricultural or commercial nature	SB	SB	SB												
Saw Mill, permanent	SB	SB	SB								D	D			D
Saw Mill, temporary	X	X	X												
School, Primary or Secondary	X	X	X	X	X	X	X	X	X				X	X	X
Service Station							X	X		X	X	X	X	X	X
Solar Collector/Energy System, Accessory Use	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Solar Farm	SA	SA	SA				SA		SA		SA	SA			SA
Special Event, Accessory Use	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Storage of Low Explosives[7]		SB	SB								SB	SB			SB
Streets; Railroad Tracks	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

TABLE OF PERMITTED USES															
Use	**Zoning District**														
	RA-1	**RA-2**	**RA-3**	**RS**	**RM-1**	**RM-2**	**RC**	**CS**	**OI**	**HC**	**LI**	**HI**	**MX-R**	**MX- C**	**PEC**
Structure, Temporary; Related to Development of Land	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Structure, Non-permanent	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Telephone Exchange, Switching Station	SB	SB	SB	SB	SB	SB	X	X	X	X	X	X	SB	SB	X
Townhome					X	X			X				X	X	X
Travel Trailer Park; Campground	SB	SB	SB		SB										
Travel Trailer/Recreational Vehicle, Temporary Accessory Use (Disaster Hardship)	D	D	D	D	D	D			D						
Underground Electrical Power Distribution Lines Under 44,000 Volts; Gas or Liquid Fuel Distribution Under 100 PSI	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Utility Station and Substation	SB	SB	SB	SB	SB	SB	X	X	SB	X	X	X	SB	X	SB
Utility Tower , Water Storage Tanks[6]	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA
Vending Kiosk, accessory to a commercial use							X	X	X	X			X	X	X
Veterinary Clinic, including accessory uses							X	X	D	X			X	X	
Vocational or Professional School							X	X	X	X	X	X	X		X

TABLE OF PERMITTED USES															
Use	**Zoning District**														
	RA-1	**RA-2**	**RA-3**	**RS**	**RM-1**	**RM-2**	**RC**	**CS**	**OI**	**HC**	**LI**	**HI**	**MX-R**	**MX- C**	**PEC**
Warehouse											X	X			X
Water and Sewer Lines	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Water Treatment Plant; Waste Treatment Plant (Public)	SA	SA	SA								SA	SA			SA
Welding or Other Metal-Working											X	X			X
Wind Energy Facility	SA	SA	SA				SA		SA		SA	SA			SA
Wind Energy Facility, Accessory Use	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Wireless Telecommunications co-location	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Wireless Telecommunications Tower and Facilities, up to 160 feet*	SA	SA	SA					D	SA	D	D	D	D	D	D
Wireless Telecommunication Towers and Facilities, greater than 160 feet								SA		SA	SA	SA	SA	SA	SA
Wholesale Storage, Sales or Services											X	X			X

Foot Notes to the Table of Permitted Uses.

1. *amended 8-19-03*
2. *amended 12-8-03*
3. *amended 3-5-01*
4. *amended 5-11-90*
5. *amended 4-2-01*
6. *amended 2-5-98*

7. amended 6-4-01 *8. amended 8-3-15* *9. amended 11-2-15*

10. amended 9-12-17

**Towers less than 160 feet in height that cannot meet the development standards will be required to obtain a Special Use Permit Class A for a Wireless Telecommunication Tower and Facility greater than 160 feet.*

Article IV. DIMENSIONAL REGULATIONS

Section IV.1 ESTABLISHMENT OF DIMENSIONAL REGULATIONS

Regulations governing the required minimum lot size, minimum lot width, required front, side and rear setbacks, maximum building height and maximum lot coverage for each general district shall be as shown in the Table of Area, Height and Placement Requirements.

The following regulations regarding the area, height and placement requirements are to be applied to the standards found in the Table of Area, Height and Placement Requirements.

Section IV.2 NO PORTION OF A LOT TO BE INCLUDED IN ANOTHER

No portion of a lot used in connection with an existing or proposed building, structure or use necessary for compliance with the Dimensional Regulations of this Ordinance shall, through sale or otherwise, be used again as a part of the lot required in connection with any other building, structure, or use.

Section IV.3 EXCEPTIONS

(A) Modification of Height Limit

The height limits of this Ordinance may be modified, upon appeal to the Board of Adjustment, in their application to church spires, belfries, cupolas, penthouses, domes, water towers, passive solar collectors, observation towers, power transmission lines and towers, radio and television towers, masts and aerials, flagpoles, chimneys, smokestacks, ventilators, skylights, derricks, conveyors, cooling towers, and other similar and necessary mechanical appurtenances pertaining to and necessary to the permitted uses of the Zoning Districts in which they are located.

Where any of the exceptions to height limits relate to a use that is part of a Special Use Permit, the exception shall be considered and granted, if appropriate, as a part of the Special Use Permitting process.

1) Criteria for Granting Exceptions. In reaching a decision on an application for an exception to the height limits, the Board of Adjustment shall use the following standards.
    a) The structure for which the application has been made is an appurtenance to a permitted use in the Zoning District in which it is located.
    b) The structure is so located as not to endanger the occupants of adjacent property or the structures thereon.
    c) The requested height limit modification shall not violate any provisions of the Airport Zoning Height Limitations of Davidson County as they now exist or may exist in the future.
    d) The requested height modification shall not be harmful to the neighborhood in which it is located.
2) Reasonable Conditions. The Board of Adjustment, when considering an application for an exception to the height limits, may affix to that approval reasonable conditions, to protect the public health, safety, and general welfare.

Section IV.4 DETERMINATION OF AN EXISTING RESIDENTIAL FRONT SETBACK LINE

In residential zoning districts, where the average of the front setback for all adjacent lots, which are located within one hundred feet of either side of a lot and on which there are existing buildings, is less than the required front setback specified in this Ordinance, the minimum required setback line shall be provided on the lot equal to this lesser average depth or a distance of ten feet, whichever is greater.

Section IV.5 PERMITTED PROJECTIONS INTO REQUIRED SETBACK

(A) Architectural Features

Certain architectural features such as cornices, eaves and gutters may project three (3) feet into the required front setback, five (5) feet into the required rear setback and two (2) feet into the required side setback.

(B) Balconies, Porches, Fire Escapes, Awnings

An unenclosed balcony, porch or deck; fire escape or metal awning may project into the required front or rear setback for a distance not to exceed ten (10) feet, or into the required side setback for a distance not to exceed three (3) feet. A porch which is screen or glass enclosed shall be considered an enclosed porch. An enclosed vestibule, containing not more than forty (40) square feet, may project into the required front setback for a distance not to exceed four (4) feet.

(C) Fences and Walls

Fences and walls within the required front setback are permitted as long as they do not exceed five (5) feet in height. Fences and walls are permitted in the required side and rear setback as long as they do not exceed six (6) feet in height. In each instance, the requirements of Section 4.07 shall govern where visibility at intersections is involved.

Section IV.6 DIMENSIONAL STANDARDS FOR ACCESSORY STRUCTURES

Accessory structures in a residential zoning district shall conform to the following dimensional regulations, except as may otherwise be provided in this Ordinance.

(A) Residential District Accessory Structure Standards

1) Accessory structures shall not exceed twenty (20) feet in height.
2) Accessory structures shall not be erected in any required front setback.
3) Accessory structures located beside or in front of the principal structure may not be closer than ten (10) feet to any side lot line.
4) Accessory structures located behind the principal structure on the same lot and any principal building on an abutting lot may not be closer than five (5) feet to any side or rear lot line.
5) An attached private garage or carport, not exceeding twelve (12) feet in height, may occupy a portion of the required side setback, provided it does not result in a side setback when combined with the side setback of the adjacent lot of less than ten (10) feet.
6) Properties with direct frontage on a body of water with a normal pool level may allow the placement of an accessory structure in the front or side yard, provided it can meet the required front setback and be located no closer than five (5) feet to any side lot line.

Section IV.7 VISIBILITY AT INTERSECTIONS IN RESIDENTIAL DISTRICTS

On a corner lot in any residential zoning district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede visibility between a height of three (3) and ten (10) feet above the center-line grade of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines, thirty-five (35) feet from the point of the intersection of the street lines.

Section IV.8 IRREGULAR LOTS-FURTHER SUBDIVISION OR CREATION

Any irregular lot of record at the time these regulations become effective may be subdivided in compliance with applicable subdivision regulations and improvement requirements to create additional regular lots, provided that such lots meet all requirements of the district and that no residual substandard lots remain as a result of such action.

Section IV.9 DIMENSIONS AND MEASUREMENT OF LOTS

(A) Depth of Regular Lots

Depth of a regular interior lot shall be measured from the midpoint of a line connecting the two side lot lines at the front of the lot to the midpoint of a line connecting the two side lot lines of the lot at the rear. In the case of lots not bounded by four lines, the rear line shall be construed to be perpendicular to the longest front-to-rear axis at a point where the length of such rear line within lot lines is not less than 25 feet. Depth of regular corner and through lots shall be measured in the same manner, with the following adjustments. Lines constructed at street right-of-way lines corresponding to one or more side lot lines on interior lots, and lines constructed at street frontages corresponding to rear of lines on interior lots shall conform to straight-line extensions or connections of the edges of the lot where radii have been established at intersections or streets are curvilinear.

(B) Width of Regular Lots

Width of a regular lot shall be determined by measurement at the required front setback, provided that the width between side lot lines at the street shall not be less than eighty percent (80%) of the required minimum lot width. In the case of lots on the turning circle of a cul-de-sac or at points of street curvature where the radius at the right-of-way line (or a circle approximately following the right-of-way line and intersecting the foremost points of the side lot lines) is less than 90 feet, the eighty percent requirement shall not apply.

On corner lots and through lots, width requirements shall be considered met if the regular lot has one frontage meeting such requirements and contains a buildable area of width, depth and area at least equivalent to that remaining on a rectangular interior lot of minimum dimensions required in the district.

(C) Lot Frontage of Regular Lots

1) On regular interior lots, the front shall be construed as the shortest boundary adjacent to a street. If the lot has equal frontage on two streets, frontage shall be construed in accordance with the prevailing building pattern, or the prevailing lot pattern if a building pattern has not been established.

2) On regular corner lots, the front shall be construed as the shortest boundary adjacent to a street. If the lot has equal frontage on two streets, frontage shall be construed in accordance with the prevailing building pattern, or the prevailing lot pattern if a building pattern has not been established.

3) On reversed frontage corner lots, if the shortest boundary fronting on a street is 80% or more of the length of the longest boundary fronting on a street, the applicant may select either frontage, if lot width requirements for the district are met.

4) On regular through lots, all portions adjacent to streets and meeting lot width requirements shall be considered frontage.

Section IV.10 **SETBACKS ON REGULAR LOTS**

(A) Measuring Setbacks

1) Setbacks adjacent to streets, however termed (front, side of rear), shall be measured as follows: a straight line shall be drawn between the two points at which lot lines for the portion of the lot involved intersect street lines. Where property corners are rounded, such points shall be plotted by projecting the lot lines to the point where they would have met without rounding. Depth of required setbacks adjacent to public streets shall be measured perpendicular to such straight lines, and the inner line of such required setbacks shall be parallel to the outer line.

2) Front Setbacks on regular lots are open spaces extending across the frontage of the lot between side lot lines. Depth of required front setbacks shall be measured as indicated under setbacks adjacent to streets, above.

3) Interior setbacks on regular lots are all setbacks other than those adjacent to streets.

4) Rear setbacks on regular lots are open spaces extending across the full width of the lots at the rear, between side lot lines. Corner and through lots will have no rear setbacks, but only front and side setbacks. For most lots, depth of a rear setback shall be measured perpendicular to the lot line, so that the required setback is a strip of the minimum depth prescribed by district regulations. However, in the case of lots whose rear lines intersect in the general form of an angle pointing away from the street the required rear setback shall be construed as running between the apex of the angle and a line parallel to the rear line of the required front setback, and at the distance prescribed for a rear setback from the apex of the angle. Adjacent to the remainder of such lot lines, side setback requirements shall apply.

5) Side setback on regular lots run from the rear line of the front setback to the front line of the rear setback. The depth of a side setback shall be measured perpendicular to the side lot line, so that the required setback is a strip of the minimum depth prescribed by district regulations.

Section IV.11 **DIMENSIONAL REQUIREMENTS FOR IRREGULAR LOTS**

(A) Computing Setbacks

1) Minimum lot area, computed as for regular lots, shall meet district requirements for the proposed uses and structures.

2) Setbacks adjacent to streets shall be provided with the same distance from lot lines as is required for side yards for the same structures and uses on regular lots in the district.

3) Interior setbacks shall provide at least the same clearance from lot lines as is required for side yards for the same structures and uses on regular lots in the district.

4) Total area in open space on the lot shall not be less than total area in setbacks and other open space required for the use on a regular rectangular lot of required minimum width and area. Aside from the minimum requirement for separation equivalent to that provided for side setbacks on regular lots, open space may be located and dimensioned without regard to designation as front, side, or rear setbacks, but shall be subject to limitations as to occupancy as for setbacks generally. Maximum lot coverage by all buildings shall not exceed any limitation set generally by district regulations.

Section IV.12 **WIDTH EXEMPTION**

Notwithstanding other requirements of this Ordinance, lots meeting the dimensional and related requirements above may be used for purposes permitted in the District in which located even though such lots do not have the width required for regular lots, as measured at the rear line of the required front setback.

Section IV.13 **TABLE OF DIMENSIONAL REQUIREMENTS**

Zoning District	**Minimum Lot Area (square feet)[1, 2]**	**Maximum Lot Coverage[3]**	**Minimum Lot Width (feet)**	**Minimum Front Setback (feet)**	**Minimum Side Setback (feet)[4]**	**Minimum Rear Setback (feet)[5]**	**Maximum Building Height (feet)[6]**
RA-1-2-3 On-site Septic/Well Public Water/Sewer	20,000 15,000	30%	100 90	30	10	20	35
RS On-site Septic/Well Public Water/Sewer	20,000 15,000	30%	100 90	30	10	20	35
RM-1 On-site Septic/Well	20,000	40%	100	25	10	20	35
RM-2 Public Water/Sewer	15,000	60%	90	25	10	20	35
RC On-site Septic/Well Public Water/Sewer	30,000	30% 40%	125	30	0	10	35

Zoning District	Minimum Lot Area (square feet)[1, 2]	Maximum Lot Coverage[3]	Minimum Lot Width (feet)	Minimum Front Setback (feet)	Minimum Side Setback (feet)[4]	Minimum Rear Setback (feet)[5]	Maximum Building Height (feet)[6]
CS On-site Septic/Well Public Water/Sewer	40,000	30% 40%	125	50	0	10	35
O/I On-site Septic/Well Public Water/Sewer	30,000	40% 50%	125	30	10	25	35
HC On-site Septic/Well Public Water/Sewer	30,000	30% 40%	125	50	0	20	35
LI On-site Septic/Well Public Water/Sewer	30,000	35% 45%	125	30	15	20	50
HI On-site Septic/Well Public Water/Sewer	80,000	30% 40%	125	50	20	25	125
MX-R[7] Residential Lots Commercial Lots	 N/A 30,000	 60% 75%	 65 125	 25 50	 10 0	 20 10	 35 35
MX-C[8] Residential Lots Commercial Lots	 N/A 30,000	 60% 40%	 65 125	 25 50	 10 0	 20 20	 35 35
PEC	653,400	50%	125	15 75 Maximum	25	25	75

Table Notes:

1) Additional lot area may be required by the Davidson County Health Department to accommodate onsite water and septic systems.
2) Each additional dwelling unit shall require additional lot area equal to the minimum lot area required in the district, except for those units in the RM-2 Zoning District where the minimum additional square footage will be 3000 per additional unit after the first.
3) Single family residences are exempt from lot coverage limits.
4) The side setback shall be a minimum of fifteen (15) feet for non-residential uses where the abutting lot is residentially zoned or abutting a street.
5) The rear setback shall increase by fifteen (15) feet for non-residential uses where the abutting lot is residentially zoned.
6) For every one (1) foot in additional height above the maximum shown, one (1) additional foot of front, rear and side setback must be provided in residential districts; one-half (1/2) an additional foot setback in non-residential districts.
7) For developments within an MX-R, Mixed Use, Residential District, a setback of twenty-five (25) feet shall be observed along the external boundary of the development site.
8) For developments within an MX-C, Mixed Use, Commercial District, a setback of thirty (30) feet shall be observed along the external boundary of the development site.

Article V. SPECIAL USES

Section V.1 INTENT

It is the intent of the Governing Body 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. It is the intent of the Governing Body to delineate the areas of concern connected with each Special Use and to provide standards by which applications for such Special Use permits shall be evaluated.

The general standards, established herein and the more specific requirements described for each special use shall be used by the Board of Adjustment, ~~the Planning Board~~ and the Governing Body, as appropriate, to direct deliberations upon applications for the approval of Special Uses.

Commented [VB4]: Delete Planning Board as Sec. 5.02 says sp use permits are granted by governing board and BOA. Also Planning Board doesn't make quasi-judicial decisions.

Section V.2 ESTABLISHMENT OF CLASSES OF SPECIAL USES

There are hereby established two classes of Special Uses which shall be considered as shown.

Class A- Approved or disapproved by Governing Body.

Class B- Approved or disapproved by Board of Adjustment.

Section V.3 APPLICATION REQUIRED

Applications for special use permits shall be submitted on forms provided by the Zoning Administrator. Such forms shall be prepared so that when complete a full and accurate description of the proposed use, its location, appearance and operational characteristics are disclosed. All forms shall include relevant information to show compliance with the general and following specific standards governing the proposed special use(s).

Special Use applications shall be filed with the Zoning Administrator, who shall, before accepting an application, review it for completeness. Applications which are not complete, or otherwise do not comply with the provisions of this Ordinance shall not be accepted by the Zoning Administrator and shall be returned to the applicant with a notation of the deficiencies in the application.

Upon acceptance, an application shall be reviewed by applicable Davidson County staff.

Within 30 days of acceptance, following staff review, the Zoning Administrator shall prepare a recommendation for consideration by the appropriate Board.

Section V.4 PROCEDURES

(A) Public Hearing

Before considering the application, the deciding Board shall conduct a quasi-judicial public evidentiary hearing in accordance with the procedures described in Article VII-Section 4 and notice as provided in Article VII-Section 7~~12~~ of this Ordinance.

(B) Oaths and Affirmations

All evidence presented at the public hearing in regard to an application for a special use permit ~~conditional zoninguse districts and conditional zoninguse permits~~ shall be under oath or affirmation.

Commented [VB5]: Special use permits, not conditional zoninf districts

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(C) Evidence

It shall be the responsibility of the applicant to present evidence in the form of testimony, exhibits, documents, models, plans and the like to support the application for approval of a special use.

(D) Conditions

If conditions are imposed by the deciding Board, they shall be reasonable and shall protect public health, safety and general welfare, ensure substantial justice and equitable treatment of the applicant. Such conditions, along with the permit shall run with the land and shall be binding on the original applicant as well as all successors, assigns and heirs. The applicant or landowner must provide written consent to conditions related to the special use permit.

(E) Findings of Fact, Amended *11-2-2015*

No special use permit shall be granted by either board unless findings based on each of the following standards are made concerning the proposed use.

1) The use will maintain the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted;
2) The use is listed as a Special Use in the district in which it is proposed to be located, and complies with the regulations and standards of this Ordinance including the Dimensional regulations (Article IV), as well as those contained in the individual standards for that special use;
3) The use will maintain or enhance the value of contiguous property, or that the use is a public necessity;
4) The use is in compliance with the general plans for the physical development of the county as embodied in these regulations.

(F) Board Action

After completion of the public hearing, the deciding Board shall take action to approve, approve with conditions or deny the application. When issuing or denying a special use permit, a vote no greater than a majority shall be required by the Governing Body. Such actions by the Board of Adjustment shall require a ~~four-fifths vote~~majority vote. The deciding board shall make general findings based upon substantial evidence contained in its proceedings.

In every case, the action of the board or governing body shall include a summary of the evidence supporting the action taken by it on the application.

Section V.5 CHANGES AND MODIFICATIONS OF PLANS

(A) Approval of Minor Changes

The Zoning Administrator is authorized to approve minor changes in the approved plans of special uses, as long as they are in harmony with action of the approving Board, but shall not have the power to approve changes that constitute a modification of the approval. A modification shall require approval of the board having jurisdiction and shall be handled as a new application.

1) Criteria Defining Minor Changes and Modifications. The Zoning Administrator shall review the record of the proceedings on the original application and shall use the following criteria in determining whether a proposed action is a minor change or a modification.

   a) Any change in location or any increase in the size or number of signs shall constitute a modification.
   b) Any increase in intensity of use shall constitute a modification. An increase in intensity of use shall be considered to be an increase in usable floor area, an increase in number of dwelling or lodging units, and/or an increase in outside land area devoted to sales, displays, or demonstrations.
   c) Any change in parking areas resulting in an increase or reduction of 5% or more in the number of spaces approved by the Governing Body shall constitute a modification. In no case shall the number of spaces be reduced below the minimum required by this Ordinance.
   d) Structural alterations significantly affecting the basic size, form, style, ornamentation and the like of the building as shown on the approved plan shall be considered a modification.
   e) Substantial change in the amount and/or location of open space, recreation facilities or landscape screens shall constitute a modification.
   f) A change in use shall constitute a modification.
   g) Substantial changes in pedestrian or vehicular access or circulation shall constitute a modification.

(B) Procedure for Modifications

The Zoning Administrator shall, if it is determined that the proposed action is a modification, require the applicant to file a request for approval of the modification, which shall be submitted to the body which approved the original application. The approving body may approve or disapprove the application for approval of a modification and, prior to its action, may hold a quasi-judicial evidentiary public~~c~~ hearing thereon.

Section V.6 **CONSTRUCTION**

Upon granting of any special use permit issued in conjunction with the issuance of a building permit, the building permit must be obtained and construction or the proposed use begun within 180 days of the date of the Board of Adjustment or Governing Body hearing, after which the special use permit shall be considered null and void.

Section V.7 **REGULATIONS GOVERNING INDIVIDUAL SPECIAL USES**

(A) General Provisions

1) Site Plan Required. All uses requiring a special use permit must submit a site plan as part of the special use permit application. Ten (10) copies of the site plan shall be submitted and shall reflect the specific requirements described herein.

2) Compliance with Other Requirements. All uses requiring a special use permit must demonstrate compliance with applicable requirements and provisions of Davidson County Health Department, the Davidson County Inspections Department, the North Carolina Department of Transportation and the North Carolina Department of Environment and Natural Resources.

3) Compliance with specific requirements. All uses requiring a special use permit must demonstrate compliance with the specific requirements described herein for the use requested.

Section V.8 REQUIREMENTS FOR INDIVIDUAL SPECIAL USES

(A) Adult Uses

Allowed Districts: HC, MX-C

Approved by: Governing Body

Minimum Lot Size: Governed by Zoning District

Submittals:

1. Elevations of the building as proposed
2. Site plan showing the lot, with all existing and proposed buildings thereon and showing the distance to the nearest existing adult use if within 1,000 feet.

Standards:

A. All windows, doors, openings, entries, etc… for all adult uses shall be so located, covered, screened or otherwise treated that views into the interior of the establishment are not possible from any public or semi-public area, street or way.

B. No adult use shall be established within 500 feet of any residentially zoned land, nor any church, school, park, playground, synagogue, convent, library, or areas where large numbers of minors regularly travel or congregate.

C. No adult use shall be located within a 500-foot radius of another adult use.

(B) Agritourism Business, 10,000 Square Feet or More Retail Area

Allowed Districts: RA-1, RA-2, RA-3, RS, RM-1, RM-2, RC, OI, MX-R, MX-C, PEC

Approved by: Board of Adjustment

Minimum Lot Size: Three (3) acres

Submittals:

1. A site plan detailing the location of any structures, areas of public use, parking and landscaping associated with the proposed agribusiness shall be required.

Standards:

A. Association with bona fide farm. The facility must be operated in association with an existing bona fide farm located on the same property, or multiple adjoining properties under the same ownership.

B. Access. Direct access to a public right of way shall be required, through a minimum 30 foot strip of land, easement or direct abutment.

C. Activities and uses permitted. Warehousing of goods for sale, either retail or wholesale, shall be limited to the rear yard.

D. Buildings and Structures.

1) All structures used in conjunction with the business shall be designed and constructed to mimic the outward appearance of agricultural structures or barns common to the county.

1. No single building used in conjunction with the retail or commercial business shall exceed 50,000 square feet in gross size.

2. No combination of multiple buildings on a single site used in conjunction with the business shall exceed 200,000 square feet.

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E. Hours of operation. Retail-related business activities shall be conducted on-site between the hours of 7:00 am and 11:00 pm unless otherwise permitted.

F. Retail Sales. Goods for sale shall be limited to those produced on the site or associated items and/or memorabilia related to the business.

G. Screening/landscaping.

1) All parking and storage for retail areas shall be screened with a type D landscaping yard.

3. Approved waste containers shall be located in the rear of the building, and be screened from public view.

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H. Lighting. Any outdoor lighting associated with the retail establishment or other areas designated for public access shall be installed as full cut-off

fixtures. Residential dusk-to dawn lighting is permitted elsewhere on the site.

1) No lighting shall be directed onto adjacent property.

4. Floodlights or other high-intensity lighting are prohibited.

I. Mixed use permitted. Business and residential uses may be mixed on a single development site.

J. Associated uses. Associated small-scale processing and/or catering facilities (i.e. cheese making, restaurant), which may enhance the overall property in relation to tourism, are permitted.

(C) Animal Husbandry

Allowed Districts: RA-1, RA-2, RA-3

Approved by: Board of Adjustment

Minimum Lot Size: Three (3) Acres

Submittals:

1. Site Plan showing property boundaries, existing and proposed buildings and parking areas.

Standards:

A. Operations shall not produce the emission of hazardous, objectionable or offensive odors in such concentrations as to be perceptible at or beyond the lot line of the property.

B. Proposed buildings, structures and high intensity activity areas shall be located no closer than 100 feet from any property line.

C. Proposed buildings must resemble farm outbuildings or other non-commercial structures that would be typical of the area.

D. The use must be operated by the landowner; the landowner must reside on subject property.

E. No use approved under this provision shall be operated to constitute a nuisance with respect to noise, dust, vibration and glare.

F. Operations shall meet the requirements and standards of the Davidson County Exotic Animal Ordinance.

G. Outside storage of materials is not permitted.

(D) Animal Shelter, *Amended: 9-12-17*

Allowed Districts: RA-1, RA-2, RA-3, MX-R

Approved By: Governing Body

Minimum Lot Size: 1-10 animals: 5 acres

11-20 animals: 6 acres

21-30 animals: 7 acres

For each additional acre beyond seven acres, an additional ten (10) animals may be allowed, as approved by the Zoning Administrator.

Submittals: A site plan showing the boundaries of the property, proposed buildings and parking areas.

Standards: A. The minimum lot size requirements may be waived if an animal shelter is constructed to entirely enclose all kennel facilities, not including outdoor runs, so as to adequately protect all animals from weather extremes and to protect adjacent residences from noise, odors, soil or water contamination, and trespass by unrestrained animals, provided all building setback requirements are met. Sound abatement may be accomplished through a variety of methods including landscaping treatments, acoustic fencing, or other similar methods. Outdoor runs must be entirely enclosed by a fence adequate to contain all animals.

B. Certification: All animal shelters shall require a certificate of registration from the Veterinary Division of the North Carolina Department of Agriculture and Consumer Service.

C. All lots on which a kennel is located must have frontage on an existing street or a new street that meets the minimum requirements for acceptance and maintenance by the North Carolina Department of Transportation.

D. All structures and outdoor runs shall have minimum front, side, and rear setbacks of one hundred fifty (150) feet. There shall be a separation of at least five hundred (500) feet between residences on adjoining tracts and any building used for animal shelter operation.

E. The minimum side and rear setbacks may be reduced to fifty (50) feet, and the minimum separation between residences on adjoining tracts and any building used for animal shelter operation may be reduced to two hundred fifty

(250) feet, if the animal shelter meets the requirements of Section 5.08 (D)(A) and a screening yard or equivalent is provided along all property lines in which the building setback is less than 150 feet. All fencing used to enclose outdoor runs must be located further away from the property line than the required screening yard. A screening yard for the purposes of this special use permit is defined as a strip of land located at the property line or at the outer edge of the outdoor run that is 15 feet wide. Said screening yard shall contain coniferous vegetation of a type that will reach a minimum height of 20 feet at maturity and shall be placed at intervals so that a continuous unbroken hedgerow will exist when the vegetation reaches maturity. Said vegetation shall be a minimum of 6 feet in height when planted. The Zoning Administrator may waive this screening requirement if existing vegetation is demonstrated to perform as well as the proposed screening yard.

F. Sewage disposal system and sanitation control methods as approved by the Davidson County Health Department shall be required for all animal shelters. (This provision shall include, but shall not be limited to, the sanitary removal or disposal of solid waste, carcasses, or any other items deemed necessary.)

G. Lighting shall not cast light directly on adjacent properties.

H. Quiet Time from 11:00 pm to 6:00 am. This provision is for indoor animal shelters only. Animals that are considered part of the animal shelter facility are subject to this requirement. Quiet Time is defined as a 7 hour period where animals are not permitted outside their shelter into the outdoor runs. This provision will not apply in the event of emergency.

(E) Airport, General Aviation

Allowed Districts: RA-1, RA-2, RA-3,LI, HI, PEC

Approved by: Governing Body

Minimum Lot Size: Governed by Zoning District

Submittals:

1. A copy of the State Airport Systems Plan, showing the proposed site in relation to adopted state airport location policy.

2. A copy of the adopted Regional Airport Systems Plan, showing the proposed site in relation to regional airport location policy.

3. Scaled site plan drawings showing the layout of runways, taxiways, approach zones, overrun areas and proposed structures.

4. Isotopic contours showing the effects of aircraft operations upon land within one mile of the boundary of the proposed site.

5. A map showing all land uses and zoning classifications of abutting property.

6. Location and type of lighting.

Standards:

A. The proposed site conforms to the State Airports System Plan and the Regional Airport System Plan.

B. The site and operations will not adversely affect existing adjacent land uses.

C. Land sufficient to provide approach zoned and overrun areas is owned or controlled by the applicant.

(F) Arena, *Amended: 6-3-96*

Allowed Districts: RC, HC, LI, HI, MX-R, MX-C

Approved by: Board of Adjustment

Minimum Lot Size: Ten (10) acres

Submittals:

1. Site plan showing the boundaries of the property, proposed buildings and parking areas and designation of particular uses within the site plan and the topography and terrain as designated on the plans shall be suitable for such specifically designated use.

Standards:

A. No Structure or area (including seating devices or bleachers) shall be located less than forty (40) feet from contiguous property lines, unless there are existing structures on the adjoining property within 40 feet of the said contiguous lines, in which case the setback for the structure, area or bleachers shall be one hundred (100) feet.

B. No parking areas shall be located less than ten (10) feet from contiguous property lines, unless there are existing structures on the adjoining property within 40 feet of said contiguous property lines in which case no parking will be permitted within 40 feet of said contiguous property line.

C. Lighting shall be so shielded as to cast no direct light upon adjacent properties.

D. Driveways, roads and parking areas shall be treated with dust inhibitors to be specified in the application, which will reduce to a minimum the generation of dust from road and parking surfaces as a result of wind or vehicular action.

E. Public address system shall be designed so as not to constitute an unreasonable disturbance to the adjoining property owners

F. There shall be a minimum of 75 parking (standard car) spaces and 25 enlarged spaces (truck and trailer) at the facility. The parking area must be shown on the proposed site plan. If bleacher or stadium type seating is provided at the facility then there shall be one additional spectator parking space for every four seats provided in excess of 300 seats.

G. Fencing shall be of industrial quality around the arena area perimeter to contain any out of control animals, machinery or vehicles that could pose danger to any spectators in particular and neighborhood residents in general.

H. A fire hydrant shall be located within 500 feet of the public entrance to the area that has a roof and side walls, if public water is available. If the area does not have a roof and side walls, a fire hydrant shall be located within 2,500 feet of the public entrance to the arena if public water is available.

I. Roadside parking shall be prohibited in the general arena area to insure accessibility of large emergency vehicles such as fire trucks.

(G) Bed and Breakfast Inn, *Amended: 8-19-03*

Allowed Districts: RS, RA-1, RA-2, RA-3, RM-1, RM-2, MX-R, MX-C

Approved by: Board of Adjustment

Minimum Lot Size: Governed by Zoning District

Submittals:

1. A site plan shall be submitted showing the location of existing structures on the property (including any proposed additions) screening, parking, and driveway locations.

Standards:

A. The use must be operated by the landowner; the landowner or manager must reside on subject property.

B. Adequate parking shall be provided and be screened from adjacent properties and the public right of way using solid fencing, trees, or shrubs.

C. Proposed structures shall blend into the architecture of the existing structures so as not to appear as a commercial use.

D. No use approved under this provision shall be so operated so as to constitute a nuisance with respect to noise, lights, vibration or traffic.

(H) Cemetery

Allowed Districts: RA-1, RA-2, RA-3, RS, RM-1, RM-2, RC, HC, MX-R, MX-C

Approved by: Board of Adjustment

Minimum Lot Size: Two (2) acres

Submittals:

1. Evidence that the requirements of the North Carolina General Statutes Chapters 65 and 130 can be achieved and that the standards of the NC Cemetery Commission shall be met.

Standards:

A. The site shall have direct access to a collector or arterial street.

B. There shall be adequate space within the site for the parking and maneuvering of funeral corteges or processions.

C. No interments shall take place within 30 feet of any lot line.

(l) Day Care, Home (Large), *Amended: 12-1-97*

Allowed Districts: RS, RA-1, RA-2, RA-3, RM-1, RM-2, O/I; MX-R, MX-C

Approved by: Board of Adjustment

Minimum Lot Size: Governed by Zoning District

Submittals:

1. Site plan showing the location of existing structures, proposed parking, play area and driveway entrance.
2. Certification that all state requirements can be met.

Standards:

A. The daycare occupation shall be that of the landowner, must be owned and operated by the landowner, and landowner must reside in subject home.

B. No more than three (3) staff members.

C. Play area to be fenced.

D. Compliance with the following Staff-to-Child ratios.

Ages of Children	**# of Children**	**# of Staff**	**Additional # of School Aged Children Allowed**	
0 to 12 months	5	1	3	
12-24 months	6	1	2	
2 to 13 years	10	1	0	
3 to 13 years	12	1	0	
All school-aged	15	1	0	

(J) Drive-In Theater

Allowed Districts: HC, LI, MX-C, PEC

Approved by: Board of Adjustment

Minimum Lot Size: Governed by Zoning District

Submittals:

1. Site plan showing proposed structures, parking, stacking and entrance.

Standards:

A. The theater screen shall be located so that the movie shown thereon is not visible from any public right-of-way.

B. No structure on the site shall be closer than 500 feet from any residentially zoned land.

C. A front setback of fifty (50) feet shall be observed.

D. No parking shall be located within 100 feet of any residentially zoned land.

E. Stacking space for autos awaiting admission or exit shall be provided equal to 30% of the capacity of the site.

(K) Expansion of Nonconforming Commercial/Industrial Use In Residential District

Allowed Districts: RA-1, RA-2, RA-3, RS, RM-1, RM-2, MX-R, MX-C

Approved by: Board of Adjustment

Minimum Lot Size: Governed by Zoning District

Submittals:

1. A site plan shall be submitted showing the location of existing facilities on the property and the location of the proposed expansion.

Standards:

A. The facility existed at the time of adoption of this Ordinance was destroyed and is proposed to be rebuilt with an expansion.

B. No expansion shall exceed 25% of the area of the facility existing at the time of adoption of this Ordinance.

C. All dimensional requirements and setbacks of the district where the facility is located shall be met, or an expansion shall not be granted.

(L) Extraction of Earth Products

Allowed Districts: All zoning districts

Approved by: Governing Body

Minimum Lot Size: Governed by Zoning District

Submittals:

1. Site Plan, prepared by a North Carolina registered land surveyor or engineer, which shall contain the following:
   - North arrow, scale and date.
   - Extent of area to be excavated or mined.
   - Location, width and elevation of all easements and rights-of-way within or adjacent to extraction site.
   - Location of all existing or proposed structures on site.
   - Location of all areas on the site subject to flood hazard or inundation.
   - Location of all water courses on the site, including direction of flow and normal fluctuation of flow.
   - Existing topography at a contour interval of two feet, based on mean sea level datum.
   - Proposed handling and storage areas for overburden, by-products and excavated materials.
   - Proposed fencing, screening and gates; parking, service and other areas.
   - Any areas proposed for ponding.
   - Access roads to the site, as well as on-site roads, with indication of surface treatment to limit dust.
2. An Operations Plan which shall include:
   - The date proposed to commence operations and their expected duration.
   - Proposed hours and days of operation.
   - Estimated type and volume of extraction.
   - Description of method of operation, including the disposition of topsoil, overburden and by-products.
   - Description of equipment to be used in the extraction process.
   - Any phasing of the operation and the relationship among the various phases.
   - Operating practices which will be followed to comply with the standard for evaluation applicable to the operation.

3. A Rehabilitation Plan which shall include:

   - A statement of planned rehabilitation of the excavated land, including detailed methods of accomplishment and planned future use of the rehabilitated land.
   - A map showing the final topography, after rehabilitation, to the same scale as the Site Plan; it shall also depict any water areas and methods for 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.
   - 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 completed; the method of disposing of all equipment, structures, dikes and spoil piles associated with the operation.

4. The name, address and signatures of land owners and applicant.

5. A written legal description of survey of the property, prepared by a North Carolina registered land surveyor or engineer.

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 extraction site shall not exceed.

5.	55 dBA	between 7:00 A.M. and 8:00 P.M.
6.	45 dBA	between 8:00 P.M. and 7:00 A.M.

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C. Vibration levels at the boundaries of the extraction site shall not exceed the following standards:

Maximum Peak Particle Velocity

Steady state	1.0 inches/second
Impact	2.0 inches/second

Note. The maximum particle velocity shall be the maximum displacement vector sums of three mutually perpendicular components recorded simultaneously, multiplied by the Frequency in cycles per second. Maximum air blast vibrations, measured at the lot line, shall be 125 decibels on the linear scale.

D. The Rehabilitation Plan shall be referred to the Davidson County Soil and Water Conservation District for review and recommendation.

E. The permanent roads, defined as those to be used in excess of one year, within the excavation site shall be surfaced with a dust free material, such as

soil cement, bituminous concrete or Portland cement concrete. 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.

F. Where the proposed extraction shall take place within 300 feet of a dwelling, school, church, hospital, commercial or industrial building, public building, or public land, a security fence at least six (6) feet high shall be installed.

G. Spoil piles and other accumulations of by-products shall not be created to a height more than thirty-five (35) feet above the original contour and shall be so graded that the vertical slope shall not exceed the material's natural angle or repose.

H. The Operations Plan and the Rehabilitation Plan shall be coordinated so that the amount of disturbed land is kept to the absolute minimum, consistent with good practices and so that rehabilitation proceeds in concert with extraction.

I. The Governing Body shall require a performance guarantee to ensure that the provisions of the Rehabilitation Plan are met. Such performance guarantee shall be in a form approved by the County Attorney and shall, if the contents of Rehabilitation Plan are not met, enable the County to do so.

(M) Firing Range, Indoor

Allowed Districts: RC, CS, HC, LI, HI; MX-R, MX-C, PEC

Approved by: Board of Adjustment

Minimum Lot Size: One (1) Acre

Submittals:

1. A site plan showing boundaries of property, proposed buildings and parking area.
2. Names of Adjacent property owners and zoning classifications of property.

Standards:

A. Plans must conform to the minimum design standards as outlined in the latest revised edition of The NRA Range Source Book, Section 3, Chapters 1-12.

B. Building constructed to significantly reduce noise generated by firing of weapons to a 40 dbl rating at the adjoining property line.

C. Hours of operation. Monday through Saturday 7:00 AM to 10:00 PM; Sunday Hours. 1:00 PM to 6:00 PM.

D. If the structure is to be located within 250 feet of a residential structure or subdivision, vegetative screening of an evergreen variety shall be planted on adjoining residentially zoned property lines.

E. Vegetation shall be of a type that will reach a minimum height of six (6) feet at maturity and shall be placed at intervals so that a continuous unbroken hedgerow will exist to a height of at least 6 feet when the vegetation reaches maturity.

Amended: 12-4-00

(N) Firing Range, Outdoor (Including Skeet, Trap and Turkey Shoot)

Allowed Districts: RA-1, RA-2, RA-3

Approved by: Board of Adjustment

Minimum Lot Size: Rifle or pistol range. 20 acre minimum

Skeet or trapshooting range: 15 acre minimum

Turkey Shoot: Governed by the Zoning District

Submittals:

1. Names of adjacent property owners and zoning classifications of property.
2. Site plan demonstrating compliance with applicable evaluation standards.

Standards:

A. All backstops shall be constructed a minimum of 500 feet from a residence located to the rear and/or side of the back stop. Back stops shall be constructed of material that will allow the shot to penetrate and not pass through. It shall be at a minimum 2 feet thick and maintained at a height of 4 feet above the target.

B. The use of firearms shall be prohibited between the hours of 10:00 PM and 7:00 AM, except at turkey shoots where use of firearms is prohibited between 11:00 PM and 7:00 AM.

Skeet or trapshooting ranges

The distance from firing points to any adjacent property measured from the firing point in the direction of fire shall be at least 300 yards.

Rifle or pistol ranges

There shall be a backstop along the entire length of the target meeting the following specifications:

A. Ranges up to 300 yards long.-An earth embankment a minimum of 25 feet high and a minimum of 10 feet thick at the top. The embankment shall be well seeded to retain a 35 degree slope from the perpendicular; or, if sod is impractical, the slope may be terraced with timber or log retaining walls. The embankment shall be topped with an earth-filled, double-fence barricade a minimum of 15 feet high and 3 feet thick at the top.

B. Ranges greater than 300 yards long. 10 feet of overall height shall be added to the backstop for each additional 100 yards or fraction thereof in additional range. In no case shall the earth embankment be less than 10 feet in thickness at the top, nor shall the double-fence barricade be less than three feet in thickness at the top. The required backstop may be either a natural terrain feature or a man-made earth embankment.

In the case of a natural terrain feature a topographic map at a scale of not less than one inch to 200 feet and two-foot contour interval showing the terrain feature shall be submitted with the request for a special use permit.

Turkey shoots

A. No turkey shoot shall be allowed in the front yard of the district in which it is permitted. All turkey shoots shall be established with the firing line to target area perpendicular to a road right-of-way; except that sites which have more than one right-of-way must designate the road on which the front yard is to be located. A firing line must be established perpendicular to that road and for a distance of 200 feet from a parallel to any other intersecting road right-of-way. The back stop or target area shall be located a minimum of 500 feet from any road right-of-way to the rear of the back stop or target area.

(O) Golf Driving Range

Allowed Districts: RA-1, RA-2, RA-3, RM-1, RM-2, CS, HC, LI, HI, MX-R, MX-C, PEC

Approved by: Board of Adjustment

Minimum Lot Size: Governed by Zoning District

Submittals:

1. A site plan submitted showing the boundaries of the property, proposed buildings and parking areas.

Standards:

A. The depth of the driving range along the driving axis shall not be less than 350 yards measured from the location of the tees and the breadth not less than 200 yards at a distance of 350 yards from the tees.

B. Lighting shall be so shielded as to cast no direct light upon adjacent properties.

(P) Group Care Facility; Group Home

Allowed Districts: All Zoning Districts

Approved by: Board of Adjustment

Submittals:

1. A description of the number and type of persons to be cared for and the nature of the care to be provided.

2. If structure alterations to existing structures or new construction is required or contemplated, a complete description of the nature and extent of these alterations or new construction.

3. If a license or permit to be issued by the State of North Carolina is required to operate such a facility, demonstration that the standards necessary to qualify for such license or permit have been met.

Standards:

A. Structure alterations or new construction if a proposed use is to be located on residentially zoned land shall be of a nature as to preserve the residential character of the existing building or to blend in with the residential character of the surrounding neighborhood.

B. One parking space shall be provided for every two (2) beds.

C. One sign is permitted, not to exceed one (1) square foot of area for each linear foot of building frontage on the principal street.

D. The zoning lot shall not be within a one-half (½) mile radius of a zoning lot containing another such facility.

(Q) Hazardous Waste, Infectious Waste, Low Level Radioactive Waste and Toxic Substance Storage Facilities, Treatment Facilities, Transportation Facilities, and/or Disposal Facilities

Commented [VB6]: Unrelated to 160D – Need to verify that these sp. Use provisions are OK, Or has hazardous waste permitting been pre-empted by the state?

Allowed Districts: HI

Approved by: Governing Body

Minimum Lot Size: 10 acres

Submittals:

1. Four (4) copies of all documents required by any state or federal agency for a permit to operate a hazardous waste, low level radioactive waste or toxic substance facility as defined by this Ordinance.

2. A site plan showing the location of proposed structures within the site as well as existing structures, water courses and zoning district boundaries within the property and a surrounding 500 foot area and such other information as may be necessary to judge the probable effect of the proposed activity on neighboring properties.

3. Four (4) copies of the Contingency Plan consistent with 40 CFR 265.52 to the Davidson County Planning Director, the Davidson County Health Director and the Davidson County Fire Marshal.

Standards:

A. The site is located in a manner consistent with the public health, safety, and welfare and that surface waters, ground waters, population centers, adjacent land uses and Davidson County in general will be protected from the potential injurious effects of a hazardous or infectious waste or toxic substance facility.

B. The site is located outside of Davidson County's designated watersheds as defined by the Division of Environmental Management.

C. Access to the site shall not make use of any residential collector or residential local streets.

D. Storage of hazardous or low level radioactive waste or toxic substances shall be above ground and in a manner consistent with applicable state and/or federal regulations covering each specific stored material.

1) The storage for processing area containment system shall be one and one-half (1.5) times larger than the largest storage tank. If the storage vessels are drums, then the storage area containment system shall be 50% of their total storage volume.

E. All hazardous or low level radioactive waste or toxic substances shall be treated, stored and/or disposed of a minimum of 50 feet from the property line of the facility if the area adjacent to the facility is zoned for industrial use; a minimum of 600 feet from the property line of the facility will be required if the area adjacent to the facility is zoned for any use other than industrial. Greater separation distances or other protective measures may

be necessary to avoid unacceptable risks posed by the proximity of the facility to water table levels, water supplies, and population centers or to provide an adequate buffer zone.

In determining whether to require greater separation distances or other protective measures, the Governing Body shall consider the following factors:

1) The type of hazardous or low level radioactive waste or toxic substance to be stored, treated, transported, and/or disposal of at the facility, and the degree of hazard or toxicity associated with such waste or substance;

7. The volume of hazardous or low level radioactive waste or toxic substance to be stored, treated, transported, and/or disposed of at the facility;

8. The number of residents in proximity to the facility;

9. The number of institutional, school, and commercial structures in proximity to the facility, their distance from the facility, and the particular nature of the activities that take place in these structures;

10. The lateral distance and slope from the facility to surface water supplies or to watersheds draining directly into surface water supplies;

11. The vertical distance, and the type of soils and geologic conditions separating the facility from the water table;

12. The direction of the flow of groundwater from the sites;

13. Any other relevant factors.

F. A hazardous or low level radioactive waste or toxic substance storage, treatment, transportation, and/or disposal facility shall comply with the security requirements of 40 CFR 265.14 as a minimum.

G. All sanitary sewer and storm water management systems on the site shall be protected so as to minimize to the greatest extent reasonable the probability of contamination by hazardous waste or toxic substance.

H. The facility shall be operated In accordance with all of the applicable provisions of the appropriate state and federal Legislation and shall hold the proper valid permit(s) issued by the appropriate state and federal agencies governing the facility's operation. All hazardous or low level radioactive

waste or toxic substance facilities shall be located at least 1,000 feet from any stream.

I. All materials which are land-filled shall be rendered non-hazardous and non-toxic before being placed in a landfill.

J. All hazardous or low level radioactive waste and toxic substance storage, treatment, transportation, and disposal facilities shall be subject to the following enforcement and penalty provisions:

2) Failure to correct a violation within the time specified in the compliance order issued by the appropriate state, federal, or county agency may result in revocation of the permitted use status.

Pursuant to the provisions of the NCGS 153A-123(a), the civil penalty for violations of this section of the Ordinance shall be up to $2,500.00 per day. Each day's violation shall be treated as a separate offense. The County may seek an injunction when, in the judgment of the County, the facility is creating an imminent hazard to the health, safety, and welfare of the public.

K. Pursuant to the provisions of NCGS 153A-123(d), the County may also seek any appropriate equitable relief that it deems necessary to ensure the health, safety and welfare of the citizens or the natural resources of the County, including but not limited to civil damages resulting from violation of this section of the Zoning Ordinance.

L. These provisions shall be enforced concurrently by the Davidson County Planning Department, the Davidson County Health Department, and the Davidson County Fire Marshal.

M. Revocation of any federal or state permit automatically revokes the special use permit issued under this Ordinance.

N. All hazardous or low level radioactive waste or toxic substance storage, treatment, transportation, and/or disposal facilities are subject to the following liability requirements.

O. All persons storing, treating, transporting or disposing of such wastes or toxic substances in Davidson County shall be held to a standard of strict liability for spills, accidents, contamination or other discharges and hazards arising from the facility. As used in this section, the term "strict liability" shall mean that persons storing, treating, transporting, or disposing of hazardous waste or toxic substance shall be liable for all emergency clean-up costs, clean-up costs in general, damages to persons and property and other costs resulting from discharges or contamination, regardless of fault, or regardless of whether the discharge of contamination was the result of intentional or negligent conduct, accident, or other cause.

P. All hazardous or low level radioactive waste or toxic substance storage, treatment, transportation, and/or disposal facilities shall be subject to the following bond requirements. If no federal or state regulations require closure plans and bonding, Davidson County may require the facility to

submit a closure plan and to obtain bonding, with Davidson County named as additional insured, sufficient to execute the closure plan. The closure plan should meet the criteria of 40 CFR 270.14 (b) (13), 264.112 through 264.115, 264.178 and 264.197 and any other applicable federal and state closure requirements.

Q. Should the above stated bond or insurance expire or be revoked then the waste or toxic substance storage, treatment, transportation and/or disposal facility must cease operation and remove all hazardous or radioactive waste and/or toxic substance from the site.

R. Every person, firm, and corporation engaged in the storage, treatment, transportation and/or disposal of hazardous or infectious waste or toxic substance shall, as permitted by NCGS 153A-152.1 make application to and secure from the Davidson County Tax Department a privilege license annually for each facility.

S. All licenses issued under these provisions shall be for one year which shall be for the fiscal year beginning July 1st and ending June 30th. Licenses issued within a fiscal year shall only be for the period beginning on the date such license is issued and ending the following June 30th.

T. A copy of the hazardous or low level radioactive waste or toxic substance storage, treatment, transportation or disposal facility's completed annual report shall be submitted to the Davidson County Planning Director, the Davidson County Health Director, and the Davidson County Fire Marshal. New facilities shall submit this report with applications for renewal of their privilege license.

U. Whenever, upon inspection of facilities, equipment, operating methods, or practices of any permittee authorized and performing hazardous or low level radioactive waste or toxic substance storage, treatment, transportation, and/or disposal services in Davidson County, the Planning Department, the Davidson County Health Department, or the Davidson County Fire Marshal finds that conditions or practices exist which are not in compliance with these regulations, written notice will be given by said enforcing entity or entities to the permittee that unless conditions or practices are corrected or remedied within ten (10) days, the permit may be revoked. Notice shall include the date, time, and place of re-inspection by the Planning Department and the Health Department.

V. If, after re-inspection, the Planning Department and the health Department find conditions or practices not corrected, the permittee shall be notified by certified mail to cease and desist all activities until the violations are corrected. The cease and desist order shall give notice to appear before the Board of County Commissioners to show cause why the permit should not be revoked. The Board of County Commissioners may revoke the permit, leave it in effect, or add other conditions as it deems necessary.

W. If there occurs any substantial deviation from the Special Use permit issued herein or any revision or substantial modification of Part B of the State permit, the applicant shall reapply for a Special Use permit under this Ordinance.

Revocation of Permit

A special use permit may be revoked for violations of the provisions of this Ordinance.

Reference to other Laws And Ordinances:

All hazardous or low level radioactive waste or toxic substance storage, treatment, transportation, and/or disposal facilities shall comply with all other applicable sections of the this Ordinance and with all North Carolina and Davidson County Fire Codes. The Federal Resource and Recovery Act of 1976, as amended; the North Carolina Hazardous Waste Management Commission Act of 1989, as amended; the North Carolina Low Level Radioactive Waste Management Authority Act of 1987, as amended; the Federal Toxic Substance Control Act of 1976, as amended, and the criteria set forth in all North Carolina General Statutes and CFR references are incorporated into this Ordinance by reference as if fully set out herein.

(R) Junk Yard, Automobile Graveyards, *Amended: 1-1-96*

Allowed Districts: LI, HI

Approved by: Board of Adjustment

Minimum Lot Size: Two (2) acres

Submittals:

1.. A site plan showing location of proposed structures within the site as well as existing structures, water courses and zoning district boundaries surrounding the area and such other information as may be necessary to judge the probable effect of the proposed activity on neighboring properties.

2. Details of the screening fence to be installed on the perimeter of the site.

3. Description of the number and type of equipment to be used on the site.

Standards:

A. The site shall be completely enclosed by a solid or opaque fencing or fencing in conjunction with vegetation. Solid or opaque fencing shall extend from the surface of the ground to a uniform minimum height of 6 feet from the ground at any given point.

B. If fencing in conjunction with vegetation is used, plants shall be planted on at least one side of the fence and as close as is practical. Vegetation shall be of a type that will reach a minimum height of 6 feet at maturity and shall be placed at intervals so that a continuous, unbroken hedgerow will exist to a height of at least 6 feet when the vegetation reaches maturity.

C. Every owner or operator shall be responsible for maintaining the fencing and/or vegetation. Dead or diseased vegetation shall be removed and replanted.

(S) Kennel, Commercial

Allowed Districts: RA-1, RA-2, RA-3

Approved by: Board of Adjustment

Minimum Lot Size: 1 to 10 animals: 5 acres

11 to 20 animals: 6 acres

21 to 30 animals: 7 acres

For each additional acre of land beyond seven (7) acres, an additional ten (10) animals may be permitted.

Submittals:

1. A site plan showing the boundaries of the property, proposed buildings and parking areas.

Standards:

A. The minimum lot size requirements may be waived if a kennel is constructed to entirely enclose all kennel facilities so as to adequately protect all animals from weather extremes and to protect adjacent residences from noise, odors, and other objectionable characteristics, provided all building setback requirements are met.

B. All lots on which a kennel is located must have frontage on an existing street or a new street that meets the minimum requirements for acceptance and maintenance by the North Carolina Department of Transportation.

C. All structures and outdoor runs shall have minimum front, side, and rear setback of one hundred-fifty (150) feet. There shall be a separation of at least five hundred (500) feet between residences on adjoining tracts and any building used for kennel operation**.**

D. Sewage disposal system and sanitation control methods as approved by the Davidson County Health Department shall be required for all kennels. (This provision shall include, but shall not be limited to, the sanitary removal or disposal of solid waste, carcasses, or any other items deemed necessary.)

E. Lighting shall not cast directly on adjacent properties.

F. The following shall not constitute the operation of a kennel as defined above and in no way shall this provision regulate the following.

(a) The ownership of domesticated animals as household pets;

(b) The ownership of domesticated animals for hunting or tracking purposes;

(c) The ownership of domesticated animals for the purpose of exhibiting at shows, obedience or field trials; and

(d) The ownership of domesticated animals for the purpose of protection or guarding of residences or commercial establishments.

(T) Landfill (10 Acres or Greater)

Allowed Districts: RA-2, LI, HI, RA-3

Approved by: Governing Body

Minimum Lot Size: 10 acres

Submittals:

1. All plans and documents required for approval under federal and state regulations shall be provided to County. This includes plans to comply with the Resource Conservation and Recovery Act of 1976 and the hazardous and Solid Waste Amendments of 1984; also plans to comply with North Carolina Solid Waste Management Rules, Ground Water Rules, Water Quality Rules and Land Quality Rules. Evidence shall be presented showing that state site selection criteria have been met.

2. Site plans, construction plans and sedimentation control plans

3. Operational Plans for the landfill which include:
   - Date of commencement of operations and expected duration.
   - Proposed hours and days of operation.
   - Any phasing of operations and relationships among phases.

4. Site Rehabilitation Plans for the landfill which include:
   - A statement of planned future use of site, including detailed methods of accomplishment.
   - A map, to the same scale as the Site Plan, showing final proposed topography, landscaping and ground cover proposed and any drainage or other structure proposed.
   - 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.

Standards:

A. Natural cover shall be maintained where possible on the landfill site.

B. Where permitted in agricultural districts, no filling shall be permitted within 100 feet from any adjoining property lines and at least 300 feet from any existing residence or any residence under construction on adjoining property at the time the landfill operation is begun.

C. A buffer of trees or other natural planting of not less than 15 feet in width and not less than 8 feet in height shall be provided and maintained around the exterior property lines of the site.

D. All landfill sites shall have direct access to a street over an access way of at least 20 feet in width. Such access way shall be chained at night and at other times when the site is not in operation.

E. The permanent roads, defined as those to be used in excess of one year, within the fill site shall be surfaced with a dust free material, such as cement, bituminous concrete or concrete.

F. 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.

G. Where the proposed fill shall take place within 300 feet of a dwelling, school, church, hospital, commercial or industrial building, public building, or public land, a security fence at least six (6) feet high shall be installed.

H. Direct illumination from the operation shall not fall on any property not covered by the application.

(U) Landfill (Less Than 10 Acres) *Amended: 8-2-04*

Allowed Districts: RA-1, RA-2, RA-3, LI, HI; PEC

Approved by: Board of Adjustment

Minimum Lot Size: Governed by Zoning District

Submittals:

1. All plans and documents required for approval under federal and state regulations shall be made available to the County. This includes plans to comply with the Resource Conservation and Recovery Act of 1976, the Hazardous and Solid Waste Amendments of 1984; the North Carolina Solid Waste Management Rules, Ground Water Rules, Water Quality Rules and Land Quality Rules.

2. Evidence shall be presented showing that state site selection criteria have been met. Site plans, construction plans and sediment control plans shall be provided.

3. Operational Plans for the landfill which include:
   - Date of commencement of operations and expected duration
   - Proposed hours and days of operation
   - Any phasing of operations and relationships among phases

4. Site Rehabilitation Plans for the landfill which include:
   - A statement of planned future use of site, including detailed methods of accomplishment.
   - A map, to the same scale as the Site Plan, showing final proposed topography, landscaping and ground cover proposed and any drainage or other structure proposed.
   - 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.

Standards:

A. Where permitted in agricultural districts, no filling shall be permitted within one hundred (100) feet from any adjoining property lines.

B. All landfill sites shall have direct access to a street over an access way of at least twenty (20) feet in width. Such access way shall be chained at night and at other times when the site is not in operation or unmanned.

C. Only trees, limbs, stumps, brick, block, rock and soil may be used for fill.

D. 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.

E. Where the proposed fill shall take place within 300 feet of a school, church, hospital, commercial or industrial building, public building, or public land, a security fence at least six (6) feet high shall be installed.

F. Direct illumination from the operation shall not fall on any property not covered by the application.

(V) Lodges, Fraternal And Social Organizations, *Amended: 3-5-01*

Allowed Districts: RA-1, RA-2, RA-3, RM-1, RM-2, O/I; MX-R, MX-C, PEC

Approved by: Board of Adjustment

Minimum Lot Size 2 acres

Submittals:

1. A site plan shall be submitted showing the location of proposed buildings, existing buildings, driveway connection to public roads and proposed parking.
2. Certification from the Davidson County Health Department shall be presented to show that public health requirements can be met if the proposed structure and use are permitted.

Standards:

A. Structures shall have minimum side and rear yards of fifty (50) feet and front yard setback of thirty (30) feet.

B. Provisions for food, refreshment, and entertainment for club members and their guests may be allowed in conjunction with such use if the Board of Adjustment determines that said provisions will not constitute a nuisance.

(W) Manufactured Home, Accessory Use (Family Hardship), *Amended: 6-9-92*

Allowed Districts: RA-1, RA-2, RS, RM-1, RM-2, O/I, RA-3, MX-R, MX-C, PEC

Approved by: Board of Adjustment

Minimum Lot Size: 20,000 square feet per dwelling unit

Submittals:

1. Plot Plan showing location of existing structures and proposed location for manufactured home.

Standards:

A. Any special use granted under the provisions of this section shall be temporary in nature and limited in duration to a term of two (2) years.

B. The proposed unit is a Class B or Class C manufactured home sited as an accessory use on the same lot with an existing single family residential structure.

C. The occupant of the manufactured home is related by blood or marriage to the occupants of the existing residence or is under the guardianship of one or more of the occupants of the existing residence and requires care due to illness, disability or advanced age.

D. All setback requirements of the zoning district have been satisfied. The manufactured home is connected to public sewer system, if available or to a septic system constructed in compliance with the regulations of the County Health Department if public sewer is not available.

E. The manufactured home obtains its water from a public water supply, if available, or from a source approved by the County Health Department if a public water supply is not available.

F. Under skirting is installed around the entire manufactured home.

G. The manufactured home is set up and installed in accordance with the NC Department of Insurance code requirements for manufactured homes.

H. No lease or rental of the manufactured home shall be permitted.

I. There exists adequate off-street parking.

J. If the illness or disability ends or the family hardship is otherwise concluded, the special use permit shall expire.

K. Upon expiration of such two year period, the holder of the special use permit may make application to the Board of Adjustment for a renewed term not to exceed two (2) years.

(X) Manufactured Home, Relocation (Class C), *Amended: 4-2-01*

Allowed Districts: RA-2, RA-3, RM-1

Approved by: Board of Adjustment

Minimum Lot Size: Governed by Zoning District

Submittals:

1. Evidence of registration to show that the unit was located in Davidson County at the date of adoption of this Ordinance.
2. Plot Plan showing the location of the lot to which the unit will be transferred, the location of other structures and the placement of this unit on the lot, noting setbacks.

Standards:

A. No Special Use Permit shall be granted except for transfer and relocation as a residence of a unit located in Davidson County on the date of adoption of this provision (May 11, 1990).

B. Transfer must be onto an individual lot located in the RA-2 or RA-3 zoning district, unless it is to a manufactured housing park which permits Class C units.

C. The manufactured home must have under-skirting installed around the entire manufactured home.

D. The manufactured home must be set up and installed in accordance with the NC Department of Insurance code requirements for manufactured homes.

E. The transfer of a Class C manufactured home from one lot to another within the same manufactured housing park does not require a Special Use Permit.

F. An existing Class C home may be replaced with a Class B or a Class A manufactured home in any zoning district where permitted.

(Y) Manufactured Home, Park Model Temporary Use (Disaster Hardship)

Allowed Districts: RA-1, RA-2, RA-3, RS, RM-1, RM-2, O/I, MX-R, MX-C, PEC

Approved by: Board of Adjustment

Minimum Lot Size: Governed by Zoning District

Submittals:

1. Plot Plan showing location of existing and proposed structures.

Standards:

A. The single family residential structure located on the premises was destroyed or rendered uninhabitable by fire or act of God within the preceding twelve (12) months prior to the date of the application for a special use permit.

B. An individual Class B or Class C Manufactured home or Park Model Unit is set up as a primary residence on a temporary basis.

C. The property owner/occupant has a valid building permit for reconstruction of the primary residence and construction is actively in progress.

D. The occupant of the manufactured home is the property owner whose residential structure was destroyed.

E. No lease or rental of the manufactured home shall be permitted.

F. All setback requirements of the zoning district have been satisfied.

G. The manufactured home is connected to a public sewer system, if available, or to a septic system constructed in compliance with the regulations of the County Health Department if public sewer is not available.

H. The manufactured home obtains its water from a public water supply, if available, or from a source approved by the County Health Department if a public water supply is not available.

I. Any special use permit granted pursuant to this section shall expire and terminate upon the completion of the reconstruction of the primary residential structure or upon occupancy of said structure.

J. The manufactured home is set up and installed in accordance with the NC Department of Insurance code requirements for manufactured homes.

K. Any special use granted under the provisions of this section shall be limited in duration to a term of one (1) year. Upon expiration of such one year term, the holder of the special use permit may make application for a renewed term not to exceed six (6) months.

(Z) Manufactured Home Park

Allowed Districts: RA-1, RA-2, RA-3 Parks with 10 or fewer spaces

(Note: Parks in the RA-1 District may permit Class B manufactured homes).

RM-1- All parks.

Approved by: Board of Adjustment: Parks with ten (10) or fewer spaces

Governing Body: Parks with more than ten (10) spaces

Minimum Lot Size: Two (2) acres

Submittals:

1. Plans submitted. Plans clearly indicating the applicant's intention to comply with the provisions of this section shall be submitted. Said plans shall be drawn by a land surveyor or professional engineer licensed to practice in North Carolina at a scale of not less than one (1) inch equals one-hundred (100) feet.

   Plans must show the area to be used for the proposed manufactured housing park; the name of the park; the ownership and use of neighboring properties; all proposed entrances, exits, driveways, walkways, mobile home spaces and assigned numbers, parking spaces, recreation areas and service buildings; the location of surface water drainage facilities, laundries and refuse receptacles; exterior electric lighting; all utility lines servicing the site, any physical characteristic of the land that , in the opinion of the Zoning Administrator, has a bearing on the establishment of the park.

2. Water supply and waste disposal approval. Proposed water supply and waste disposal facilities for the manufactured housing park shall be approved in writing by the Davidson County Health Department.

3. Review by Fire Marshal. Plans shall be submitted to the Davidson County Fire Marshal to review layout and design of streets for safety and access by emergency vehicles.

Standards: If an adjacent property parcel or parcels is the site of an existing manufactured home park or parks with 10 or fewer spaces and when all adjacent parcels combined total 11 or more spaces, then those parcels must be rezoned to RM-1 prior to approval.

Internal Dimensional Requirements

A. Area. All areas to be included in said park shall be clearly shown on the required plans.

B. Space Size. There shall be only one mobile home on each space. Each space shall be a minimum of 20,000 square feet unless the park is served by public water and a central sewage collection system in which case there shall be a 10,000 square feet minimum space size.

C. Space width. Each mobile home space shall have a minimum width of eighty (80) feet.

D. Foundation. The operator shall designate a uniform type of foundation enclosure for all homes in the park.

E. Driveway. Each mobile home space shall abut a driveway within the park or abut a public right-of-way. Said driveway shall be graded and surfaced with not less than four (4) inches of crushed stone or other suitable material on a well compacted sub-base to a continuous width of twenty (20) feet, exclusive of required parking spaces. Access from the public right-of-way serving the park shall meet the same requirements for construction, materials, and width as a driveway within the park. Closed ends of dead-end driveways shall be provided with a turn-around having an outside driveway diameter of eight (30) feet. Driveways shall be adequately lighted for safety.

F. Parking spaces. Two (2) off-driveway parking spaces with not less than four (4) inches of crushed stone or other suitable material on a well compacted sub-base shall be provided for each mobile home space. Required parking spaces may be included within the minimum square footage for each mobile home space.

G. Interior setback between structures. No mobile homes or other structures within a manufactured housing park shall be closer to each other than twenty (20) feet or closer than ten (10) feet from the side property line of any space.

H. Setback from exterior boundary. No manufactured home, accessory structures, or building used for laundry or recreation purposes shall be located closer than thirty (30) feet to the exterior boundary of the park or a bounding street right-of-way in a manufactured home park with less than ten spaces and seventy-five (75) feet from the boundary or right-of-way in a park with more than ten spaces. Other accessory structures shall not be located closer than thirty (30) feet from the boundary or bounding street right-of-way in a park of any size.

I. Space number. Manufactured housing parks shall install a permanent marker at each mobile home space designating the space number of each mobile home. Space numbers shall be at least three (3) inches in size and shall be clearly visible from the street or driveway serving each mobile home space.

Operational Requirements

A. Drainage. Proper drainage shall be provided for each space to prevent accumulation of water. Each space shall have a solid ground surface.

B. Waste Disposal. There shall be a storage and disposal system for solid waste for the rental community in order to alleviate health and pollution hazards. The resident(s) of each home shall have a sufficient number of containers that have an adequate capacity and can be tightly sealed. It shall

be the responsibility of the operator/manager of the rental community to see that a municipal or private solid waste disposal service is provided to the residents of the rental community on a weekly basis. This may or may not be at the expense of the residents.

C. Grounds and Buildings. The grounds shall be free of debris, trash and litter. Grounds, buildings and storage areas within the park shall be maintained to prevent the infestation of rodents, flies, mosquitoes and other pests. Ground shall also be maintained to prevent the growth of ragweed, poison ivy, poison oak and other weeds. All grounds shall have proper drainage to prevent the accumulation of water. The operator shall provide space on the grounds for mail services to residents.

D. Streets

1. All streets shall be constructed with an all weather surface, either paved or unpaved, which will provide all weather access to all spaces.
2. Street shall be at least 20 feet wide.
3. Streets and parking areas shall be maintained by the operator/manager of the community.

E. Signs. The only signs(s) visible from outside a manufactured housing park shall be an identification sign at each principal entrance. Each sign face shall be a maximum of sixteen (16) square feet in area. In addition during construction and initial sale or rental, temporary announcement signs are allowed, as provided in Article VI.

Additional Standards For Parks with More than 10 Spaces:

A. Physical character of site. Individual home sites as well as common areas shall be so located, dimensioned and arranged as to permit unified planning and development and to meet all requirements herein as well as to ensure compatibility between uses within the park and those in surrounding areas.

B. External Relations. Site planning shall provide for compatibility between the Manufactured Home Park and uses in the surrounding area.

C. Access. Vehicular access shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes and/or traffic dividers and extra width of the approach street shall be required where existing or anticipated heavy flows indicate need. In general, minor streets shall not be connected with streets outside the park in such a way as to encourage use of such minor streets by substantial amounts of through traffic.

Access for pedestrians entering or leaving the park shall be safe and convenient. Such access need not be adjacent to, or limited to the vicinity of, vehicular access points. Where there are crossings of pedestrian ways and vehicular routes at edges of mobile home parks, such crossings shall be safely located, marked and controlled, and where such ways are exposed to

substantial vehicular traffic at edges of parks, safeguards may be required to prevent crossings except at designated points.

Protection of visibility for automobile traffic, cyclists and pedestrians, shall be as generally provided in Sec. 4.07 of this Ordinance.

D. Yards, fences, walls or vegetative screening at edges of manufactured home parks shall be provided where needed to protect residents from undesirable views, lighting, noise or other off-site influences, or to protect occupants of adjoining residential districts from similar adverse influences within the mobile home park. In particular, extensive off-street parking areas and service areas for loading and unloading vehicles other than passenger, and areas for storage and collection of refuse and garbage shall be screened.

E. Signs visible from outside manufactured home park. No signs visible from outside the park shall be erected within a park other than one identification sign at each principal entrance to the development. Each sign face shall not exceed sixteen (16) square feet in area. In addition, during the process of construction and initial sale and/or rental within such development, temporary announcement signs may be allowed, as provided in Article 8.

F. Internal Relationships. The site plan shall provide for safe, efficient, convenient and harmonious groupings of structures, uses and facilities; for appropriate relation of space inside and outside buildings to intended uses and structural features, and for preservation of desirable natural features and minimum disturbance of natural topography.

G. Streets, drives, parking and service areas shall provide safe and convenient access to home sites and general facilities, and for service and emergency vehicles. Streets shall not be so laid out as to encourage outside traffic to traverse the parks on minor streets, nor occupy more land than is required to provide access as indicated, nor create unnecessary fragmentation of the development into small blocks. In general, block size shall be the maximum consistent with use and shape of the site and the convenience and safety of occupants.

H. Traffic Signs. Traffic control signs (stop, yield and speed signs) shall be placed throughout the community where necessary.

I. Street Names. Each street shall have a permanent sign installed with a designated name identifying each street.

J. Vehicular access to streets.

1. If the street or portion thereof serves 50 or fewer home sites units, vehicular access from off-street parking and service areas may lead directly to the street from the individual manufactured home spaces.

2. Vehicular access to other streets or portion of streets from off-street parking and service areas shall be so combined, limited, located, designed and controlled as to channel traffic from and to such areas conveniently, safely and in a manner which minimizes marginal traffic

friction and promotes free flow of traffic on streets without excessive interruption.

K. Ways for pedestrian and cyclists; emergency access. Walkways shall form a logical, safe and convenient system for pedestrian access to all mobile home spaces, project facilities, and principal off-site pedestrian destinations. Maximum walking distance in the open between mobile home spaces and parking areas, delivery areas and refuse and garbage storage areas intended for use of occupants shall not exceed 100 feet.

Pedestrian ways and bicycle paths, if appropriately located, designed, and constructed, may be combined with other easements and used by emergency and service vehicles, but shall not be used by other automotive traffic, including motor bikes and motorcycles.

(AA) Microwave, Television or Radio Antenna, Tower and Facility, *Amended: 2-5-98*

Allowed Districts: CS, HC, LI, HI, MX-R, MX-C, PEC

Approved by. Board of Commissioners

Minimum Space Size: .35 acre

Submittals:

1. A site plan showing siting and size of all existing and proposed topography at a contour interval of five feet and any officially designated floodways and floodplains.
2. Plans, elevations and perspectives for all proposed structures and description of the color and nature of all exterior materials.
3. A landscape plan showing, at the same scale as the site plan, existing and proposed trees, plus shrubs, ground cover and other landscape materials.
4. Any deviation from height limits in the zoning district shall be made a part of the special use application.

Standards:

A. Adequate provision has been made, by means of fencing or otherwise, for the security of the site.

B. Adequate provision has been made for the protection of adjacent property from the dangers of collapse, fire, flooding or other menaces to public health and safety.

C. The proposed use will serve and benefit Davidson County and its citizens.

(BB)Petroleum, Fuel Bulk Storage Stations; Distribution Terminals

Allowed Districts: HI

Approved by: Board of Adjustment

Minimum Lot Size: Governed by Zoning District

Submittals:

1. Plans showing the location and approximate size of all existing and proposed buildings and structures within the site and on adjacent lots and the proposed layout of pipelines.
2. Description of the storage capacity of all storage units.

Standards:

A. Storage tanks protected by either an attached extinguishing system approved by the County Fire Marshal or an approved floating roof shall not be located any closer to an exterior property line than a distance equal to the greatest dimension, diameter or height of the tank, except that such distances need not exceed one hundred twenty (120) feet.

B. Storage tanks, not equipped as indicated in (A) above, shall not be located any closer to an exterior property line than a distance equal to one and one-half (1 ½) times the greatest dimension, diameter or height of tank, except that such distance need not exceed one hundred seventy-five (175) feet.

C. Tanks or groups of tanks containing flammable liquids, where deemed necessary by the Zoning Administrator on account of proximity to waterways or drainage ways, the character of topography, or nearness to buildings or to dwellings or places of public assembly, shall be diked or the yard shall be provided with a curb or other suitable means to prevent the spread of liquid onto other property or waterways. A diked area shall not be less than the capacity of the largest tank within the diked area.

D. Required dike or retaining walls shall be of earth, steel, concrete or solid masonry designed to be liquid tight and to withstand a full hydraulic head and so constructed as to provide the required protection. Earthen dikes three (3) feet or more in height shall have a flat section at the top not less than two (2) feet wide. The slope shall be consistent with the angle or repose of the material of which the dikes are constructed. Dikes shall be restricted to an average height of not more than six (6) feet above the exterior grade unless means are available for extinguishing a fire in any tank containing crude petroleum; dikes and walls enclosing such tanks shall be provided at the top with a flareback section designed to turn back a boil-over wave, provided, however, that a flareback section shall not be required for dikes and walls enclosing approved floating roof tanks. No loose combustible material, empty or full drum or barrel, shall be permitted within the diked area.

E. Where provision is made for draining rain water from diked areas, such drains shall normally be kept closed and shall be so designed that when in use they will not permit flammable liquids to enter natural water courses, public sewers, or public drains. Where pumps control drainage from the diked area, they shall not be self-starting.

(CC)Race Track/Drag Strip/Speedway

Allowed Districts: HI

Approved by: Board of Adjustment

Minimum Lot Size: Governed by Zoning District

Submittals:

1. A site plan shall be submitted showing the location of proposed facilities and structures within the site including tracks, setting, buildings, parking, signs, spectator traffic patterns, access points and service areas. It shall also show existing structures (noting the nearest residential structures), water courses and zoning district boundaries within 500' of the proposed site.

Standards:

A. Where the site abuts property occupied by a residential use there shall be a buffer consisting of a solid fence or wall, or a planted strip at least five (5) feet wide of deciduous and/or evergreen trees spaced no more than ten (10) apart and at least one (1) row of dense shrubs spaced no more than five (5) feet apart.

B. No use approved under this provision shall be so operated to constitute a nuisance with respect to noise, dust, fumes, lights, vibration or traffic.

(DD) Recreational Facility (Commercial, Outdoor)

Allowed Districts: RA-1, RA-2, RA-3, LI, HI, MX-R, MX-C, PEC

Approved by: Board of Adjustment

Minimum Lot Size: Five (5) acres

Submittals:

1. A site plan showing the boundaries of the property, proposed buildings, parking, gaming area, and proposed buffers.

Standards:

A. The boundaries of the gaming area shall be clearly identified by a fence, netting, trees, or berms or combination thereof;

B. All activities shall take place at least 100 feet from any property line adjacent to residential districts and 75 feet when adjacent to other districts;

C. The use shall not be detrimental to adjacent properties due to noise, refuse, traffic, topography, and other factors.

D. Parking shall not be detrimental to nearby properties due to noise, glare, congestion, or other factors.

E. The use shall not be permitted to locate adjacent to any existing place of worship, day care, nursing home, or school.

F. No outdoor storage shall be permitted.

G. No public address system shall be used adjacent to any residential district.

H. No night activity shall be permitted when adjacent to any residential district (dawn to dusk).

I. Buffers will be required, such as netting or berms, to restrict projectiles or participants from leaving the property.

J. Evidence that liability insurance is provided for protection of adjoining properties.

K. The approving authority may add additional conditions to protect public health, safety, and general welfare.

(EE) Residential Storage Facility (Site Built), *Amended: 8-3-15*

Allowed Districts: RA-1, RA-2, RA-3, RS, RM-1, RM-2, O/I

Approved by: Board of Adjustment

Minimum Lot Size: Legal Lot of Record

Submittals:

1. A site plan showing the boundaries of the property, proposed building, parking area and proximity to the property with the required associated residence.

Standards:

L. The parcel shall be in fee simple ownership in common with the required associated residence;

M. The residential storage facility shall be of a similar design and construction as the associated residence;

N. The use shall not be detrimental to adjacent properties due to noise, refuse, traffic, topography, and other factors;

O. The maximum building size allowed would be according to the Table of Permitted Use requirements for the Maximum Lot Coverage for the applicable zoning district;

P. No outdoor storage shall be permitted except as specifically provided otherwise;

Q. The minimum lot size shall be any buildable lot of record as defined by the Davidson County Zoning Ordinance and/or the Davidson County Subdivision Regulations;

R. The Storage of Junked Motor Vehicles shall be prohibited on the subject tract;

S. Outside lighting shall be designed to prevent direct glare on adjoining properties;

T. Setbacks shall be at a minimum the same as any principal use in the applicable zoning district;

U. The proposed structure shall not be used for any commercial or industrial activity or use.

(FF) Retreat Center, Rural Resort, Rural Conference Center; Public or Private

Allowed Districts: RA-1, RA-2, RA-3; RS; O/I; PEC

Approved by: Board of Adjustment

Minimum Lot Size: 10 acres

Submittals:

1. A site plan shall be submitted showing the location of existing and proposed facilities and structures within the site including parking, signs, access and outdoor recreation areas.

Standards:

A. Proposed structures shall blend into the architecture of the existing structures so as not to appear as a commercial use.

B. Associated parking shall be located to be screened from adjoining property owners and the public right of way.

C. No use approved under this provision shall be so operated to constitute a nuisance with respect to noise, lights, vibration or traffic.

(GG) Rural Family Occupations of a Nonagricultural/Commercial Nature, *Amended: 6-4-01*

Allowed Districts: RA-1, RA-2, RA-3

Approved by: Board of Adjustment

Minimum Lot Size: Two (2) Acres

Submittals:

1. A site plan shall be submitted showing the location of existing structures on the property and the location and dimensions of the proposed structure for the proposed use.

Standards:

A. All general dimensional requirements and setbacks of the district where the facility is proposed to be located shall be met, or the permit shall not be granted.

B. The business use must be set back at least 100 feet from the road right of way boundary and no part of the operation of a rural family occupation shall extend nearer to a neighbor's property line than one hundred (100) feet.

C. The occupation shall be that of the landowner, must be owned and operated by the landowner, and the landowner must reside on the subject tract. (Note. Unlike home occupations, Rural Family Occupations of Nonagricultural or commercial nature may be conducted within an accessory building).

D. Employment and number of trucks and other commercial vehicles shall be limited to members of the family residing on the premises plus no more than three (3) other employees. Commercial vehicles operating in and out of the property shall be limited to two (2).

E. The occupation and any associated parking and/or storage shall be unobtrusive where located by being out of sight from any road or neighboring property; or being screened by fences, trees, shrubs or other landscape so as not to be noticeable from any roads or neighboring property; or by being located entirely within a building carefully designed so as to resemble a farm outbuilding or other noncommercial structure that would be typical of the area.

F. No smoke shall be emitted of a density or frequency greater than that normally associated with a residence or farm; objectionable noises shall be muffled or eliminated so as not to become a nuisance to adjacent properties.

G. The occupation shall be so operated as to prevent the emission in the air of dust or other solid matter which may cause damage to property or discomfort to persons or animals beyond the property line of the tract on which the occupation is located.

H. The occupation shall be so operated as to prevent emission or glare of such intensity as to be readily perceptible from a neighboring property.

I. Outside storage of materials shall be limited to those identified in the Special Use permitting process. Prohibited outside storage shall include, but not be limited to, scrap salvage operations and storage of inoperable vehicles.

J. Permitted uses shall be limited to those products assembled or manufactured on-site for resale elsewhere, services sold or provided on premises, or stock-in-trade clearly incidental to such services. Commercial, retail or wholesale operations which bring to the site goods specifically for the purpose of resale shall be prohibited.

(HH) Sawmill, Permanent

Allowed Districts: RA-1, RA-2, RA-3

Approved by: Board of Adjustment

Minimum Lot Size: N/A

Submittals:

1. The owner or operator must submit plans which show:
   - Names of all adjoining property owners.
   - Location of all existing or planned roads, permanent
   - or temporary, on the site.
   - Description of all equipment to be used on site and estimated noise levels (measurements provided where possible).

(II) Solar Farm

Allowed Districts: RA-1, RA-2, RA-3, RC, OI, LI, HI, PEC

Approved by: Governing Body

Minimum Lot Size: 5 acres

Submittals:

1. A scaled site plan showing property boundaries, location and size of solar structures and location and size of any associated buildings, fences or barriers.
2. A description of the solar structures to be constructed.
3. Certification that the solar components have a UL listing.

Standards:

A. The Solar Farm shall conform to the NAICS 221119 description of a ground mounted solar powered energy system.

B. Height – Solar power electric generation structures shall not exceed a height of 25 feet.

C. Ground-mounted solar energy systems shall meet the minimum zoning setback for the zoning district in which located.

D. Visibility – Active solar systems shall be screened from routine view from public rights-of-way or adjacent residentially-zoned property.

(JJ) Storage Of Low Explosives

Allowed Districts: RA-2, RA-3, LI, HI, PEC

Approved by: Board of Adjustment

Minimum Lot Size: Five (5) acres

Submittals:

1. A scaled site plan showing property boundaries, building location, size, required fencing, barriers;
2. A description of the building to be constructed.
3. A complete list of the types of explosive materials intended to be stored within the structure.

Standards: Subject to and contingent upon approval from the Federal Bureau of Alcohol, Tobacco, and Firearms and the State of North Carolina.

Approval from the Davidson County Fire Marshal.

(KK) Travel Trailer Park, Campground

Allowed Districts: RA-1, RA-2, RM-2, RA-3

Approved by: Board of Adjustment

Minimum Area: Five (5) acres with a front yard depth of fifty (50) feet.

Submittals:

1. Location and approximate size of all existing and proposed buildings and structures within the site and existing buildings and structures within five hundred (500) feet.
2. Proposed points of ingress and egress together with the proposed pattern of internal circulation.
3. Proposed parking areas.
4. Proposed provision for storm and sanitary sewerage, including both natural and man-made features, and the proposed treatment of ground cover, slopes, banks and ditches.

Standards:

A. Trailers shall be separated from each other and other structures by fifteen (15) feet. Any accessory structure such as attached wings, carports, or storage facilities shall be considered to be part of the trailer.

B. Minimum size of space shall be as required by the Davidson County Health Department.

C. There shall be at least one (1) recreation area accessible from all trailer spaces or campsites. The size of such recreation area shall not be less than eight percent (8%) of the gross site area.

D. Roadways shall be four (4) inches of stabilized gravel or crushed rock and of adequate width to accommodate anticipated traffic and shall meet the following minimum requirements.

   1. One-way, no parking-twelve (12) feet.
   2. Two-way, no parking-twenty-four (24) feet.

E. The water supply, sewerage system, service buildings, sanitation requirements and solid waste disposal shall be reasonably accommodated and meet the requirements of the appropriate State and County regulatory agencies.

F. A 25 foot wide natural foliage greenbelt shall be planted along the street side(s) of the property and along interior lot lines adjacent to a residential district. The plantings shall be of sufficient opacity to screen the use from view along interior lot lines.

G. Off-street parking and loading space shall be provided in sufficient quantity to accommodate all parking and loading on the site. There shall be 1.5 automobile parking spaces per trailer space. No roadway parking shall be permitted.

H. Trailer and camping spaces shall be rented by the day.

I. Signs on premises shall be regulated as follows:

   1. Type of sign: Identification, non-illuminated.
   2. Permitted number of signs: One (1) sign per entrance to park.
   3. Maximum area per sign face: sixteen (16) square feet.

(LL) Utility Station and Substation (to include Pumping Stations, Switching Stations, Telephone Exchanges)

Allowed Districts: RA-1, RA-2, RA-3, RS, RM-1, RM-2.

O/I for Utility Substations and Pump Stations

Approved by: Board of Adjustment

Minimum Lot Size: Governed by Zoning District

Submittals:

1. Site plan showing location and size of all existing and proposed structures, existing and proposed topography at a contour interval of five (5) feet and any officially designated floodways and floodplains.
2. Plans, elevations and perspectives for all proposed structures and descriptions of the color and nature of all exterior materials.
3. A landscape plan showing, at the same scale as the Site Plan, existing and proposed trees, plus shrubs, ground cover, and other landscape materials.
4. A map showing land uses and zoning classifications of abutting property.

Standards:

A. Where a building is involved and it is proposed to be located in a residentially zoned district, it shall have the appearance of a residential building.

B. Such uses shall be screened from adjacent uses by walls, landscape materials, beams or a combination thereof.

(MM) Utility Tower, Water Storage Tank, *Amended: 2-5-98*

Allowed Districts: All Districts

Approved by: Board of Commissioners

Minimum Lot Size: Utility Towers: **.35 acre**

Water Storage Tanks: **.35 acre**

Submittals:

1. A site plan showing siting and size of all existing and proposed topography at a contour interval of five feet and any officially designated floodways and floodplains.
2. Plans, elevations and perspectives for all proposed structures and description of the color and nature of all exterior materials.
3. A landscape plan showing, at the same scale as the site plan, existing and propose trees, plus shrubs, ground cover and other landscape materials.

Standards:

A. Adequate provision has been made, by means of fencing or otherwise, for the security of the site.

B. Any deviation from height limits in zoning district shall be made a part of the special use application.

C. Adequate provision has been made for the protection of adjacent property from the dangers of collapse, fire, flooding or other menaces to public health and safety

D. The proposed use will serve and benefit Davidson County and its citizen.

(NN) Water Treatment; Waste Water Treatment Plant (Public), *Amended: 2-5-98*

Allowed Districts: RA-1, RA-2, RA-3, LI, HI, PEC

Approved by: Board of Commissioners

Minimum Lot Size: 3.00 acres

Submittals:

1. A site plan showing location and size of all existing and proposed topography at a contour interval of five (5) feet and any officially designated floodways and floodplains.
2. Plans, elevations and perspectives for all proposed structures and description of the color and nature of all exterior materials.
3. A landscape plan showing, at the same scale as the site plan, existing and propose trees, plus shrubs, ground cover and other landscape materials.

Standards:

A. Proof that all applicable state and federal regulations have been met.

B. Adequate provision has been made, by means of fencing or otherwise, for the security of the site.

C. Adequate provision has been made for the protection of adjacent property from the dangers of collapse, fire, flooding or other menaces to public health and safety.

D. Any deviation from height limits in the zoning district shall be made a part of the special use application.

E. The proposed use will serve and benefit Davidson County and its citizens.

(OO) Wind Energy Facility

Allowed Districts: RA-1, RA-2, RA-3, RC, OI, LI, HI, PEC

Approved by: Board of Commissioners

Minimum Lot Size: Governed by Zoning District

Submittals:

1. A site plan showing the location of all proposed wind turbines, towers and associated control structures and all occupied structures within 2,500 feet of all wind turbines.
2. Certification of compliance with applicable FAA and FCC regulations.
3. A third party shadow flicker modeling report demonstrating shadow flicker rates of less than 30 hours per year at all non-participating landowner's occupied structures within 2,500 feet.
4. Certification of the use of applicable safety systems to prevent ice throws.
5. Decommissioning plans that describe the anticipated life of the wind power project, the estimated decommissioning costs in current dollars, the method for ensuring that funds will be available for decommissioning and restoration, and the anticipated manner in which the wind power project will be decommissioned and the site restored.

Standards:

A. The facility may consist of multiple wind turbines, towers and associated controls with a total rated capacity of greater than 25 kW.

B. Audible sound from a Wind Energy Facility shall not exceed fifty-five (55) dBA, as measured at any occupied building of a non-participating landowner.

C. Shadow flicker at any occupied building on a non-participating landowner's property caused by a Wind Energy Facility located within 2,500 ft of the occupied building shall not exceed thirty (30) hours per year.

D. Any on-site energy collector system shall, to the maximum extent possible, be placed underground.

E. The visual appearance of Wind Energy Facilities shall, at a minimum:

~~3)~~a) Be a non-obtrusive color such as white, off-white or gray;

~~4)~~b) Not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

F. No display of advertising (including flags, streamers or decorative items), shall be permitted, except for identification of the turbine manufacturer, facility owner and operator.

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G. The facility owner shall have six (6) months to complete decommissioning of the facility if no electricity is generated for a continuous period of twelve (12) months. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, and any other associated facilities.

(PP) Wireless Telecommunication Towers and Facilities, Greater Than 160 Feet, *Amended 11-2-2015*

Allowed Districts: CS, HC, LI, HI; MX-R, MX-C, PEC

Approved by: Governing Body

Minimum Lot Size: .25 acres

Submittals:

1. Site Development Plan prepared by a North Carolina Registered Land Surveyor, Registered Landscape Architect, or Registered professional engineer, containing the following information:
    - Location and size of existing and proposed structures.
    - Applicants' name and property owners' name and their addresses
    - scale
    - north arrow
    - vicinity map
    - tax parcel identification number
    - latitude and longitude
    - Towers state plane coordinates
    - Adequate ground space for additional users.
    - Existing and proposed topography at a contour interval of five feet.
    - Any officially designated floodways and floodplains.
    - The location of access easements and parking areas.
2. Plans, elevations, and perspectives for all proposed structures and descriptions of the color and nature of all exterior materials.
3. A landscape plan showing, at the same scale as the site plan, Existing trees, plus shrubs, ground cover and other landscape materials.
4. Documentation that no suitable existing facilities within the coverage area are available to the applicant. Documentation may be in the form of maps, letters from adjacent tower owners, or calculations. Facilities include other towers, elevated tanks, or other structures.
5. Documentation indicating the intent to allow shared use of the tower, the number of shared users allowed, and how other potential users shall be accommodated. Documentation shall be submitted by a professional engineer that the tower has sufficient structural integrity to accommodate the required number of users.

6. Photographs of a clearly-visible balloon floated at the proposed tower location to the maximum height of the tower to demonstrate the potential visual impact a proposed tower may have on surrounding properties in a RA-1, RA-2, RA-3, or O/I zoning districts.

   Photographs shall be taken from locations such as: property lines, nearby residential areas, historic sites, roadways, and other locations as deemed necessary by the Zoning Administrator to assess the visual impact.

7. Documentation indicating the power density levels do not exceed federally approved levels, or American National Standards Institute (ANSI) standards, whichever provides for stricter requirements.

Standards:

A. Fencing shall be provided at the base of the tower, including but not limited to equipment and/or storage structures, along with any guyed wires shall be enclosed by a commercial grade chain link fence (or some fence of equal or greater quality) a minimum of eight (8) feet in height.

B. Screening applies to the tower and everything within the required security fencing, including buildings and equipment. The vegetative screen shall consist of two staggered rows of evergreen shrubs within a ten (10) foot planting yard on five (5) foot centers, six (6) feet tall at time of planting. Exceptions may be granted if existing vegetation or topography is determined to provide a screen which is at least as effective as the required plantings.

C. If the applicant elects to leave additional areas outside the fence in addition to the required screen, such areas shall either be landscaped in a manner which is compatible with neighboring properties or shall be left in a natural condition.

D. Screening may be modified by the Governing Body if it is determined that the required screening will limit the capability of the proposed tower.

E. Tower must meet required setbacks as described in Section 4.13 of this Ordinance unless deviation in height limits is requested.

F. The tower shall be designed to accommodate at least three cellular telephone carriers.

G. No free standing or guyed tower may be constructed closer than the towers height from any public right-of-way.

J. No towers shall be constructed in a designated historic district or on property on which a designated historic landmark is located. In addition, towers shall not be constructed within 350 feet of a designated historic district or an historic landmark.

For purposes of this paragraph, the term "historic" shall refer to districts or landmarks which have been nominated to the National Register of Historic Places.

K. No business signs, billboard, or other advertising shall be installed on the tower or security fencing with the exception of an identification sign no larger than 2 (two) square feet.

L. No outside storage shall be allowed on site.

M. If the Wireless Telecommunication Towers and Facilities are no longer used for communication purposes, then the tower and accessory structures shall be dismantled and removed from the site within 120 days from the date the tower is taken out of service at the expense of the tower owner.

N. Notice shall be provided to the Zoning Administrator when any transmission tower is placed out of service. This Special Use Permit expires 120 days after the date that any transmission tower is taken out of service.

O. Co-location on a previously approved tower is permitted without an additional special use permit provided all conditions of the previously approved permit are complied with.

P. Towers shall be constructed and maintained in conformance with all applicable State and Federal building code requirements.

Q. Lighting shall not exceed the Federal Aviation Administration (FAA) minimum if required by the FAA. To the extent allowed by the FAA, strobes shall not be used for night time lighting. The lights shall be oriented so as not to project directly onto surrounding residential property, consistent with FAA requirements.

R. Prior to issuance of a building permit, documentation must be submitted by the tower owner from the FAA that the lighting is the minimum lighting required by the FAA.

S. Radio or television or similar reception for adjoining property will not be disturbed or diminished.

T. Certification of Applicant that the proposed tower will be constructed and operated in accordance with all Ordinances, including but not limited to all FCC and FAA rules and guidelines.

U. Evidence shall be submitted to support a finding that no suitable existing facilities within the coverage areas are available for co-location.

(QQ) Wireless Telecommunication Towers and Facilities, Up to 160 Feet, *Amended: 2-5-98*

Allowed Districts: RA-1, RA-2, RA-3, O/I

Approved by: Governing Body

Minimum Lot Size: .25 acres

Submittals:

1. Site Development Plan; prepared by a North Carolina Registered Land Surveyor, Registered Landscape Architect, or Registered professional engineer, containing the following information:
   - Location and size of existing and proposed structures.
   - Applicants' name and property owners' name and their addresses
   - scale
   - north arrow
   - vicinity map
   - tax parcel identification number
   - latitude and longitude
   - Towers state plane coordinates
   - Adequate ground space for additional users.
   - Existing and proposed topography at a contour interval of five (5) feet.
   - Any officially designated floodways and floodplains.
   - The location of access easements and parking areas.
2. Substantial evidence to demonstrate that the tower cannot by technical necessity feasibly be located in a non-residential use zone and that the proposed tower cannot be located on a pre-existing elevated structure.
3. Documentation indicating the intent to allow shared use of the tower, the number of shared users allowed, and how other potential users shall be accommodated.
4. Documentation by a professional engineer that the tower has sufficient structural integrity to accommodate the required number of users.
5. Documentation indicating the power density levels do not exceed federally approved levels, or American National Standards Institute (ANSI) standards, whichever provides for stricter requirements.
6. Certification that the proposed tower will be constructed and operated in accordance with all Ordinances, including but not limited to all FCC and FAA rules and guidelines.

Standards:

A. The tower shall not to exceed one hundred and sixty (160) feet in height.

B. Fencing shall be provided at the base of the tower, including but not limited to equipment and/or storage structures, along with any guyed wires shall be enclosed by a commercial grade chain link fence (or some fence of equal or greater quality) a minimum of eight (8) feet in height.

C. Screening applies to the tower and everything within the required security fencing, including buildings and equipment. The vegetative screen shall consist of two staggered rows of evergreen shrubs within a ten (10) foot planting yard on five (5) foot centers, six (6) feet tall at time of planting. Exceptions may be granted if existing vegetation or topography is determined to provide a screen which is at least as effective as the required plantings.

If the applicant elects to leave additional areas outside the fence, in addition to the required screen, such areas shall either be landscaped in a manner which is compatible with neighboring properties or shall be left in a natural condition.

Screening may be modified by the Governing Body if it is determined that the required screening will limit the capability of the proposed tower.

D. The tower shall be designed to accommodate at least three cellular telephone carriers.

E. The Tower must be located at least three hundred and fifty (350) feet from any adjoining property line and at least four hundred and fifty (450) feet from any adjoining residence other than a residence owned by the applicant.

F. Tower site shall be located a minimum of three hundred and fifty (350) feet from a recorded residential subdivision plat, as defined by the Davidson County Subdivision Regulations.

G. No free standing or guyed tower may be constructed closer than the tower's height from any public right-of-way.

H. No towers shall be constructed in a designated historic district or on property on which a designated historic landmark is located. In addition, towers shall not be constructed within 350 feet of a designated historic district or an historic landmark. For purposes of this paragraph, the term "historic" shall refer to districts or landmarks which have been nominated to the National Register of Historic Places.

I. No business signs, billboard, or other advertising shall be installed on the tower or security fencing with the exception of an identification sign no larger than 2 (two) square feet.

J. No outside storage shall be allowed on site.

K. If the Wireless Telecommunication Towers and Facilities are no longer used for communication purposes, then the tower and accessory structures shall be dismantled and removed from the site within 120 days from the date the tower is taken out of service at the expense of the tower owner.

L. Notice shall be provided to the Zoning Administrator when any transmission tower is placed out of service. This Special Use Permit expires 120 days after the date that any transmission tower is taken out of service.

M. Co-location on a previously approved tower is permitted without an additional special use permit provided all conditions of the previously approved permit are complied with.

N. Towers shall be constructed and maintained in conformance with all applicable State and Federal building code requirements.

O. Lighting shall not exceed the Federal Aviation Administration (FAA) minimum if required by the FAA. To the extent allowed by the FAA, strobes shall not be used for nighttime lighting. The lights shall be oriented so as not to project directly onto surrounding residential property, consistent with FAA requirements.

P. Prior to issuance of a building permit, documentation must be submitted by the tower owner from the FAA that the lighting is the minimum lighting required by the FAA.

Q. Radio or television or similar reception for adjoining property will not be disturbed or diminished.

Article VI. DEVELOPMENT STANDARDS

Section VI.1 STANDARDS FOR PERMITTED USES

Certain permitted uses must meet specific development standards to mitigate potential negative impacts. Only after compliance with the standards described herein has been determined by the Zoning Administrator, shall a Zoning Permit be issued. Otherwise, such uses are prohibited.

(A) Agritourism Business, Less than 10,000 square feet of Retail Area

1) Site Plan Required. A site plan detailing the location of any structures, areas of public use, parking and landscaping associated with the proposed agribusiness shall be required.

2) Association with bona fide farm. The facility must be operated in association with an existing bona fide farm located on the same property, or multiple adjoining properties under the same ownership.

3) Access. Direct access to a public right of way shall be required, through a minimum 30 foot strip of land, easement or direct abutment.

4) Activities and uses permitted. Warehousing of goods for sale, either retail or wholesale, shall be limited to the rear yard.

5) Buildings and Structures. All structures used in conjunction with the business shall be designed and constructed to mimic the outward appearance of agricultural structures or barns common to the county. Exterior materials shall not consist of highly reflective materials. No single building or group of buildings used in conjunction with the retail or commercial aspects of the business shall exceed 50,000 gross square feet.

6) Hours of operation. Retail-related business activities shall be conducted on-site between the hours of 7. 00 am and 11. 00 pm unless otherwise permitted.

7) Screening/landscaping. All parking and storage for retail areas shall be screened with a type D landscaping yard. Approved waste containers shall be located in the rear of the building, and be screened from public view.

8) Lighting. Any outdoor lighting associated with the retail establishment or other areas designated for public access shall be installed as full cut-off fixtures. Residential dusk-to dawn lighting is permitted elsewhere on the site. No lighting shall be directed onto adjacent property. Floodlights or other high-intensity lighting are prohibited.

9) Mixed use permitted. Business and residential uses may be mixed on a single development site.

10) Associated uses. Small-scale processing and/or catering facilities (i.e. cheese making, restaurant), which may enhance the overall property in relation to tourism, may be permitted on a case-by-case basis by the Project Review Committee.

(B) Animal Shelter, *Amended: 9-12-17*

1) Certification: All animal shelters shall require a certificate of registration from the Veterinary Division of the North Carolina Department of Agriculture and Consumer Service.

2) Minimum lot size: 1-10 animals: 5 acres

11-20 animals: 6 acres

21-30 animals: 7 acres

For each additional acres beyond seven acres, an additional ten (10) animals may be allowed, as approved by the Zoning Administrator

3) The minimum lot size requirements may be waived if an animal shelter is constructed to entirely enclose all kennel facilities, not including outdoor runs, so as to adequately protect all animals from weather extremes and to protect adjacent residences from noise, odors, soil or water contamination, and trespass by unrestrained animals, provided all building setback requirements are met. Sound abatement may be accomplished through a variety of methods including landscaping treatments, acoustic fencing, or other similar methods. Outdoor runs must be entirely enclosed by a fence adequate to contain all animals.

4) All lots on which a kennel is located must have frontage on an existing street or a new street that meets the minimum requirements for acceptance and maintenance by the North Carolina Department of Transportation.

5) All structures and outdoor runs shall have minimum front, side, and rear setbacks of one hundred fifty (150) feet. There shall be a separation of at least five hundred (500) feet between residences on adjoining tracts and any building used for animal shelter operation.

6) The minimum side and rear setbacks may be reduced to fifty (50) feet, and the minimum separation between residences on adjoining tracts and any building used for animal shelter operation may be reduced to two hundred fifty (250) feet, if the animal shelter meets the requirements of Section 6.01(B)(3) and a screening yard or equivalent is provided along all property lines in which the building setback is less than 150 feet. All fencing used to enclose outdoor runs must be located further away from the property line than the required screening yard. A screening yard for the purposes of this special use permit is defined as a strip of land located at the property line or at the outer edge of the outdoor run that is 15 feet wide. Said screening yard shall contain coniferous vegetation of a type that will reach a minimum height of 20 feet at maturity and shall be placed at intervals so that a continuous unbroken hedgerow will exist when the vegetation reaches maturity. Said vegetation shall be a minimum of 6 feet in height when planted. The Zoning Administrator may waive this screening requirement if existing vegetation is demonstrated to perform as well as the proposed screening yard.

7) Sewage disposal system and sanitation control methods as approved by the Davidson County Health Department shall be required for all animal shelters. (This provision shall include, but shall not be limited to, the sanitary removal or disposal of solid waste, carcasses, or any other items deemed necessary.)

8) Lighting shall not cast light directly on adjacent properties.

(C) Animal Grooming (Stand Alone Business) *Amended 11-2-2015*

1) All applicable permits shall be obtained. Eg: Environmental Health, Planning and Zoning, Inspections, Fire Marshal.
2) There shall be no outside keeping or kenneling of domesticated animals as a result of the grooming business.
3) All grooming activities shall take place inside the principal structure located on the subject tract.
4) In residential districts the use will be considered a home occupation and must also follow the additional development standards of a home occupation.
5) This use is for grooming alone. No kenneling, letting for hire, training or breeding of domesticated animals shall take place under this use. (See Kennel, Commercial)

(D) Automobile Body Shop

The open storage of wrecked vehicles is not permitted.

(E) Builder Supply Sales

Accessory outdoor storage yards shall be screened with an eight (8) foot solid fencing or other approved screening mechanism as approved by the Zoning Administrator.

(F) Dwelling, Two Family

All two family dwellings shall be located on a lot of no less than 40,000 square feet in size unless served by public water and sewer.

(G) Family Care Home

New family care homes shall be located no closer than 1/2 mile radius from an existing Family Care Home.

(H) Kennel, Commercial

1) Minimum lot size.

1-10 animals:	5 acres
11-20 animals:	6 acres
21-30 animals:	7 acres

For each additional acre beyond seven acres, an additional ten (10) animals may be allowed, as approved by the Zoning Administrator.

2) The minimum lot size requirements may be waived if a kennel is constructed to entirely enclose all kennel facilities so as to adequately protect all animals from weather extremes and to protect adjacent residences from noise, odors, and other objectionable characteristics, provided all building setback requirements are met.
3) All lots on which a kennel is located must have frontage on an existing street or a new street that meets the minimum requirements for acceptance and maintenance by the North Carolina Department of Transportation.

4) All structures and outdoor runs shall have minimum front, side, and rear yards of one hundred-fifty (150) feet. There shall be a separation of at least five hundred (500) feet between residences on adjoining tracts and any building used for kennel operation**.**

5) Sewage disposal system and sanitation control methods as approved by the Davidson County Health Department shall be required for all kennels. (This provision shall include, but shall not be limited to, the sanitary removal or disposal of solid waste, carcasses, or any other items deemed necessary.)

6) Lighting shall not cast light directly on adjacent properties.

7) The following shall not constitute the operation of a kennel as defined above and in no way shall this provision regulate the following:

   a) The ownership of domesticated animals as household pets;
   b) The ownership of domesticated animals for hunting or tracking purposes;
   c) The ownership of domesticated animals for the purpose of exhibiting at shows, obedience or field trials; and
   d) The ownership of domesticated animals for the purpose of protection or guarding residences or commercial establishments.

(I) Manufacturing, Fabrication or Assembly of Pre-Structured Materials or Components

1) Operations shall not create smoke, fumes, noise, odor or dust that is detrimental to health, safety or general welfare of the community.

2) Location of such facilities shall depend upon issuance of necessary water and waste treatment permits from the Davidson County Health Department or sewer service provider.

(J) Manufacturing, Heavy Processing or Fabrication

Location of such facilities shall depend upon issuance of necessary water and waste treatment permits from the Davidson County Health Department.

(K) Manufacturing, Light Processing or Fabrication

1) Operations shall not create smoke, fumes, noise, odor or dust that is detrimental to health, safety or general welfare of the community.

2) Location of such facilities shall depend upon issuance of necessary water and waste treatment permits from the Davidson County Health Department.

(L) Micro Farm

1) Minimum Size. The micro-farm must consist of a minimum of two (2) acres. Farming activities on lots of less than two acres will be considered an accessory use for primarily private use or a home occupation for retail or commercial uses.

2) Retail Sales. Retail sales of products produced on site are permitted. Retail sales may occur on-site within a dedicated structure provided it is less than 1,000 square feet in size.

3) Setbacks. Structures must meet the required setback of the underlying zoning district and require a building permit.

4) Driveway Permit. A commercial driveway permit must be secured from NCDOT.

(M) Motor Vehicle Maintenance and Repair

Open storage of wrecked vehicles is not permitted.

(N) Outdoor Advertising Sign

See development standards listed in Section 6.05 (K).

(O) Outdoor Storage Yard

Outdoor storage yards shall be screened with an eight (8) foot solid fencing or other approved screening mechanism as approved by the Zoning Administrator.

(P) Parking, Principal Use, Amended*: 8-3-15*

1) All trailers and automobiles located on site shall have a valid tag and be in operable condition;
2) No junk motor vehicles shall be allowed in parking lots;
3) Said lot to be used for parking shall be located directly or diagonally across the street from a waterfront property or be a contiguous lot, in common ownership with said waterfront property;
4) No compensation or commercial use of said property shall occur as a commercial parking lot;
5) Said parking lot shall be screened in a manner with vegetation that will create a continuous, unbroken hedgerow at a height of 6 feet at maturity. Credit for existing trees can be given with approval from Zoning Administrator;
6) Fencing may be used for screening but must be approved by the Zoning Administrator**.**

(Q) Saw Mill, Permanent

Must be located upon a lot or parcel of no less than two (2) acres in size.

(R) Structure, Temporary; Related to Development of Land

1) The temporary structure must be located on a site with an active zoning permit, building permit or other authorized development activity is underway.
2) The structure shall be removed within thirty (30) days of the issuance of a Certificate of Occupancy or upon completion of development activities.

(S) Veterinary Clinic

Outdoor boarding of animals shall not be permitted in the O/I District.

(T) Wireless Telecommunications Tower and Facilities, up to 160 feet

1) Tower must be located at least 50 feet plus tower height from any property line.
2) A site plan shall be required.

Section VI.2 **STANDARDS FOR ACCESSORY USES**

Certain accessory uses must meet specific development standards to mitigate potential negative impacts. Only after compliance with the standards described herein has been determined by the Zoning Administrator, shall a Zoning Permit be issued. Otherwise, such accessory uses are prohibited.

(A) Accessory Residence to a Non-Residential Use within a Single Structure

Shall be permitted for one (1) family as defined by this Ordinance, provided that one of the members is an employee of the entity operating the business, and is acting as a watchman and caretaker of the business.

(B) Accessory Retail to Light Manufacturing Use within a Single Structure

1) Retail operations shall be exclusive to the goods produced on-site.
2) The entire operation, excluding parking or loading areas, shall be enclosed inside the building,
3) Up to 25% of finished products may be sold on the premises.

(C) Biodiesel Fuel Production

1) The still and/or storage tanks shall be placed at a minimum of fifty (50) feet from a dwelling.
2) The still and/or storage tanks shall be placed at a minimum of one hundred (100) feet from any vehicular right-of-way and property lines.
3) The maximum storage tank size is five hundred (500) gallons.
4) The aggregate volume of ethanol/biodiesel fuel stored at any time on the property shall not exceed five hundred (500) gallons.
5) Fuel must be dispensed from either a gravity flow or vacuum flow pump.
6) The sale of ethanol/biodiesel fuel is prohibited.
7) The use of ethanol/biodiesel is restricted to use as fuel by the members of the household of the owner or lessee of the property upon which the fuel is produced.
8) The individual wishing to operate such operations must present approved state and federal permits for the production of fuel prior to beginning operation.
9) Waste by-product must be stored in a 55-gallon sealed barrel.
10) The aggregate volume of waste by-product to be stored at any time on the property is two hundred twenty (220) gallons (equivalent to four (4) 55-gallon sealed barrels.
11) Waste by-product may be stored on property a maximum of forty-eight (48) hours.
12) Storage tanks must be located inside an above-ground containment area made of concrete that can hold 100% of the tank size located within it. Upon request by the applicant, the containment area may be constructed of other materials upon approval by the Zoning Administrator and Fire Marshal.

    a) Acceptable storage tank materials include aluminum, steel, fluorinated polyethylene, fluorinated polypropylene, Teflon and other similar durable, noncorrosive materials. Copper, brass, lead, tin, and zinc are prohibited.

13) Areas dedicated to fuel production operations must be fenced-in.

(D) Home Occupation

Customary home occupations are permitted in residential districts where such occupations are carried on in the residence subject to the following limitations:

1) The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling and shall not change the residential character of the dwelling.
2) No accessory buildings or outside storage shall be used in connection with the home occupation.
3) Use of the dwelling by the home occupation shall be limited to twenty-five (25) percent or 500 square feet, whichever is less.
4) Such occupations shall be engaged in only by residents of the premises. The use shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
5) No internal or external alterations inconsistent with the residential use of the building shall be permitted.
6) No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses at the lot line. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or which causes fluctuation in line voltage off the premises.
7) On-premises sale and delivery of goods which are not the products of the home occupation are prohibited.
8) Instruction in music, dancing and similar subjects shall be limited to six (6) students at the home at one time.
9) Applicable health department permits shall be obtained prior to establishing a home occupation.
10) Applicants are encouraged to examine any restrictive covenants related to the home regarding home occupations.

(E) Junked Motor Vehicle

1) Accessory to Residential Use. One (1) vehicle meeting the definition of "motor vehicle, junked," is permitted. The vehicle must be located behind the front building line of the principal building.
2) Accessory to Non-residential Use. Any vehicle meeting the definition of "motor vehicle, junked" shall be stored, parked or placed on the property so as to be totally screened from view from any street and/or adjacent residentially zoned property. Screening may be achieved by placement of the vehicle(s) within or behind a building and through the use of plant materials, fences, earthen berms or a combination thereof to a minimum height of six (6) feet.

(F) Structure, Non-Permanent

1) Setback Required. Non-permanent structures shall be placed behind or beside the principal structure, except when used in conjunction with construction activities and with the issuance of a building permit. Non-permanent structures must meet the setback requirements for accessory structures. Failure to meet the required setbacks shall be considered a violation of the Ordinance.

2) Temporary Use. Placement of non-permanent storage structures (like a POD) shall be limited to no more than thirty (30) days without an active building permit for the location.

3) Non-standard Structures. Under no circumstances shall the use of an unoccupied manufactured home, tractor trailer or shipping container be permitted for the purpose of providing temporary or permanent storage as an accessory use.

Exceptions. Non-permanent structures with a gross floor area of less than one hundred (100) square feet may encroach upon the front, side or rear setback by up to fifty percent (50%) with approval of the Zoning Administrator. Appeals of ~~the~~ administrative decision of the Zoning Administrator regarding encroachment may be made to the Board of Adjustment.

Commented [VB7]: 160D refers to staff decisions as "administrative decisions." See 160D-4-5 "Appeal of Administrative Decisions"

4) Grandfathering of Structures. Compliance with the requirements above shall be exempted for non-permanent structures which are clearly visible upon aerial photography available at the time of adoption (2010).

(G) Solar Collector/Energy System

1) Roof-mounted System. The collector surface and mounting devices for roof-mounted solar systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. A drawing shall be submitted showing the location and pitch of the system as it relates to the roof line.

   a) The maximum height restrictions of the underlying zoning district shall apply.

2) Ground mounted System. The collector system shall meet the minimum zoning setback for principal structures in the underlying zoning district. The structure(s) shall not be taller than 25 feet in height. *Amended: 8-3-15*

3) Active solar systems shall be screened from routine view from public right-of-ways and adjacent residentially-zoned property.

4) Electric solar system components must have a UL listing.

5) No intertie photovoltaic system shall be installed until evidence has been provided to the Zoning Administrator that the owner has been approved by the utility company to install a connected customer-owned solar generator. Off-grid systems are exempt from this requirement.

6) The installation shall not be more than 400 square feet in area.

(H) Travel Trailer/Recreational Vehicle, Temporary Use (Disaster Hardship)

1) A temporary accessory use permit may be granted by the Zoning Administrator for occupation of a travel trailer/recreational vehicle in cases where the principal residential structure has been damaged to the extent that it cannot be occupied during the course of repair or reconstruction.

2) The travel trailer/recreational vehicle shall meet all setback requirements of the zoning district in which the unit is to be placed.

3) Occupation of the travel trailer/recreational vehicle shall be limited to the owner/occupant of the property.

4) A valid building permit for repair or reconstruction of the principal residence shall be required upon placement of the travel trailer/recreational vehicle.

5) All applicable Davidson County Environmental Health and Inspections Department Permits shall be obtained.

   a) The Travel Trailer/Recreational Vehicle shall obtain a potable water connection from a public water supply or from an approved well by the Davidson County Health Department.

6) The Travel Trailer/Recreational Vehicle may remain occupied on the property for a period of up to six (6) months. Extensions of up to three (3) months, for a maximum of six (6) months may be approved by the Zoning Administrator if significant progress toward completion of the principal residence can be demonstrated.

7) The temporary accessory use permit shall expire upon issuance of a Certificate of Occupancy for the principal residence. The travel trailer/recreational vehicle must then be vacated and water and sewer disconnected.

(I) Wind Energy Facility

1) The required setback to the property line for the turbine shall be 1.5 times the height of the wind turbine.

2) The wind energy facility shall consists of a single wind turbine, tower, and associated control or conversion electronics which has a total rated capacity of 25 kW or less.

(J) Wireless Communication Co-Location

Co-location of a wireless communication antenna on a building or substantial structure such as a water tower or electrical transmission tower, is permitted. However, all applicable provisions of the zoning Ordinance shall be met and plans shall be submitted for review as required by the Zoning Permit.

Section VI.3 **STANDARDS FOR MIXED USE ZONING DISTRICTS**

All uses and structures within an MX-R, MX-C or PEC mixed use zoning district shall meet the following development standards:

(A) Minimum Project Area

The area for development in a mixed use district shall be:

1) MX-R: ten (10) acres for mix of residential uses

2) MX-R: fifteen (15) acres for a mix of residential and commercial

3) MX-C: twenty five (25) acres, with fifteen percent (15%) of total acreage must be for residential uses

4) PEC: fifteen (15) acres

(B) Maximum Residential Density

A maximum of no more than three (3) dwelling units per acre shall be permitted in a mixed use zoning district. Maximum density shall be calculated based on the total project area, minus any portion of the total project area to be devoted to non-residential uses. For the purpose of this calculation, public rights-of-way shall be deemed to be a residential use.

(C) Watershed Regulations Remain In Effect

Properties within a mixed use zoning district lying within a protected watershed shall abide by the watershed regulations.

(D) Reserved

(E) Commercial Density

In no event shall nonresidential development in a mixed use zoning district exceed a floor-area-ratio of 0.75 (for each 1 square foot of land .75 square feet of building may be built.)

(F) Phasing

Each phase of a multi-phase project within a mixed use district should be able to stand as an independent project. At no point in the development of a multi-phase project shall the density of residential development in a completed phase of the project area exceed the approved maximum density.

(G) Common Open Space; Density Bonus

1) At least fifteen (15) percent of the total project area shall be set aside as common open space.

2) A density bonus over and above the density otherwise allowed in a mixed use zoning district may be approved by the Governing Body, provided that the petitioner increases the percentage of the total project area devoted to common open space.

   a) This bonus may be granted upon request from the applicant. Any such bonus shall consist of a one percent (1%) increase in the allowable density for every one percent (1%) of additional land area devoted to common open space above the required amount.

   b) In no event shall the bonus exceed 35 percent (35%) of the allowable density set out in the density table.

3) All common open space shall be set aside and improved no later than the date on which certificates of occupancy are issued for the first 50 percent (50%) of the total number of dwelling units to be constructed within the project area.

4) No more than 50 percent (50%) of all required common open space shall be covered by water.

5) Any structures located in any common open space shall be accessory to recreational use of the space.

6) The required common open space shall be planned and improved so that it is accessible and usable by persons living in the project area. Common open space containing natural features worthy of preservation may be left in a natural state.

7) All of the required common open space shall be either conveyed to Davidson County, if the County accepts ownership and maintenance, or to one or more homeowner associations created for the project area. With respect to an outdoor recreation facility, conveyance may be to the owner or operator thereof.

8) Any conveyance to a homeowners association shall be subject to restrictive covenants and easements reviewed by the Zoning Administrator and recorded and filed at the time the subdivision plat for the project area is recorded.

   c) The covenants and easements shall provide for the establishment of a homeowner's association before any homes are sold, where membership is mandatory for each home buyer

and any successive buyer, the association is responsible for liability insurance and taxes on common open space and recreational facilities owned by it, any fees levied by the association that remain unpaid will become a lien on the individual property, and the association shall be able to adjust the assessment to meet changing needs.

d) The covenants and easements shall also prohibit future development of any common open space for other than open space or recreation purposes and shall provide for continued maintenance of any common open space and recreational facilities.

(H) Planned Employment Center Zoning Districts

1) Commercial Uses. The commercial uses allowed in a PEC Zoning District are only allowed as an accessory to office or manufacturing uses. Commercial retail uses can occupy no more than fifteen percent (15%) of the total floor area of a development or building.

2) Commercial Bonus. Additional floor area beyond fifteen percent (15%) of total may be devoted to commercial uses if the following conditions are met. A 2.5% density bonus shall be allowed for the provision of each of the following items:

a) All required parking is contained within the building or parking structure associated with the development

b) Child care facilities are provided within the development

c) Any six (6) of the following enhanced pedestrian spaces and amenities are provided:

i. plazas,
ii. arcades,
iii. galleries,
iv. courtyards,
v. outdoor cafes,
vi. wide sidewalks (more than six (6) feet in width),
vii. benches,
viii. shelters,
ix. street furniture,
x. public art; or
xi. kiosks.

d) Density bonuses are expressed as a percentage of total floor area of the development or building.

3) Operational Standards. Uses within the PEC Zoning District shall not create smoke, fumes, noise, odor or dust that is detrimental to health, safety or general welfare of the community.

4) Fencing. Fencing is permitted inside of a boundary line where it is necessary to protect property. No sight obscuring fence shall be constructed adjacent to a major arterial or other public right-of-way in excess of four (4) feet in height within the perimeter setbacks. Any chain link or other wire fencing must be screened with green growing plant materials or contain slats.

Section VI.4 STANDARDS FOR NON-CONFORMING USES, LOTS AND STRUCTURES

(A) Special Use Permit Not Considered Nonconforming

Any existing use which requires and has obtained a special use permit under the terms of this Ordinance shall be deemed a conforming use. Alterations are subject to the rules governing the special use permit.

(B) Lot of Record

Nothing contained herein exempts a lot from meeting the applicable Health Department regulations.

1) Single Lot of Record. When a lot has an area or width which does not conform to the dimensional requirements of the district where located, but such lot was of record at the time of adoption of this Ordinance or any subsequent amendment which renders such lot nonconforming, then such lot may be used for a use permitted in the district where located, provided that setback dimensions and other requirements can be met, with the exception to lot area or width. In residential zones, only a single family dwelling shall be permitted on the nonconforming lot.

2) Lots with Contiguous Frontage in One Ownership. Whenever two or more nonconforming lots in single ownership with contiguous frontage exists in a district zoned for residential uses, residential structures or manufactured homes of a permitted class may be erected on each lot if all setback requirements and Health Department requirements can be satisfied. If all setbacks cannot be met, the lands involved shall be considered to be an individual parcel for the purposes of this Ordinance. No portion of the parcel shall be used or sold which does not meet the dimensional requirements of this Ordinance.

3) Reduction of a Lot of Record. A lot of record reduced to less than the required area, width, or setback dimension as the result of a condemnation or purchase by a government agency shall become a nonconforming lot of record.

(C) Nonconforming Use of Land

Any nonconforming use legally existing at the time of adoption or amendment of this Ordinance may be continued so long as it remains otherwise lawful subject to conditions below:

1) No nonconforming use shall be changed to another nonconforming use unless such use is determined to be of equal or less intensity by the Zoning Administrator. In determining whether a nonconforming use is of equal or less intensity, the Zoning Administrator shall consider:

   a) Probable traffic of each use;
   b) Parking requirements of each use;
   c) Probable number of persons on the premises of each use at a time of peak demand;
   d) Off-site impacts of each use, such as noise, glare, dust, vibration or smoke.

2) No legal nonconforming use shall be enlarged, increased, or extended to occupy a greater area of land. The number of dwelling units in a nonconforming residential use shall not be increased.

3) No legal nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use.

4) If any nonconforming use of land ceases for any reason for a continuous period of more than 180 days within a one (1) year period, any subsequent use of such land must be a permitted use in the district in which the property is located.

5) The resumption of a nonconforming use of land shall not be permitted if the nonconforming use is superseded by a permitted use for any period of time.

6) No additional structure(s) not conforming to the requirements of this Ordinance shall be erected in connection with a nonconforming use of land.

7) Any legal, non-conforming junkyard must conform to the standard screening requirements as described in Article V, Section 5.08 (Q).

(D) Nonconforming Structures

Any nonconforming structure legally existing at the time of adoption or amendment of this Ordinance may be continued so long as it remains otherwise lawful, subject to the conditions contained below.

1) No nonconforming structure may be enlarged or altered in any way which increases its dimensional deficiencies; however any nonconforming structure or portion thereof may be altered to decrease its dimensional deficiencies. Any enlargement of the structure shall conform to the current dimensional requirement.

2) In the event of damage by fire or other causes to the extent exceeding sixty (60) percent of its tax value prior to such damage as established by the County Tax Department, reconstruction of a nonconforming structure shall be permitted only in compliance with the dimensional provisions of this Ordinance.

3) In the event of damage by fire or other causes to the extent causing less than sixty (60) percent of its tax value prior to such damage as established by the County Tax Department, reconstruction of a nonconforming structure shall be permitted provided it is constructed in the same footprint in which it originally existed.

4) No nonconforming structure shall be moved or relocated unless it is made to comply with the dimensional and use requirements of the district in which it is relocated.

5) Existing single-family structures located within commercial or industrial zoning districts may be enlarged, altered or replaced provided that no additional residential units results from the activity. Any such alterations shall comply with the dimensional requirements of the RS district.

6) Existing commercial or industrial uses located within a residential district may be maintained, repaired or rebuilt if destroyed so long as there is no physical expansion of the structure. If the structure housing the non-conforming use is rebuilt, it shall be occupied by the same use and be reconstructed to meet the required setbacks of the district in which it is located. If these setbacks cannot be met, reconstruction must occur within the building footprint.

7) Expansion by Special Use Permit. Expansion of a structure housing a non-conforming commercial or industrial use shall require the issuance of a special use permit. Expansion shall be limited to 25% of the gross floor area of the existing facility and the expansion must meet all dimensional requirements and setbacks of the district in which it is located.

(E) Preservation of Safe or Lawful Conditions

Nothing in this Ordinance shall prevent the strengthening, restoration or repair to a safe or lawful condition any part of any building declared unsafe or unlawful by the Building Inspector or other duly authorized official.

(F) Nonconforming Situation Resulting from Governmental Acquisition

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

(G) Nonconforming Junked Motor Vehicles

Any junked motor vehicle made nonconforming by subsequent amendment to this Article shall be discontinued within 365 days following the date of such amendment.

Section VI.5 **STANDARDS FOR SIGNAGE**

(A) Intent

It is the general intent of this section to prohibit signs of a commercial nature in districts in which commerce is barred; to limit signs in the commercial districts in relation to the intensity of the use of the district and its surroundings; and to control the number, area and location or signs in other districts.

(B) Signs Subject to Control

All signs visible from the public right-of-way shall be erected, maintained, and operated in accordance with this Ordinance and other relevant controls; unless specifically excepted.

(C) Zoning Permit Required

Before any sign is erected or structurally altered, a Zoning Permit must be obtained, except those specifically exempted from the requirements of this section.

(D) Exceptions; Signs Not Subject to Control

The following signs are exempt from control, provided the signs comply with (E), (F) and (G) below:

1) Non-illuminated signs not exceeding two (2) per lot and two (2) square feet per face, not of a commercial nature and bearing only property identification numbers and names or post office box numbers and names of occupants of the premises.
2) Flags and insignia of any government.
3) Legal notices, identification and informational signs and traffic directional signs erected by or on behalf of a governmental body.
4) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
5) Signs directing and guiding traffic on private property, not exceeding four (4) square feet per face, and bearing no advertising.
6) Signs not exceeding sixteen (16) square feet per face and limited to two (2) single-faced signs or one double-faced sign at each point of egress, giving the name of residential subdivisions, multiple family housing developments, or manufactured housing park.
7) Internally lighted or unlighted church bulletin boards and identification signs, not exceeding one per abutting street and fifty (50) square feet in area per face.
8) Signs not exceeding sixteen (16) square feet in area per face advertising seasonal agricultural products.
9) Unlighted directional signs of non-profit organizations not exceeding six (6) square feet in area per face.
10) Signs of religious, charitable, civic, fraternal, political, or similar organizations, or of candidates for political office; such sign shall not exceed thirty-two (32) square feet in area per face.
11) Community civic association signs identifying the community, not exceeding eighteen (18) square feet in area per face.

12) Historical markers erected or placed by a bona fide historical association or by a governmental agency.

(E) Temporary Signs

The following temporary, unlighted signs may be erected in the manner prescribed without the issuance of a Zoning Compliance Permit:

1) Real estate signs. For lots of less than five (5) acres, a single sign on each street frontage may be erected. It shall not exceed 32 square feet in area per face, and may contain the message that the property is for sale, lease or rent and the name, address and phone number of the agent. Such signs shall be removed immediately following the sale, lease or rental of the property.

2) For lots of five (5) acres or more having a street frontage in excess of 400 feet, a second sign not exceeding 32 square feet in area per face may be permitted.

3) Construction sign. A single construction site identification sign shall be permitted. It shall not exceed 32 square feet in area per face, and may contain in its message identification of the project, its owner and/or developer, architect, engineer, land planner, landscape architect, contractor and subcontractors. Such signs shall not be erected prior to issuance of a Building Permit and shall be removed within seven days of issuance of the Certificate of Occupancy.

4) Banners. Banners of up to 32 square feet in size may be displayed for up to thirty (30) days.

5) Special Event Signs. Signs of up to 32 square feet in size advertising a special event may be displayed on the site for no more than thirty (30) days prior to the event. The signs shall be removed no less than seven (7) days following the event.

6) Portable changeable copy signs.

(F) Traffic Safety Precautions

Notwithstanding any other provisions in this Ordinance, the following practices in relation to signs are prohibited to insure the safety of pedestrian and vehicular movement.

1) No sign shall be erected within the public right-of-way.

2) No sign shall be erected so that any part of it intrudes into the sight preservation triangle established by Section 4-9.

3) No sign shall use such words as “stop”, “slow”, “caution”, “danger”, or similar admonitions which can be confused with traffic directional signs erected by governmental agencies.

4) No sign shall be erected so that, by its location, color, nature or message, it would tend to be confused with or obstruct the view of traffic signals or signs or would tend to be confused with the warning lights of an emergency or public safety vehicle.

5) Electronic Changeable Face signs must continuously show one message for a minimum of five (5) seconds. Electronic Changeable Face signs shall not dim, flash, fade, or scroll messages; it shall have no moving, rotating, or flashing elements; no animation, video, audio pyrotechnic components, or similar technology.

6) Electronic Changeable Face signs must continuously show one message a minimum of five (5) seconds in time before changing to another message; shall not be programmed to flash, blink or

fluctuate the intensity of lights or to operate intermittently so as to create a strobe effect. In no case shall the sign operate in any way that could cause it to be confused for any traffic safety device or public safety vehicle.

(G) Direct Illumination; Streamers and Flashing Lights

1) No source of illumination for a sign shall be directly visible from any public right-of-way, any residential district or adjacent property.
2) Devices consisting of banners, streamers, pennants, windblown propellers, strung light bulbs, and similar installations are not permitted.
3) Animated, rotating, or other moving or apparently moving installations are prohibited.
4) Except as used to display time and temperature, no permanent or temporary sign shall contain flashing lights.

(H) Prohibited Locations

All signs, including the supports, frames and embellishments, shall not be located within any public right-of-way.

(I) On-Site Signs, Residential Districts

The following signs may be erected in the RA-1, RA-2, RA-3, RS, RM-1, and RM-2 districts in the manner described upon issuance of a Zoning Permit.

1) No more than two, externally illuminated or non-illuminated identification signs having not more than two (2) sign surface areas, each limited to twenty-four (24) square feet, excluding the structure upon which the sign is affixed, and containing the name of a residential subdivision, multiple family housing development, or manufactured housing park may be erected at each point of access to such development. *Amended: 8-3-15*
2) A single, non-illuminated wall sign not exceeding three (3) square feet in area and containing the name of a home occupation may be erected on the lot on which such home occupation is located.
3) A single non-illuminated or internally illuminated identification sign having not more than two (2) sign surface areas, each limited to twenty four (24) square feet and containing the name of the non-residential use permitted in a residential district may be erected on the lot on which such use is located.

(J) On-site Signs, Non-Residential Districts

Signs meeting the follow limitations may be erected in the RC, CS, O/I, LI, HI, MX-R, MX-C, and PEC Districts upon issuance of a Zoning Permit, in the manner described in the table below:.

1) Building frontage shall be measured at the front building line.

ON-SITE, NON-RESIDENTIAL SIGNS		
Zoning District	Permitted Sign Area	Permitted Number of Signs
RC	2 square feet per linear building frontage	2 per establishment; maximum of 6
CS	3 square feet per linear building frontage	1 per establishment; maximum of 10
O/I	1 square foot per linear building frontage	1 per establishment
HC	2 square feet per linear lot frontage	3 per establishment; maximum of 10
LI and HI	3 square feet per linear building frontage 300 square foot maximum	2 per establishment; maximum of 5
MX-R Commercial Uses	3 square feet per linear building frontage	1 per establishment; maximum of 10
MX-C Commercial Uses	2 square feet per linear lot frontage	3 per establishment; maximum of 10
PEC	1 square foot per linear building frontage	2 per establishment

(K) Outdoor Advertising Signs

1) Outdoor advertising signs, where allowed as a permitted principal use, shall be limited to a maximum area of 400 square feet per sign.
2) Outdoor advertising signs shall be limited in placement to parcels adjacent to NC, US and Interstate routes.
3) There shall be a minimum radius between any two outdoor advertising signs of 500 linear feet. No two signs shall be spaced less than 300 feet apart.
4) Where erected, outdoor advertising signs shall not be located within 100 feet or any residentially zoned property.
5) The land lease for an outdoor advertising sign must be at least .25 acres.
6) The sign must meet the setback requirements of the zoning district within which it is located.

(L) Height.

1) Signs shall be limited to thirty-five (35) feet in height.
2) Signs located along interstate highways may not exceed fifty (50) feet in height unless the conditions for additional height are met as described in Section 4.13 of this Ordinance.

Section VI.6 STANDARDS FOR OFF-STREET PARKING & LOADING

No building permit, zoning permit or certificate of occupancy shall be issued for new uses of land, structures and buildings, a change in use, or expansion of an existing use unless the off-street parking and loading requirements of this Article or as required by a conditional or special use permit met.

(A) Handicapped Accessible Parking

Newly constructed or altered parking facilities shall be readily accessible to and usable by individuals with disabilities. Handicapped accessible parking spaces shall be provided as required by the North Carolina Building Code.

(B) Joint Parking Facilities

The required parking for any number of separate establishments may be combined in one lot, subject to the following requirements.

1) The spaces allotted to each use must be shown on the application for a Zoning Permit;
2) The distance from the farthest allotted space to the main entrance of the structure housing the use to which it is assigned shall not be more than 300 feet;
3) Spaces assigned to one use may not be assigned to another use at the same time or any other time, except that one-half (1/2) of the parking spaces required for uses such as churches, theaters, or assembly halls, whose peak attendance will be at night or on Sundays, may be assigned to use which will experience peak usage at other times. The Zoning Administrator shall make the determination of relative peak usages.
4) Cross easements shall be executed and recorded to insure the continued availability of the parking to the use it serves.

(C) Off Street Parking Design Standards

All required off-street parking areas shall meet the following requirements.

1) Except where there is attendant parking or for single family dwellings, each space shall be so arranged that any vehicle may be parked and un-parked without moving another.
2) Each parking space shall contain a minimum area of 180 square feet and have a minimum width of nine (9) feet.
3) In lots designed to accommodate more than 20 vehicles, up to twenty percent (20%) of the spaces may contain a minimum area of 112.5 square feet and a minimum width of 7.5 feet. These smaller spaces, if provided, shall be designated for use only by compact cars only (manufacturers' frame classes 4 through 8).

4) Adequate maneuvering space shall be provided in association with each parking space, so that parking and un-parking can be accomplished in one continuous maneuver, without the need to back and fill.

5) All maneuvering room and all off-street parking spaces shall be accommodated on private property.

6) Parked vehicles in off-street spaces shall be prevented from intruding on travel lanes, walkways, public property or other private property by means of walls, curbs, wheel stops or other appropriate means.

7) Ingress and egress to parking lots shall conform to the design standards of the North Carolina Department of Transportation.

8) Parking lots shall not encroach on any public right-of-way.

(D) Off Street Parking Requirements

Each use shall provide the following off-street parking spaces:

Category of Use	Parking Spaces Required
Residential Uses	
Single Family Dwelling	One (1) space/dwelling unit
Multi-Family Dwelling (including duplexes)	
- Efficiency Unit	One (1) space/dwelling unit
- One Bedroom Unit or larger	Two (2) spaces/dwelling unit
Fraternity or Sorority	One (1) space/lodging resident
Hotel or Motel	One (1) space/lodging room and Two (2) spaces/ three (3) employees of greatest shift
Manufactured Home Park	Two (2) spaces/dwelling unlit
Rooming or Boarding House	One (1) space/lodging room and Two (2) spaces/owner
Commercial Uses	
Automobile Sales	One (1) space/500 square feet of sales area
Bowling Alley	Four (4) spaces/lane

Category of Use	Parking Spaces Required
Fitness Center; Gym	One (1) space/200 square feet of gross area
Group Care Facility	One space/two (2) beds
Hospital	One and ½ (1 ½) spaces/patient bed
Medical Uses	One (1) space/200 square feet of gross area
Medical, Dental Office	One (1) space/200 square feet of gross area
Office Building, Bank, Business and Professional Services	One (1) space/300 square feet of gross area
Restaurant	One (1) space/four (4) seats
Retail Store, Shopping center, convenience goods	One (1) space/200 square feet of gross area
Institutional & Educational Uses	
Church; Sanctuary; Assembly area	One (1) space for every (4) fixed seats; and/or one (1) space/100 square feet of gross area of assembly areas
Elementary, Intermediate, Junior High School	One (1) space/teacher and staff and Five (5) spaces
High School	One (1) space/teacher and staff and One (1) space/four (4) students
Public Buildings and Uses	
Auditorium, Theater, Stadium, Arena	One (1) space/four (4) seats
Museum; Library	One (1) space/300 square feet of gross area
Recreational Facility; Indoor or Outdoor	One (1) space/200 square feet of gross area used for recreational purposes (excluding open space areas)

Industrial Uses	
Manufacturing, Warehouse, Wholesale	One (1) space/two (2) employees on the largest two (2) shifts combined

(E) Determination of Unlisted Uses

The Zoning Administrator shall make a determination of the minimum required off-street parking spaces in the event that a proposed use is not listed in the Table above. In reaching the determination, the Zoning Administrator shall be guided by the requirements for similar uses and the number and type of vehicles likely to be attracted to the proposed use.

(F) Off Street Loading and Unloading Requirements

1) An off-street loading space shall have a minimum width of 12 feet, a minimum depth of 60 feet and have a vertical clearance of 16 feet above finished grade of the space.
2) Every industrial and commercial structure shall provide space for off-street loading and unloading of vehicles in addition to the required off street parking spaces.
3) Space designated for compliance with off-street parking requirements shall not be used to comply with the requirements for off-street loading space and vice versa.

The off-street loading spaces shall be so located and arranged that a semi-trailer truck (WB 50) shall be able to use it by means of one continuous maneuver.

(G) Off-Street Loading Space Requirements

Each use shall provide the following minimum off-street loading spaces:

Category of Use	Loading Spaces Required
Retail/Commercial Uses	One (1) space/5,000 square feet gross area
Industrial Uses	One (1) space/10,000 square feet gross area

Section VI.7 **STANDARDS FOR LANDSCAPING AND SCREENING** *Amended 10-24-17*

(A) Purpose

The landscaping, screening, and buffer regulations, adopted and prescribed in this Ordinance, are found by the Board of Commissioners to be necessary and appropriate to.

1) Maintain and enhance Davidson County's existing tree coverage;
2) To promote careful landscaping of outdoor areas;
3) To soften and enhance the manmade environment;

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4) Provide the separation necessary to permit certain land uses to coexist harmoniously which might not do so otherwise;

5) Safeguard and enhance property values and protect public and private investment;

6) Reduce the negative impact of glare, noise, trash, odors, overcrowding, traffic, lack of privacy, and visual disorder when incompatible land uses adjoin one another.

7) Enhance the environmental through controls for storm water run-off and improvements to air quality.

(B) Application

These requirements shall apply to the following.

1) New Principal Building or Use. Principal buildings or open uses of land greater than five thousand (5000) square feet constructed or established after the adoption of this Ordinance.

2) Expansions or Reconstruction. Expansions which will result in a parking or building square footage increases of more than five thousand (5,000) square feet for developments existing on the effective date of this Ordinance. In such cases the landscaping requirements shall apply only to the expansion.

(C) Exemptions

These requirements shall not apply to:

1) Single family detached dwellings or two-family dwellings on their own lots.

2) Multi-family developments containing four (4) or fewer dwelling units on a single lot.

3) Property lines abutting railroad rights-of-way and utility easements in excess of sixty (60) feet in width.

4) Parking lots consisting of less than twenty (20) spaces.

5) Property lines abutting tracts of land that are wooded to the extent equal to or greater than the planting yard that this section would require to be installed.

(D) Required Planting Areas, Yards and Rates.

The following areas shall be landscaped with the type and number of plants described based on the width of buffer provided.

1) Parking Lot. Planting areas within and adjacent to parking areas designed to shade and improve the attractiveness of large areas of pavement. See "Parking Lot Plantings" illustration in the appendix for possible arrangements. Parking lots shall be planted at a rate of one (1) canopy tree for every twenty (20) parking spaces provided.

2) Street Planting Yard. A planting area parallel to a public street that can be placed at the street or against the structure designed to provide continuity of vegetation along the right-of-way and a pleasing view from the road. No more than fifteen (15%) percent of the street planting yard may be used for walkways or signs. Parking, merchandise display and off-street loading are prohibited in the street planting yard. Street planting yard rate, length and width calculations shall exclude access drives.

Street Yard Minimum Planting Rate			
Buffer Width (feet)	Canopy Trees (per 100 linear feet)	Understory Trees (per 150 linear feet)	Shrubs (per100 linear feet)
8	--	1	2

3) Type A Planting Yard. A higher density screen.

Type 'A' Planting Yard Minimum Planting Rate			
Buffer Width (feet)	Canopy Trees (per 150 linear feet)	Understory Trees (per 100 linear feet)	Evergreen Shrubs (per100 linear feet)
15	1	4	5
30	1	4	--
40	1	3	--
100	1	2	--
200	1	1	--

4) Type B Planting Yard. A medium density screen.

Type 'B' Planting Yard Minimum Planting Rate			
Buffer Width (feet)	Canopy Trees (per 150 linear feet)	Understory Trees (per 100 linear feet)	Evergreen Shrubs (per100 linear feet)
15	1	4	4
20	1	4	--
30	1	3	--
40	1	2	--
200	1	1	--

5) Type C Planting Yard. A low density screen.

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Type 'C' Planting Yard Minimum Planting Rate			
Buffer Width (feet)	Canopy Trees (per 150 linear feet)	Understory Trees (per 100 linear feet)	Evergreen Shrubs (per100 linear feet)
10	1	2	2
20	1	2	1
30	1	1	--
50	1	--	--

6) Reserved

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Buffer Width (feet)	Canopy Trees (per 100 linear feet)	Understory Trees (per 100 linear feet)	Evergreen Shrubs (per100 linear feet)
-	--	--	--

7) Reduction of Minimum Yard Depth. Walls of masonry, stone, lumber five (5) feet high may be used to reduce buffer widths by ten (10) feet.

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(E) Required Planting Yards

The following areas shall be landscaped with the type of yard described according to the proposed and adjoining categories of land uses.

Category of Proposed Use	Existing Adjoining Use							
	Single Family	Two Family	Multi-Family	Educational Institutional	Office	Commercial Retail	Industrial	Undeveloped*
Single Family	--	--	--	--	--	--	--	--
Two Family	--	--	--	--	--	--	--	--
Multifamily	B	C	--	--	--	--	--	--
Educational/Institutional	B	B	C	--	--	--	--	--
Office	B	B	--	--	--	--	--	--
Commercial/Retail	B	B	C	--	C	--	--	--
Industrial	A	A	A	B	B	C	--	--

*Undeveloped land will be defined for the purposes of this section, as being vacant or if developed having the principal use of the adjoining tract located no closer than 300 feet from the property line in question.

(F) Landscaping Design and Maintenance Standards

1) Plant Species. Species used in required planting area shall be of a locally adapted nature, or appear on the list of recommended plant species in the Appendix. Other species may be approved by the Zoning Administrator.

2) Dimension of Planting Areas. Any planting area containing canopy trees, including those located in parking lots, shall have a minimum inside dimension of seven (7) feet and be at least two hundred (200) square feet in area.

3) Grouping. For the Type A, B and C planting yards, shrubs and trees may be grouped or clustered for up to fifty (50%) percent of each required plant material. The remainder of the plant material shall be distributed throughout the planting yard. There shall be at least one (1) row of evergreen shrubs or evergreen understory trees in all Type A planting yards.

4) Parking Lot Spacing. Required canopy tree areas shall be distributed throughout parking lots and shall be located within or adjacent to parking lots as tree islands, at the end of parking bays, medians, or between rows of parking spaces.

5) Canopy Tree Size. Canopy trees must be a minimum of eight (8) feet high and two (2) inches in caliper, measured six (6) inches above grade, when planted. When mature, a canopy tree should reach thirty-five (35) feet high and have a crown width of thirty (30) feet or greater.

6) Understory Tree Size. Understory trees must be a minimum of four (4) feet high and one (1) inch in caliper, measured six (6) inches above grade, when planted.

7) Shrub Size. All approved shrubs shall be installed at a minimum size of eighteen (18) inches, spread or height and are expected to reach a minimum height of thirty-six (36) inches, and a minimum spread of thirty (30) inches within three (3) years of planting.

8) Berms. Berms may be used in an alternate planting plan as a substitute for some plant materials, subject to approval of the Zoning Administrator.

9) Wall Planters. Wall planters shall be constructed of masonry, stone, or pressure treated lumber stamped for ground contact. The minimum height of the wall planter shall be thirty (30) inches. The minimum height of shrubs in the wall planter shall be six (6) inches. The effective planting area of the wall planter shall be four (4) feet in width. If the wall planter is to contain trees, the effective planting width shall be seven (7) feet.

(G) Encroachments Permitted in Required Planting Yards

The following are permitted in required planting yards provided the landscaping requirements are met and there is no interference with any sight area.

1) Landscaping features, including but not limited to ornamental pools, planting boxes, sculpture, arbors, trellises, and birdbaths.

2) Pet shelters, at-grade patios, play equipment, outdoor furniture, ornamental entry columns and gates, flagpoles, lampposts, address posts, HVAC equipment, mailboxes, outdoor fire places, public utility wires and poles, pumps, wells, fences, retaining walls, or similar structures.

3) Cornices, steps, canopies overhanging eaves and gutters, window sills, bay windows or similar architectural features, chimneys and fire places, fire escapes, fire balconies, and fire towers may project not more than two and one-half (2 1/2) feet into any required planting yard, but in no case shall be closer than three (3) feet to any property line.

4) Permanent runoff control structures.

(H) Fence Location within Required Planting Yards.

The setback of fences within a required planting yard shall be subject to the approval of a landscaping plan.

(I) Setback Less than Planting Yard.

If the required building setback is less than the required planting yard, the building setback shall control, reducing the required planting yard width only alongside the building. The planting rate of the required planting yard shall still apply.

(J) Location of Planting Material Outside Shade of Building

Where a building is located less than ten (10) feet from a property line, and the planting yard would be heavily shaded by buildings on both sides of the property line, the required trees and shrubs may be planted outside the shaded area to improve survivability.

(K) Obstructions

Landscaping shall not be placed to obstruct the view of motorists using any street, driveway or parking aisle.

(L) Location

Required trees and shrubs shall not be installed in the street right-of-way. Required trees and shrubs may be placed in water quality conservation easements. Required trees and shrubs may be planted in electric utility easements below overhead lines and in drainage maintenance and utility easements by approval of the Zoning Administrator.

(M) Plant Protection

Whenever planting areas are adjacent to parking lots or drives, the planting areas shall be protected from damage by vehicles, lubricants or fuels through the use of wheel stops, curb and gutter, or other approved parking barrier.

(N) Maintenance

The owner is responsible for maintaining all required plant materials and planting areas in good health and appearance. Any dead, unhealthy or missing plants must be replaced within one-hundred and eighty (180) days with vegetation which conforms to the initial planting rates and standards. When plant material is severely damaged due to unusual weather conditions or other acts of God, the owner shall have two (2) years to replant.

(O) Water Wise Planting Techniques

The following soil preparation techniques shall be used for all newly landscaped yards as required herein.

1) Soil preparation for the entire landscaped planting yard includes the addition of organic amendments tilled to a depth of eight (8) to twelve (12) inches.
2) All plantings in the landscape yards shall be mulched, including interior parking lot islands less than five hundred (500) square feet to a depth of three (3) inches. The mulch shall be free of trash and maintained weed free thereafter.
3) Earthen basins are constructed around the installed plants.
4) Plants, as permitted by this Ordinance, are grouped together where possible.
5) For establishment and survival, plants shall be watered in the first year of planting.
6) Irrigation. It is suggested that drip irrigation, which includes drip misters, be used for required landscaping planting beds during the required establishment period. After establishment, supplemental watering can be reduced and used on an as needed basis. Traditional spray irrigation is prohibited except for turf areas.
7) Pruning. All required trees shall be allowed to reach their mature size and shall be maintained at their mature size. Trimming and pruning shall be done in strict accordance with the American

National Standards Institute (ANSI) standards. Topping is not an acceptable pruning practice. Topping is the reduction of a tree's size using heading cuts that shorten limbs or branches back to a predetermined crown limit. The Zoning Administrator may require the removal and replacement of any tree(s) that have been topped or excessively trimmed.

(P) Procedures.

1) Landscaping Plan Required. Prior to obtaining a permit, an applicant must receive approval of a landscaping plan from the Zoning Administrator. The landscaping plan shall include at a minimum an illustration of the type of planting yards that will be required along each property line.

2) Installation of Plant Materials. Installation of plant material shall occur prior to the issuance of a Certificate of Occupancy. If at the time of a request for a Certificate of Occupancy, the required planting areas are not complete and it can be determined that:

   a) Plant materials are unavailable,
   b) Completion of the planting areas would jeopardize the health of the plant materials, or
   c) Weather conditions prohibit completion of the planting areas, then the installation of plant materials may be deferred by the Zoning Administrator.
   d) The developer shall submit a copy of a signed contract for installation of the required planting areas and may be required to post a surety equal to the amount of the contract. In no instance shall the surety be for a period greater than one-hundred and eighty (180) days. The Zoning Administrator may issue a Temporary Certificate of Occupancy but shall not issue a Certificate of Occupancy until the planting areas have been completed and approved.

(Q) Alternate Methods of Compliance.

Alternate landscaping plans, plant materials or planting methods may be used where unreasonable or impractical situations would result from application of landscaping requirements. Such situations may result from utility easements, streams, natural rock formations, topography, lot configuration, or where other physical conditions exist, or where other site conditions exist such as unified development design.

1) The Zoning Administrator may approve an alternate plan, which proposes different plant materials, planting yard widths, or methods provided that quality, effectiveness, durability and performance are equivalent to that required by this Ordinance.

2) The performance of alternate landscaping plans shall be reviewed by the Zoning Administrator to determine if the alternate plan meets the intent and purpose of this Ordinance. This determination shall take into account the land uses on adjacent property, number of plantings, species, arrangement and coverage, location of plantings on the lot, and the level of screening, height, spread, and canopy of the plantings at maturity.

3) Appeals of administrative d~~D~~ecisions of the Zoning Administrator regarding alternate methods of compliance may be appealed to the Board of Adjustment.

(R) Lot of Record Provisions.

For a legal lot of record of less than one hundred (100) feet in width, the following provisions may be applied.

1) For lots greater than eighty (80) feet in width where a Type C Planting Yard is required, one (1) Type C planting yard may be eliminated from the landscaping plan if the Zoning Administrator finds that strict application of the requirements of this Section prevents reasonable use of the property. However, the plantings required for this yard shall be installed in remaining planting yards.

2) For lots less than eighty (80) feet in width where Type C planting yards are required, two (2) Type C planting yards may be eliminated from the landscaping plan if the Zoning Administrator finds that strict application of the requirements of this Section prevents reasonable use of the property. All required plants for these yards shall be installed in remaining planting yards.

(S) Provisions for Preservation of Existing Trees.

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

1) To receive credit for existing trees, the trees must be protected from direct and indirect root damage and trunk and crown disturbance. The following standards shall apply:

   a) The protected area around trees shall include all land within the canopy drip line.
   b) Construction site activities such as parking, material storage, soil stock piling and concrete washout shall not be permitted within tree protection areas.
   c) Protective fencing shall be installed around tree protection areas prior to any land disturbance. Such fences shall be at least four (4) feet high and may consist of snow fence or polyethylene safety fencing. Fencing shall remain in place until construction is complete and other landscaping has been installed.

2) No credit will be allowed for any dead tree, any tree in poor health or any tree subjected to grade alterations. The death of any tree used for preservation credit shall require the owner to plant new trees equal to the number of credited trees.

3) Tree credit shall be allowed at the rate of one canopy tree for every three (3) inches of circumference measured at four and one-half (4.5) feet above grade. Credits shall be subtracted from the total number of canopy and understory trees required in the same planting yard where the tree is located. In every case, however, there be at least one canopy tree for every fifty (50) linear feet of street planting yard, existing or planted.

Article VII. ADMINISTRATION

Section VII.1 GENERAL

The Governing Body shall provide for the manner in which the provisions of this Ordinance shall be determined, interpreted, established, enforced, amended, supplemented or changed through the establishment of boards, administrators and processes for requesting permits, amendments, variances and appeals as described herein.

Section VII.2 ORGANIZATION

Each Board provided for by this Ordinance shall adopt rules of procedure and maintain records. All Boards provided for by the Ordinance shall comply with the standards and practices described herein.

(A) Meetings

Official meetings of a Board shall be held in compliance with NCGS 143-318.10.

(B) Rules

Each Board shall adopt rules as necessary to conduct its affairs and to establish Board organization, committees, procedures, meeting notice and meeting conduct. These rules shall be in accordance with State Law and the provisions of this Ordinance.

(C) Quorum

A quorum of a Board shall be necessary to conduct any business brought before the Board.

(D) Voting

Unless otherwise described herein, the affirmative vote of a simple majority of Board members is considered an approval.

(E) Election and Terms of Officers

Unless otherwise provided by this Ordinance, a Chairman and Vice Chairman of the Board shall be elected by members of the Board to serve a one (1) year term. The Secretary is not required to be a member of the Board.

(F) Alternate Members

The Governing Body may appoint alternate members to serve in the absence of regular members. Each alternate member attending a meeting of a Board and serving in the absence of a regular member may exercise all the powers and duties of a regular member.

(G) Terms

Members and alternate members of a Board shall serve a term of three (3) years, provided that upon initial appointment the terms of office are staggered. The terms of all members of a Board may not expire at the same time. Reappointments to the boards are permitted and are made at the discretion of the Governing Body. Members appointed to filling vacancies shall serve for the remainder of the unexpired term.

(H) Compensation

Compensation, if any, for Board members may be provided for by the Governing Body.

(I) Record of Meetings

A Board shall keep minutes of its proceedings, showing the vote of each member upon every question or, if absent or failing to vote, indication of such. The Board shall also keep records of its examinations and other official actions. All such records and minutes shall be maintained as public record and made available for public inspection in a reasonable manner.

(J) Application Required

Applications for all types of Board review and considerations shall be filed with the Zoning Administrator. Applications shall be submitted on the appropriate form as provided by the Zoning Administrator, and include any information, attachments, plans and documents as required to support the request. A record of all such applications shall be kept on file by the Zoning Administrator.

(K) Appeals

The route of appeal of a decision of any Board created by the Ordinance is described in Section 7.12 – Appeals.

Section VII.3 **PLANNING BOARD**

(A) Authority

Pursuant to NCGS ~~153A-321~~160D-301, there is hereby created a planning agency to be known as the Planning Board.

(B) Membership

The Planning Board shall consist of at least five (5) members and may have alternates. Members shall be appointed by the Governing Body and must be residents of Davidson County.

(C) Powers and Duties

The Planning Board shall have the following powers and duties pursuant to NCGS 160D 604.

1) To develop a comprehensive plan for the territory under its Jurisdiction, subject to specific direction from the Governing Body;
2) To make such other studies and plans and review such other related matters as directed by the Governing Body; ~~and~~
3) To review ~~hear~~ and make recommendations to the Governing Body on matters in accordance with the terms of this Ordinance including zoning map amendments, ~~Special Use Permits;~~ subdivisions and site plans; and provide a statement of consistency with the adopted comprehensive land development plan pursuant to NCGS 160D-604 (d)
4) To make recommendations to the Governing Body on matters pertaining to road name changes, road closings, right-of-way vacations, easement removals and right-of-way encroachments as assigned;

Commented [VB8]: Planning Board doesn't grant sp use permits. Sp Uses section says this is done by Gov Bd and BOA.

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5) To make recommendations to the Governing Body with regard to matters such as text amendments to this Ordinance; and

6) To exercise other powers and authority provided to it by the Governing Body, this Ordinance, or state law.

(D) Voting

1) The affirmative vote of a simple majority of the Board members present for a hearing in favor of an applicant regarding a rezoning, shall be forwarded as a recommendation for approval to the Governing Body and be scheduled for a public hearing.

2) The unanimous affirmative vote of the Board members present for a hearing to deny a rezoning, special use permit or appeal of a decision of the Zoning Administrator shall constitute a denial of the request, subject to appeal.

Commented [VB9]: 'Can't tell if Davidson County follows the practice of having the Planning Board conduct a hearing. David Owens says many jurisdictions still do. But since the planning Board's job is to recommend based on existing plans and planning principles, for them to conduct a public hearing, often just getting community sentiment can make people think a PB hearing means something, legaly. It doesn't. SOG recommends phasing it out.

(E) Conflict of Interest

A Planning Board member shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to G.S. 160D where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. Nor shall member vote on a recommendation regarding a rezoning or text amendment, if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business or other associational relationship. "Close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild."

Commented [VB10]: Conflict of interest wording added for boards that recommend on legislative decisions (160D-1-9(b)

~~(E)~~(F) Oaths and Affirmations

The Chairman of the Planning Board is authorized to administer oaths or affirmations to any witnesses in any quasi-judicial matter coming before the Board.

Section VII.4 **BOARD OF ADJUSTMENT**

(A) Authority

Pursuant to NCGS ~~153A-321~~160D-302, there is hereby created a ~~planning agency to be known as the~~ Board of Adjustment to hear and decide the matters specified in this Section.~~.~~

(B) Membership

The Board of Adjustment shall consist of at least five (5) members and two (2) alternates. Members shall be appointed by the Governing Body and must be residents of Davidson County.

(C) Powers and Duties

The Board of Adjustment shall have the following powers and duties.

1) Hear and decide appeals from and review ~~any administrative decisions including~~ orders, requirements, decision, or determination made by the Zoning Administrator in the performance of his duties;

2) Hear and decide applications for the approval of special use permits requiring Board of Adjustment approval as required in this Ordinance;

   a) Before any application for a special use may be approved, the Board shall make written findings certifying compliance with the specific rules governing the use as supported by evidence in its record, on each criteria.
   b) The Board may impose reasonable conditions upon the installation and operation of any special use to insure that the public health, safety and general welfare shall be protected and substantial justice done. Violation of such conditions shall be a violation of this Ordinance.

3) Hear and decide appeals for variances from the dimensional ~~r~~regulations of this Ordinance;

4) Other powers and authority provided to it by the Governing Body, ~~t~~this Ordinance, or state law.

(D) Quasi-judicial Proceedings

In ~~In ex~~exercising these powers, the Board shall follow statutory procedures for quasi-judicial development decisions as set forth in G.S. 160D-102(28). The Board must hold an evidentiary hearing to gather competent, material, and substantial evidence to establish the facts of the case. The evidentiary hearing must have testimony under oath and must establish written findings of fact and conclusions of law as provided in G.S. 160D-406.

~~(D)~~(E) (E) Voting

The concurring vote of four-fifths of the Board shall be necessary to grant a variance. The affirmative vote of a majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made to the Board.

(F) Conflict of Interest

A Board of Adjustment member when exercising any quasi-judicial function shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.
"Close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild, the step, half and in-law relationships.

(F) Oaths and Affirmations

The Chairman of the Board of Adjustment is authorized to administer oaths or affirmations to any witnesses in any quasi-judicial matter coming before the Board.

Section VII.5 **INTERNAL REVIEW COMMITTEE**

(A) Authority

Pursuant to NCGS ~~153A-321~~160D-306, there is hereby created a planning agency to be known as the Internal Review Committee (IRC).

(B) Membership

The Committee shall be composed of the following department or division heads, and outside agency representatives or their designee as appointed by resolution of the Governing Body. Each representative shall have an alternate.

1) Planning Department
2) Environmental Health
3) Public Works
4) Building Inspections
5) Fire Marshall
6) Recreation
7) School Board(s)
8) North Carolina Department of Transportation, Division Engineer
9) Electrical/Gas Utility Provider(s)
10) Public Water Provider(s)
11) Sanitary Sewer Provider(s)
12) Other representatives deemed necessary and advisable by the Zoning Administrator.

The Zoning Administrator or his designated representative shall serve as Committee Chair. The Committee shall appoint a recording secretary.

(C) Meetings

A schedule of regular monthly meetings shall be adopted on an annual basis. Meetings will be held at an established time and location or as necessary. A quorum shall not be required to conduct meetings.

(D) Powers and Duties

The Internal Review Committee shall have the following powers and duties.

1) To provide for a continuing, coordinated, and comprehensive review of the technical aspects of this Ordinance, related in particular to the technical aspects of development proposals;
2) To review technical aspects of major development occurring within the jurisdictional area;
3) To review and make recommendations on new or altered plans including major subdivisions, planned unit developments, major site plans, special use permits, or other proposals for development as deemed necessary and advisable by the Zoning Administrator;
4) To perform other related duties as directed by the Governing Body; and
5) To exercise any other power and authority provided to it by the Governing Body, this Ordinance or State law.

Section VII.6 **ADMINISTRATIVE OFFICER**

(A) Authority

The provisions of this Ordinance shall be administered by the Zoning Administrator and designees who shall be appointed by the County Manager.

(B) Duties

The Zoning Administrator shall have the power to grant Zoning Compliance Permits and Certificates of Occupancy and to make or designate ~~to~~ staff to make inspections of buildings or premises necessary to carry out the enforcement of this Ordinance pursuant to NCGS 160D-403(e). -The Zoning Administrator shall make all necessary administrative determinations and interpretations as required by this Ordinance. Persons aggrieved by a decision or a determination made by the Zoning Administrator may appeal that action to the Board of Adjustment.

(C) Powers

1) Notification of Decisions. It shall be the responsibility of the Zoning Administrator to notify the applicant or appellate of the disposition which the Board made of the matter. This notice shall be made by certified mail. If an application for a Zoning Permit or Certificate of Occupancy is denied, the Zoning Administrator shall state the cause in writing.

2) Issuance of Permits. It shall be the responsibility of the Zoning Administrator to issue permits in accord with the Board's action on an application or appeal, if a permit is authorized by the Board action.

3) Execution of Board Actions and Enforcement of Conditions. The Zoning Administrator shall see to the faithful execution of all portions of the Board's actions, including the enforcement of all conditions which may have been attached to the granting of ~~a variance or approval of a special use~~a development approval.

(D) Limits

If the proposed land development activities as described in the permit application are in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue a Zoning Permit, within the following limits.

1) Issuance of a Zoning Permit shall in no case be construed as waiving any provisions of this Ordinance.

2) Under no circumstances is the Zoning Administrator permitted to grant exceptions to the actual meaning of any clause, standard, or regulation contained in this Ordinance to any person making application to excavate, construction, move, alter, or use either building, structures or land.

3) Under no circumstances is the Zoning Administrator permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out his duties.

4) The Zoning Administrator shall issue a Zoning Permit or Certificate of Occupancy when the imposed conditions of this Ordinance are complied with by the applicant regardless of whether the use of their permit would violate contractual or other arrangements (including, but not limited to restrictive covenants) among private parties.

(E) Conflict of Interest

1) No staff member shall make a final decision on an administrative decision required by this ordinance if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. Close familial relationship" as used in paragraph A above means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half and in-law relationships.

2) If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the County Manager. No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this ordinance unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with the County to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the County, as determined by the County.

Commented [VB11]: Conflict of interst applicable to staff added per G.S.160D-1-9(c)

(E) Inspections

If inspecting a property or building, the Zoning Administrator or designated staff must enter the premises during reasonable hours and upon presenting credentials; provided appropriate consent has been given for areas not open to the public or an administrative search warrant to inspect has been secured.

Section VII.7 DETERMINATION OF COMPLIANCE

(A) Intent

Where determination of compliance with a development standard can be made by the Zoning Administrator using equipment normally available or obtainable without extraordinary expense, such determinations shall be so made.

However, where technical complexity or extraordinary expense makes it unreasonable for the County to maintain the personnel or equipment necessary for making difficult or unusual determinations, the following procedures shall be followed to protect individuals from arbitrary, capricious, and unreasonable administration and enforcement of performance standard regulations, and to protect the general public from unnecessary costs for administration and enforcement.

(B) Procedure Where Zoning Administrator Cannot Make Final Determination

If, in the considered judgment of the Zoning Administrator, there is probably violation of the performance standards as set forth in this Ordinance, the following procedures shall be followed.

1) The Zoning Administrator shall give written notice, by certified mail, to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violations and the reasons why the Zoning Administrator believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning

Administrator within a time limit set by the Zoning Administrator. The notice shall state, and is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Zoning Administrator within the time limit set constitutes admission of violation of the terms of this Ordinance.

2) The notice shall further request technical determinations as described in this Ordinance to be made, and that if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate,

3) If there is no reply within the time limit set, but the alleged violation is corrected to the satisfaction of the Zoning Administrator, it shall be noted "violation corrected" on a copy of the notice, and shall be retained among the official records, taking such other action as may be warranted.

4) If there is no reply within the time limit set and the alleged violation is not corrected to the satisfaction of the Zoning Administrator within the time limit set, a Notice of Violation will be issued.

5) If a reply is received within the time limit set indicating that the alleged violation will be corrected to the satisfaction of the Zoning Administrator, but requesting additional time, the Zoning Administrator may grant an extension, if it is deemed warranted in the circumstances of the case and if the extension will not likely cause imminent peril to life, health, or property.

6) If reply is received within the time limit set requesting technical determination as provided in this Ordinance, and if the alleged violation continues, the Zoning Administrator may call in properly qualified experts to make the determination. If expert findings indicate violation of the performance standards, the cost of the determinations shall be assessed against the properties or persons responsible for the violation, in addition to such other penalties as may be appropriate.

7) If no violation is found, the costs of the determinations shall be paid by the County without assessment against the properties or persons involved.

Section VII.8 **ZONING and DEVELOPMENT APPROVALS**

(A) Purpose

The issuance of a Zoning or Development Approval~~Permit~~ is intended to demonstrate that the plans, specifications and the intended use of land as well as existing or proposed structure(s) conforms in all respects to the provisions of this Ordinance.

All Zoning ~~Permit~~ and Development Approval applications shall be made in print or electronic writing by a person with a property interest or a contract to purchase property to the Zoning Administrator on forms provide for that purpose. A record of all such applications shall be kept on file by the Zoning Administrator.

(B) Development ~~Zoning~~ Approval ~~Permit~~ Required

1) Construction Activities. It is unlawful to begin the excavation for the construction, the moving, alteration, or erection of any building or other structure, including an accessory structure, exceeding a dimension of twelve (12) feet in height, width, length or area without a valid ~~Zoning~~

Development ~~Compliance permit~~Approval. Ordinary repairs and up-fits that do not alter an existing structure's dimensions or footprint are exempted from this requirement.

2) Change in Land Use or Occupancy. It is unlawful to change the type of use of land or the type of use or occupancy of an existing building without a valid Development ~~Zoning~~ Approval~~Compliance Permit~~.

3) Relationship to Building Permit. When a Building Permit related to a construction activity is required, application for ~~Zoning~~ Development~~Compliance Permit~~Approval shall be made in conjunction with the Building Permit application.

4) Failure to obtain a Zoning or Development Approval ~~Permit~~. Failure to obtain a required zoning permit shall constitute a violation of this Ordinance and be subject to compliance procedures as described herein (Article VIII).

(C) Development Approvals Run with the Land

Unless provided otherwise by law, all rights, privileges, benefits, burdens, and obligations created by Development Approvals attach to and run with the land

Section VII.9 **CERTIFICATE OF OCCUPANCY**

(A) Issuance

1) A building, structure, or zoning lot for which a Zoning Permit has been issued shall not be used or occupied until the Zoning Administrator has, after final inspection, recommended the issuance of a Certificate of Occupancy indicating compliance has been made with all the provisions of this Ordinance.

2) The Zoning Administrator shall not recommend the issuance of a Certificate of Occupancy until the Davidson County Health Department has approved the water supply and sewage disposal systems as provided.

3) The issuance of a Certificate of Occupancy shall in no case be construed as waiving any provision of this Ordinance or other applicable requirements.

Section VII.10 **AMENDMENTS**

(A) Initiation

An amendment to the Ordinance may be initiated by:

1) The Governing Body;

2) The Planning Board;

3) Application by any property owner, resident, or his or her agent.

(B) Purpose

An amendment to the Ordinance may be considered:

1) To correct a manifest error in the Ordinance;

2) Due to changing conditions in the area;

3) To extend the boundary of an existing zoning district;

4) To change the regulations;

5) To promote public health, safety and welfare and to achieve the purpose of the Comprehensive Plan.

(C) Procedure

1) Amendment requests shall be filed with the Zoning Administrator on the appropriate application form ~~p~~provided, accompanied by any required application fee.

2) The application must be deemed substantially complete by the Zoning Administrator to be considered. The proposed amendment shall be submitted to the Planning Board for review and comment that includes a reference as to whether the proposed action is consistent with any County comprehensive plan and other adopted plans. If no written report is received from the Planning Board within 30 days of referral to the Planning Board, the governing board may act on the amendment without the Planning Board's report. The governing board is not bound by any recommendation of the planning board.

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3) ~~The application must be deemed substantially complete by the Zoning Administrator to be considered.~~ Following Planning Board review, the application shall be scheduled for ~~consideration~~ a public legislative hearing by the Governing Body according to the schedule and deadlines established by the Zoning Administrator and in accordance with Section 7.12 Public Notice.~~.~~

4) Incomplete applications shall be returned to the applicant.

5) Additional materials may be submitted in support of an application at the discretion of the applicant.

(D) Down-Zoning

No amendment to zoning regulations or a zoning map that down-zones property shall be initiated, nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the local government. For purposes of this section, "down-zoning" means a zoning ordinance that affects an area of land in one of the following ways:
(1) By decreasing the development density of the land to be less dense than was allowed under its previous usage.
(2) By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage."

~~(D)~~(E) Withdrawal of Application

An applicant may withdraw an application at any time by written notice to the Zoning Administrator. An application withdrawn from consideration by the applicant may be re-filed at the applicant's expense no more than once within a twelve (12) month period.

~~(E)~~(F) Statement of Consistency and Reasonableness

~~(F)~~1. Amendments to this Ordinance shall be accompanied by a statement describing the level of consistency or inconsistency of the amendment with adopted comprehensive plans for the County in accordance with NCGS 160D-605 (a).

2. When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be made by the planning board and recommended to the governing board. This statement of reasonableness may consider, among other factors, (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the governing board statement on reasonableness may address the overall rezoning. The statement of reasonableness and plan consistency may be approved by a single statement.

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(G) Effect of Denial on Subsequent Petitions

When the Governing Body denies an application or the application is withdrawn after notice of the public hearing has been given, the Governing Body shall not accept another application for the same or similar amendment, affecting the same property or a portion of it for a period of one (1) year from the date of denial or withdrawal.

(H) Notice of Decisions

It shall be the responsibility of the Zoning Administrator to notify the applicant of decision or recommendation of the Board regarding their request or appeal. The notice of decision shall be provided by certified mail.

(I) Execution of Board Action

It shall be the responsibility of the Zoning Administrator to faithfully execute all portions of a Board's action, including the issuance of permits, enforcement of conditions, and other actions as approved by a Board.

Section VII.11 **VARIANCES**

(A) Procedure

1) Variances are granted by the Board of Adjustment. Variance requests shall be filed with the Zoning Administrator on the appropriate application form provided, accompanied by any required application fee.
2) The application must be deemed substantially complete by the Zoning Administrator to be considered. The application shall be scheduled for consideration by the Governing Body according to the schedule and deadlines established by the Zoning Administrator.
3) Incomplete applications shall be returned to the applicant.
4) Additional materials may be submitted in support of an application at the discretion of the applicant.
5) Upon submission of a complete request, the Board of Adjustment shall schedule a quasi-judicial evidentiary public hearing as provided in G.S. 160D-4-6 to hear evidence on the proposed variance.

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(B) Findings Required

A variance may only be allowed by the Board of Adjustment in cases involving practical difficulties or unnecessary hardships when substantial evidence is provided in the official record that supports each of the following findings:

1) That the alleged hardships or practical difficulties are unique and singular as regards to the property of the person requesting the variance and are not those suffered in common with other property similarly located.
2) That the alleged hardships and practical difficulties, which will result from failure to grant the variance, extend to the inability to use the land in question for any use in conformity with the

provision of this Ordinance and include substantially more than mere inconvenience and inability to attain a higher financial return.

3) That the variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.

4) That the variance is in harmony with this Ordinance and serves the general intent and purpose.

5) That allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by this Ordinance and the individual hardships that will be suffered by a failure of the Board to grant a variance.

(C) Evidence to Support Findings

Substantial evidence in the record of proceeding before the Board must be provided to support the finding of fact by the Board of Adjustment on all five categories above.

(D) Conditions

The Board may impose reasonable conditions upon the granting of any variance to insure that the public health, safety, and general welfare shall be protected and substantial justice done. Violation of such conditions shall be a violation of this Ordinance.

(E) Voting

The concurring vote of four-fifths of the Board shall be necessary to grant a variance.

(F) Construction

Upon granting of any variance resulting in the issuance of a building permit, the permit must be obtained and construction or the proposed use begun within 180 days of the date of the Board of Adjustment hearing, after which the permit shall be null and void.

Section VII.12 **PUBLIC NOTICE**

A request for a ~~zoning map amendment, variance or Special Use Permit involving a parcel of~~change in a development regulation related to N.C.G.S. 160D ~~land within the~~ under the jurisdiction of Davidson County requires a notice of the proposed request be provided to the general public if a text amendment and, if a map amendment, to the owner of the parcel, owners of all parcels adjoining, ~~and contiguous~~contiguous or separated from the subject property by street, railroad, or other transportation corridor.~~to that parcel~~ as shown on the county tax maps ~~for parcel specific development regulation amendments.~~~~and the general public~~.

~~2) Notice shall be sent by first class mail to the last addresses listed for such owners on the county tax listings.~~

1) Notice shall be sent by first class mail to the last addresses listed for such owners on the county tax listings.

2) The person or persons mailing such notice shall certify to the governing body that proper notice has been given and such certification shall be deemed conclusive in the absence of fraud.

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3) In the case of comprehensive rezoning of all property within the Jurisdiction, notice shall be given as required by NCGS ~~153A-343~~160D-601 and/or 160D-602.

4) Notice of such proposed action shall also be published in a newspaper of general circulation in accordance with NCGS 160D-602~~orth Carolina General Statutes~~.

5) The site of the proposed request shall be posted in a conspicuous location(s) with the time, date, and notice of public hearing. Posting shall not be required in the case of comprehensive rezoning.

6) Notice of a request for an amendment to this Ordinance or an appeal of an interpretation of this Ordinance shall be published in a newspaper of general circulation in accordance with North Carolina General Statutes.

7) Meeting of the designated board shall have an agenda duly posted in accordance with North Carolina Open Meetings Statute.

8) Public notice for updates to the comprehensive land development plan must follow the process mandated for zoning text amendments.

Section VII.13 **APPEALS**

(A) Intent

It is the intention of this Ordinance, unless otherwise provided, that all appeals arising in connection with the enforcement of this Ordinance shall be presented first to the Zoning Administrator and that such appeals shall be presented to the Board of Adjustment only upon written appeal from the Zoning Administrator's decision.

(B) Notice of Determination and Time to Appeal

If written notice of determination of a decision is not received at the public hearing or other methods and needs to be sent by mail, it is presumed to have been received on the third (3) business day after it is sent to the owner or the party who has sought the determination.

~~(B)~~(C) Procedure

Unless as otherwise provided, appeals to decisions, actions, orders, or interpretations of this Ordinance shall be in writing, filed ~~Ordinance shall be.~~

~~In writing;~~

~~Filed~~ within ~~fifteen (15)~~thirty (30) days of the decision; and filed with ~~and~~

~~Filed with~~ the Secretary of the Board or Commission to which the appeal is taken.

In addition, in the case of an appeal of administrative or staff decision, the official who made the decision (or the successor if no longer employed) must appear as a witness in the appeal.~~.~~

~~(C)~~(D) Planning Board

Unless otherwise provided, an appeal from a decision of The Zoning Administrator with regard to a minor subdivision, or minor site plan is to the Planning Board.

~~(D)~~(E) Board of Adjustment

Unless otherwise provided, an appeal from a decision of the Zoning Administrator with regard to an interpretation of a zoning provision of this Ordinance, a floodplain boundary, or a zoning boundary, is to the Board of Adjustment.

Unless otherwise provided, an appeal from an address assignment shall be to the Board of Adjustment.

Unless otherwise provided, any owner or occupant who has received a Notice of Violation may appeal the decision of the Zoning Administrator to the Board of Adjustment.

The Board of Adjustment, or other designated Board, shall hear an appeal within a reasonable time, and it may affirm, modify, or revoke the Notice of Violation. In the absence of an appeal, the remedies and penalties sought by the Zoning Administrator in the Notice of Violation shall be final.

~~(E)~~(F) Enforcement Actions During Appeals

An appeal of a notice of violation or other enforcement order puts on hold and enforcement of the action appealed from and accrual of any fines assessed, unless the official who made the decision certifies to the board after notice of appeal has been filed that, because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or, because the violation is transitory in nature, a stay would seriously interfere with enforcement of the development regulation.

~~(F)~~(G) Governing Body

~~Appeals from a decision of the Planning Board with regard to a zoning map amendment, conditional use district, special use permit or ruling on an appeal of a decision of the Zoning Administrator shall be to the Governing Body.~~

Appeals from a decision of the Planning Board with regard to street name changes, road closings, right-of-way vacations, easement removals, subdivision, or site plan shall be to the Governing Body.

~~(G)~~(H) Judicial Appeal

Except as otherwise provided, the appeal of a decision of the Governing Body or the Board of Adjustment shall be to a court of competent jurisdiction. An appeal from the decision of the Board of Adjustment shall be by proceedings in the nature of certiorari to the Superior Court as provided by law.

~~(H)~~(I) Stay of Further Proceedings

An appeal to the Board of Adjustment from a decision or determination of the Zoning Administrator stays all proceedings in furtherance of the decision or determination appealed from, except as provided herein.

Exceptions. An appeal to the Board of Adjustment of a determination or decision of the Zoning Administrator shall not stay further proceedings if the Zoning Administrator certifies that:

- A stay would cause imminent peril to life and/or property
- The situation appealed from is transitory in nature and, therefore, an appeal would seriously interfere with enforcement of the Ordinance.

- In each instance, the Zoning Administrator shall provided written documentation to support the conclusion.

~~(I)~~(J) Restoration of Penalties Following Appeal.

Upon the resolution of any appeal in favor of the Governing Body, penalties that would have otherwise accumulated during the appeal process shall be fully restored and assessed as described under Article 8 (Civil Penalties--Assessments and Procedures) herein.

Section VII.14 **FEES**

(A) Fees

Fees shall be charged to defray the cost of advertising as required by law and the provision of technical support for changes to the zoning regulations, zoning maps, and requests for special use permits, variances, plan reviews, or permits. Fees shall be set and modified by the Board of Commissioners. A scheduled of applicable fees shall be maintained on file and available to the public by the Zoning Administrator.

(B) Refund of Fees

A fee filed in conjunction with an application for an amendment or an appeal is not refundable. An applicant may request a partial or full refund of fees if the petition is withdrawn prior to the deadline for advertising the petition to the newspaper upon the basis of a hardship.

A hardship is considered an unforeseen set of circumstances beyond the applicant's control, providing sufficient cause for the applicant to not pursue the request. The decision to grant a refund or partial refund lies with the Zoning Administrator. Requests for a refund must be made in writing at the time of withdrawal. Appeals of a decision regarding fees may be made to the Planning Board.

Section VII.15 **ESTABLISHMENT OF A VESTED RIGHT**

(A) Process to Claim Vested Right

A landowner claiming a statutory or common law vested right may submit information to substantiate that claim ~~may apply for the determination~~ of a vested right pursuant to North Carolina General Statute 160D-108 on a form to be provided by the County at the same time as application is made for a zoning map amendment, subdivision plan approval, a conditional ~~use~~ zoning, a special use permit, a site plan approval or a planned unit development approval. The Zoning Administrator shall make an initial determination as to the existence of the vested right. The decision of the zoning administrator or officer may be appealed under G.S. 160D-405. On appeal, the existence of a vested right shall be reviewed de novo. In lieu of seeking such a determination, a person claiming a vested right may bring an original civil action as provided by G.S. 160D-405(c).

(B) Types and Duration of Statutory Vested Rights

Amendments in Davidson County development regulations shall not be applicable or enforceable with regard to development that has been permitted or approved pursuant to N.C.G.S. 160D-108 long as one of the types of approvals listed in this subsection remains valid and unexpired. Each type of vested right listed in this subsection is defined by and is subject to the limitations provided in this section. Vested rights established under this section are not mutually exclusive. The establishment of a vested right under this section does not preclude the establishment of one or more other vested rights or vesting by common law principles. Vested rights established by Davidson County approvals are as follows:

1) Six months - Building permits. - Pursuant to G.S. 160D-1109, a building permit expires six months after issuance unless work under the permit has commenced. Building permits also expire if work is discontinued for a period of 12 months after work has commenced.

2) One year - Other local development approvals. - Pursuant to G.S. 160D-403(c), unless otherwise specified by statute or local ordinance, all other local development approvals expire one year after issuance unless work has substantially commenced. Expiration of a local development approval shall not affect the duration of a vested right established under this section or vested rights established under common law.

3) Two ~~to five~~ years - Site-specific vesting plans.

   a. Duration. - A vested right for a site-specific vesting plan shall remain vested for a period of two years. This vesting shall not be extended by any amendments or modifications to a site-specific vesting plan unless expressly provided by Davidson County ordinance.

   b. Relation to building permits. - A right vested as provided in this subsection shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed. Upon issuance of a building permit, the provisions of G.S. 160D-1109 and G.S. 160D-1113 shall apply, except that the permit shall not expire or be revoked because of the running of time while a vested right under this subsection exists.

c. Requirements for site-specific vesting plans. - For the purposes of this section, a "site-specific vesting plan" means a plan submitted to Davidson County describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. The plan may be in the form of, but not be limited to, any of the following plans or approvals: a planned unit development plan, a subdivision plat, a site plan, a preliminary or general development plan, a special use permit, a conditional zoning, or any other development approval as guided by Davidson County ordinance. What constitutes a site-specific vesting plan shall be defined by the relevant development regulation, and the development approval that triggers vesting shall be so identified at the time of its approval. At a minimum, the regulation shall designate a vesting point earlier than the issuance of a building permit. In absence of a Davidson County regulation setting forth what constitutes a site-specific vesting plan, any development approval shall be considered to be a site-specific vesting plan. A variance shall not constitute a site-specific vesting plan and approval of a site-specific vesting plan with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained. If a sketch plan or other document fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property, it may not constitute a site-specific vesting plan.

d. Process for approval and amendment of site-specific vesting plans. - If a site-specific vesting plan is based on an approval required by Davidson County development regulations, a notice and hearing is required for that underlying approval. If the duration of the underlying approval is less than two years, that shall not affect the duration of the site-specific vesting plan established under this subdivision. If the site-specific vesting plan is not based on such an approval, a legislative hearing with notice as required by G.S. 160D-602 shall be held. Davidson County may approve a site-specific vesting plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare. Such conditional approval shall result in a vested right, although failure to abide by its terms and conditions will result in a forfeiture of vested rights. Davidson County shall not require a landowner to waive vested rights as a condition of developmental approval. A site-specific vesting plan shall be deemed approved upon the effective date of the local government's decision approving the plan or such other date as determined by the governing board upon approval. An approved site-specific vesting plan and its conditions may be amended with the approval of the owner and the local government as follows: any substantial modification must be reviewed and approved in the same manner as the original approval; minor modifications may be approved by the Zoning Administrator, if such are defined and authorized by local regulation.

(4) Seven years - Multiphase developments. - A multiphase development shall be vested for the entire development with the zoning regulations, subdivision regulations, and unified development ordinances in place at the time a site plan approval is granted for the initial phase

of the multiphase development. This right shall remain vested for a period of seven years from the time a site plan approval is granted for the initial phase of the multiphase development. For purposes of this subsection, "multiphase development" means a development containing 100 acres or more that (i) is submitted for site plan approval for construction to occur in more than one phase and (ii) is subject to a master development plan with committed elements, including a requirement to offer land for public use as a condition of its master development plan approval.

(5) Indefinite - Development agreements. - A vested right of reasonable duration may be specified in a development agreement approved under N.C.G.S. 160D-1001 ~~Article 10~~.

(C) Continuing Review

Following approval or conditional approval of a statutory vested right, a local government may make subsequent reviews and require subsequent approvals by the local government to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval. The local government may revoke the original approval for failure to comply with applicable terms and conditions of the original approval or the applicable local development regulations.

(D) Exceptions

The provisions of this section are subject to the following:

(1) A vested right, once established ~~as provided for by subdivision (3) or (4) of subsection (d),~~ precludes any zoning action by a local government that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved vested right, except when any of the following conditions are present:

a. The written consent of the affected landowner.

b. Findings made, after notice and an evidentiary hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the approved vested right.

c. The extent to which the affected landowner receives compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consulting fees incurred after approval by the local government, together with interest as is provided in G.S. 160D-106. Compensation shall not include any diminution in the value of the property that is caused by such action.

d. Findings made, by ordinance after notice and an evidentiary hearing, that the landowner or the landowner's representative intentionally supplied inaccurate information or made material misrepresentations that made a difference in the approval by the local government of the vested right.

e. The enactment or promulgation of a State or federal law or regulation that precludes development as contemplated in the approved site-specific vesting plan or phased development plan~~ted right~~, in which case the local government may modify the affected provisions, upon a finding that the change in State or federal law has a fundamental effect on the plan, by ordinance after notice and an evidentiary hearing.

(2) The establishment of a vested right shall not preclude the application of overlay zoning or other development regulation that imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations that are general in nature and are applicable to all property subject to development regulation by a local government, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new regulations shall become effective with respect to property that is subject to a vested right established under this section upon the expiration or termination of the vested rights period provided for in this section.

(3) Notwithstanding any provision of this section, the establishment of a vested right under this section shall not preclude, change, or impair the authority of a local government to adopt and enforce development regulation provisions governing nonconforming situations or uses.

(E) Miscellaneous Provisions

A vested right obtained under this section is not a personal right but shall attach to and run with the applicable property. After approval of a vested right all successors to the original landowner shall be entitled to exercise such rights. Nothing in this section shall preclude judicial determination, based on common law principles or other statutory provisions, that a vested right exists in a particular case or that a compensable taking has occurred. Except as expressly provided in this section, nothing in this section shall be construed to alter the existing common law.

Section VII.16 **TERMINATION OF A VESTED RIGHT**

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

(a) The written consent of the affected landowner.

(b) Findings made, after notice and an evidentiary hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the approved vested right.

(c) The extent to which the affected landowner receives compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consulting fees incurred after approval by the local government, together with interest as is provided in G.S. 160D-106. Compensation shall not include any diminution in the value of the property that is caused by such action.

(d) Findings made, after notice and an evidentiary hearing, that the landowner or the landowner's representative intentionally supplied inaccurate information or made material misrepresentations that made a difference in the approval by the local government of the vested right.

(e) The enactment or promulgation of a State or federal law or regulation that precludes development as contemplated in the approved vested right, in which case the local government may modify the affected provisions, upon a finding that the change in State or federal law has a fundamental effect on the plan, after notice and an evidentiary hearing.

Section VII.17 **COMPREHENSIVE REVIEW**

The Planning Board shall from time to time examine the provisions of this Ordinance and shall submit a report to the Board of Commissioners recommending changes and amendments, if any, which are desirable in the interest of public health, safety, and general welfare.

Article VIII. COMPLIANCE

Section VIII.1 **VIOLATIONS**

Any of the following shall be considered a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Article and by NCGS 153A-123.

(A) Development Without a Permit

To engage in any development, use, construction, remodeling or other activity of any nature upon the land or improvements thereon subject to the jurisdiction of this Ordinance without all required permits, certificates or other forms of authorization as set forth in this Ordinance.

(B) Development Inconsistent With a Permit

To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form of authorization granted for such activity.

(C) Violation by Act or Omission

To violate, by act or omission, any term, variance or waiver, condition, or qualification placed by the governing body or its agent boards upon any required permit, certificate or other form of authorization for the use, development or other activity upon land or improvements thereon.

(D) Use in Violation

To erect, construct, reconstruct, alter, repair, convert, maintain or use any building or structure or to use any land in violation or contravention of this Ordinance, or any other regulation made under the authority conferred thereby.

(E) Subdivision in Violation

To subdivide land in violation of this Ordinance or transfer or sell land by reference to, exhibition of, or any other use of a plat or map showing a subdivision of the land before the plat or map has been properly approved under this Ordinance and recorded in the Office of the Register of Deeds. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from violation of this Ordinance.

(F) Continuation of a Violation

Each day's violation of any provision of this Ordinance is considered a separate and distinct offense.

Section VIII.2 **PROCEDURES**

When the Zoning Administrator or his agent finds a violation of this Ordinance, it shall be his duty to notify the owner or occupant of the land, building, structure, sign, or use of the violation. The owner or occupant shall immediately remedy the violation.

(A) Notice of Violation

If the owner or occupant of the land, building, sign, structure, or use in violation fails to take prompt corrective action, a notice of violation shall be delivered by the Zoning Administrator or designee to the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval, by personal delivery, electronic delivery, or first class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity. The notice of violation may be posted on the property. The person providing the notice of violation shall certify to the local government that the notice was provided and the certificate shall be deemed conclusive in the absence of fraud. Except as provided by NCGS 160D-1123, 160D-1206, or otherwise provided by law, a notice of violation may be appealed to the board of adjustment pursuant to NCGS 160D-405. The notice should include the following information: ~~the Zoning Administrator shall give the owner or occupant written notice, by certified or registered mail to his last known address, or by personal service or by posting notice of the violation conspicuously on the property.~~

1) That the land, building, sign, structure, or use is in violation of this Ordinance;

a) The nature of the violation, and citation of the section of this Ordinance violated; and

b) The measures necessary to remedy the violation.

(B) Order of Corrective Action

If upon a hearing held pursuant to an appeal, the Board of Adjustment shall find that the owner or occupant is in violation of this Ordinance, the Board of Adjustment shall make an order in writing to the owner or occupant affirming the violation and ordering compliance.

(C) Failure to Comply with an Order

If the owner or occupant of a property fails to comply with a Notice of Violation from which no appeal has been taken, or an Order of Corrective Action following an appeal, the owner or occupant shall be subject to such remedies and penalties as may be provided for by general statute and Section 3 (Remedies). If the owner or occupant fails to comply with the remedies and penalties prescribed, enforcement shall be sought through an order of a court of competent jurisdiction.

Section VIII.3 **REMEDIES**

Any one or all of the following procedures may be used to enforce the provisions of this Ordinance.

(A) Injunction

Any violation of this Ordinance or of any condition, order, or requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by other appropriate proceeding pursuant to state law.

(B) Civil Penalties

Any person who violates any provisions of this Ordinance shall be subject to the assessment of a civil penalty under the procedures provided in Section 8.05 (Civil Penalties--Assessments and Procedures).

(C) Denial of Permit or Certificate

The Zoning Administrator may withhold or deny any permit, certificate, occupancy or other form of authorization on any land, building, sign, structure or use in which there is an uncorrected violation of a provision of this Ordinance or of a condition or qualification of a permit, certificate or other authorization previously granted.

(D) Conditional Permit or Temporary Certificate

The Zoning Administrator may condition the authorization of any permit or certificate upon the correction of the deficiency, payment of civil penalties within a specified time, or the posting of a compliance security approved by appropriate governmental authority.

(E) Stop Work Order

Whenever a building, sign, or structure, or part thereof is being constructed, reconstructed, altered or repaired in violation of this Ordinance or in a manner that endangers life or property, the Zoning Administrator may order the work to be immediately stopped. The order shall be in writing, directed to the person doing the work or activity, and shall state the specific work or activity to be stopped, the reasons therefor, and the conditions under which the work or activity may be resumed. A copy of the order shall be delivered to the holder of the development approval and to the owner of the property involved (if that person is not the holder of the development approval) by personal delivery, electronic delivery, or first-class mail. The person or persons delivering the stop work order shall certify to the local government that the order was delivered and that certificate shall be deemed conclusive in the absence of fraud. Except as provided by G.S. 160D-11-12 and G.S. 160D-12-8, a stop work order may be appealed pursuant to G.S. 160D-4-5. No further work or activity shall take place in violation of a stop work order pending a ruling on the appeal. Violation of a stop work order shall constitute a Class 1 misdemeanor. ~~The stop order shall be in writing and directed to the owner, occupant, or person doing the work. The stop order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed.~~ Such action shall be in accordance with NCGS ~~153A-361~~160D-404(b) and 160D-1112, as applicable, and~~or~~ the NC Building Code.

(F) Revocation of Permits

~~(G)~~ The Zoning Administrator may revoke and require the return of a permit by notifying the holder in writing stating the reason for the revocation. The local government shall follow the same development review and approval process required for issuance of the permit, including any required notice or hearing, in the review and approval of any revocation of that approval. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable local development regulation or any State law delegated to the local government for enforcement purposes in lieu of the State; or for false statements or misrepresentations made in securing the approval. Any development approval mistakenly issued in violation of an applicable State or local law may also be revoked. The revocation of a permit by a staff member may be appealed pursuant to G.S. 160D-4-5. If an appeal is filed regarding a development regulation adopted by a local government pursuant to this Chapter, the provisions of G.S. 160D-4-5(e) regarding stays shall be applicable.~~permit by notifying the permit holder in writing stating the reason for the revocation.~~

~~Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; refusal or failure to comply with the requirements of state or local laws, or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.~~

(G) Corrective Action

Following the issuance of an order of corrective action, the Zoning Administrator may authorize the correction of a zoning violation. The cost of such corrective action and accumulated penalties shall become a lien upon the property and shall be collected as unpaid taxes, pursuant to NCGS 44A-12.

Section VIII.4 **REPEAT OFFENDERS**

If a property owner or occupant is found to be in violation of this Ordinance more than three (3) times in a previous calendar year for separate and distinct violations, the owner or occupant shall be considered a repeat offender. The Zoning Administrator may, without further notice in the calendar year in which notice has already been given, take action to remedy the violation, and the expense of the action and accumulated penalties shall become a lien upon the property and shall be collected as unpaid taxes, pursuant to NCGS 153A-140.2.

Section VIII.5 **CIVIL PENALTIES--ASSESSMENT AND PROCEDURES**

(A) Penalties

Any person who violates any provisions of this Ordinance shall be subject to assessment of a civil penalty in the amount of twenty-five dollars ($25.00) for the first violation; fifty dollars ($50.00) for the second violation; one hundred dollars ($100.00) for the third violation; and two hundred dollars ($200.00) for the fourth and succeeding violations thereafter. Any penalties assessed shall be stayed during an appeal process until all appeals are resolved.

(B) Notice

No civil penalty shall be assessed until the person alleged to be in violation has been notified of the violation in accordance with Section 8.02 (Notice of Violation). If after receiving a notice of violation, the owner or other violator fails to take corrective action within five (5) days, a civil penalty may be imposed under this Section in the form of a citation. The citation shall be served in the manner of a Notice of Violation. The citation shall state the nature of the violation, the civil penalty to be imposed upon the violator and shall direct the violator to pay the civil penalty within fifteen (15) days of the date of the notice.

(C) Responsible Parties

The owner or occupant of any land, building, structure, sign, or use of land or part thereof and any architect, builder, contractor, agent or any other person who participates or acts in concert, assists, directs, creates, or maintains any condition that is in violation of the requirements of this Ordinance may be held responsible for the violation and subject to the civil penalties and remedies herein provided.

(D) Continuing Violation

For each day the violation is not corrected, the violator will be guilty of an additional and separate offense and subject to additional civil penalty.

(E) Demand for Payment

The Zoning Administrator shall make written demand for payment upon the property owner or the person in violation, and shall set forth in detail a description of the violation for which the civil penalty has been imposed.

(F) Settlement

The Zoning Administrator, in conjunction with legal counsel, may negotiate for the equitable settlement of fines levied herein, so long as the violation in question has been remedied.

(G) Nonpayment of Penalties

If payment is not received or equitable settlement reached within thirty (30) days after demand for payment is made, the matter shall be referred to legal counsel for institution of a civil action in the appropriate division of the General Courts of Justice for recovery of the civil penalty.

Section VIII.6 **OTHER POWERS AND ACTIONS**

(A) State and Common Law Remedies

In addition to other enforcement provisions contained in this Article, the Governing Body may exercise any and all enforcement powers granted to it by NCGS 153A-123 or common law.

(B) Previous Enforcement

Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions.

Article IX. DEFINITIONS

Section IX.1 DEFINITION NOT PROVIDED

In the event that a definition is not provided herein, the definition will be construed to be one that is commonly understood, cited in more than one reference authority or as determined by the Zoning Administrator.

Section IX.2 DEFINITIONS

ABATTOIR. A facility where animals are processed, butchered or rendered.

ACCESS CORRIDOR. A strip of land lying between the side lot boundary lines of lakefront lots offering access to lots one lot depth away from the water's edge.

ACCESS LOT. A lot having lake or river frontage and road frontage which offers lake frontage and/or lake access to those lots not having direct lake frontage within a lake front subdivisions.

ACCESSORY BUILDING OR USE. A building or use which. (a) is subordinate to and serves a principal building or principal use; (b) is subordinate in area, extent, or purpose to the principal building or principal use served; and (c) is located on the same zoning lot as the principal building or principal use and is customarily incidental to the principal use.

ACCESSORY COMMUNICATION FACILITY. An antennae configuration that is attached to a building, water tower, or other existing structure where the communication facility is customarily incidental to the main or principal building or structure.

ACCESSORY RESIDENTIAL USE. A residential dwelling sharing a structure with a commercial use, housing one family, provided that one of the related persons is an employee of the entity operating the business, and is acting as a watchman and caretaker of the business.

ACTIVE SOLAR SYSTEM. A solar energy system that transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, or chemical means.

ADULT USE. Includes any of the following sub categories, and for purposes of this Ordinance shall be consistent with Chapter 14, Article 26A of the North Carolina General Statutes as currently written or hereafter amended.

a. "Adult Entertainment Establishment" is defined to include adult video/book stores, adult motion picture theaters, adult mini motion pictures, adult live entertainment businesses, and massage businesses as those terms are defined by G.S.14-202.10, and adult motels and adult cabarets.

b. "Adult motel" is defined as a hotel, motel or similar commercial establishment that offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions that depict or describe "specified sexual activities," or "specified anatomical areas" as one of its principal business purposes; or offers a sleeping room for rent for a period of time that is less than ten hours; or allows a tenant or occupant of a sleeping room to subagent the room for a period of time that is less than ten hours.

c. "Adult Cabaret" is defined as a nightclub, bar, restaurant or other commercial establishment that regularly features, exhibits or displays as one of its principal business purposes. "Adult Cabaret" is defined as a nightclub, bar, restaurant or other commercial establishment that regularly features, exhibits or displays persons who appear nude or seminude, or live performances which are characterized by the exposure of "specific anatomical areas" or by "specified sexual activities," or films, motion pictures, video cassettes, slides or other photographic reproductions which depict or describe "specified anatomical areas."

d. "Adult Theater". An enclosed building or outdoor premises used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual activities or anatomical areas.

e. "Adult Massage Parlor". An establishment in which body massages are offered as a service and from which minors are excluded by reason of age.

f. "Adult Video/Book Store" (See G.S. 14-202-10(I)) A video/book store which receives a majority of its gross income during any calendar year from the sale or rental of publications (including but not limited to books, magazines, VHS cassettes, and DVD's) which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or anatomical area, or having a preponderance of its publications, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to sexual activities or anatomical areas.

AGRIBUSINESS. Any individual, partnership, corporation or organization primarily supplying services or goods (such as equipment, feeds or supplies) to producers, or marketable agricultural products, including greenhouses, nurseries, farm cooperatives and the like, which are not otherwise specifically defined as agriculture by the North Carolina General Statutes.

AGRICULTURE. Land or structures primarily used for cultivating soils, producing crops, or raising livestock; the storage, processing or sale of products raised on the premises; or as otherwise defined by the North Carolina General Statutes. Structures customarily accessory to agricultural uses; including residences for the owners, operators and employees of a farm and their families and located on the same parcel as an agricultural use shall be included in this definition.

AGRITOURISM BUSINESS. A farm-related enterprise that operates on or within a bonafide farm which bring together tourism, agriculture and retail enterprises.

AIRPORT ELEVATION. The highest point of an airport's usable landing area measured in feet above mean sea level. The Davidson County Airport elevation equals 724 feet.

AIRPORT HAZARD. Any structure, tree or use of land which obstructs the airspace required for or is otherwise hazardous to the flight of aircraft landing or taking off at the airport.

AIRPORT, GENERAL AVIATION. A regional airport facility that conforms to the State and Regional Aviation Systems Plan. The site and its operation will not adversely affect existing adjacent land uses. Land is sufficient to provide approach zoned and overrun areas is owned or controlled by the applicant.

AIRPORT. Davidson County Airport.

ALLEY. A public roadway, other than a street, which affords only a secondary means of access to abutting property, and which is not intended for general traffic circulation.

ALTERATION. The word "alteration" shall include any of the following.

a. Any addition to the height or depth of a building;

b. Any change in the location of any of the exterior walls of a building;

c. Any increase in the interior accommodations of a building.

ANIMAL HUSBANDRY. The raising and keeping of animals, fowl, reptiles, etc… which are not generally considered domesticated animals, livestock or poultry, and not classified as a bonafide farm. This includes, but is not limited to: fur-bearing animals, game birds, wild animals, aviaries, snake, alligator or frogs; laboratory animals or worms.

ANIMAL SHELTER. A facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, government agency, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection and humane treatment of animals. *Amended 9-12-17*

APARTMENT. A room or suite of one (1) or more rooms in a multi-family residence (three or more dwelling units) intended for use as a place of residence of a single-family or a group of individuals living together as a single housekeeping unit.

APPLICANT. Person or entity filing an application under this Ordinance.

APPROACH SURFACE. A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope as set forth in Section 2, Airport Height District.

ARCHITECTURALLY COMPATIBLE. The use of design and materials to adequately disguise a wireless antenna or tower in such a manner so that the structure housing the tower takes on the appearance of a structure other than that of a communication tower. The design and materials used on the structure and its exterior materials blend harmoniously with the buildings and the use of the host sight.

ARENA. An outdoor place of assembly to watch and/or hear athletic events, musical performances, dramatic or terpsichorean performances, speeches, contests or competition and/or ceremonies. The term is intended to include such uses as livestock shows, equestrian events, tractor pulls, farm equipment exhibition, and other events best suited for outdoor audience environments.

ARTIST STUDIO. A place where works of art are created or similar activities occur as listed below, including a dwelling unit for the artist, designer or teacher; such unit shall have but one kitchen, and shall be occupied by no more than four unrelated people, or by any number of persons immediately related by blood, marriage or adoption.

a. Craftwork studio or shop in which individual pieces are created, displayed and sold, consisting of one or more of the following. ceramics/pottery, fabrics, inlays, needlework, knitting, weaving, leather work, woodwork, metal work or glass work; or

b. Professional studio or academy for the teaching of the arts, the following of which are examples but not inclusive. fine arts, dance, drama, photography, music, martial arts, but not including health treatment or adult amusement.

ASPHALT PLANT. A manufacturing or processing plant in a fixed location associated with the storage of raw materials used in the production of asphalt and the mixing of asphalt products prior to their use or transportation.

AUDITORIUM. A place of assembly to watch and/or to hear athletic events, musical performances, dramatic or terpsichorean performances, speeches, and/or ceremonies; the term is intended to include such uses as stadium, coliseums, athletic centers and theaters. (enclosed/indoor; floor, walls and roof)

AUTOMOBILE BODY SHOP. A building or other structure used to perform services such as welding, bonding, painting, glass and upholstering work. The following activities are included as accessory uses to a body shop; the dispensing of oil, grease, antifreeze, tires, batteries, and automobile accessories directly to users of motor vehicles; tuning motors, minor wheel and brake adjustment, waxing and polishing and other minor servicing and repair to the extent of installation of the items listed above.

AUTOMOBILE CAR WASH. A facility that is used to clean the exterior and, in some cases, the interior of motor vehicles. The following are different types of car wash facilities. a) Hand car wash facilities. Where the vehicle is washed by employees; b) Self-service facilities. Generally coin-operated, where the customer does the washing, including "jet washing". c) In-bay automatics. Consists of an automatic machine that rolls back and forth over a stationary vehicle - often seen at filling stations and stand-alone wash sites. d) Tunnel washes. Use a conveyor to move the vehicle through a series of fixed cleaning mechanisms.

AUTOMOBILE GRAVEYARD. An establishment (specifically including but not limited to a residence and or unoccupied parcel of real property) or place of business which is maintained, used, or operated for storing, keeping, dismantling, salvaging, buying or selling one (1) or more wrecked, scrapped, ruined, dismantled, unlicensed, used motor vehicles which cannot be operated under their own power or junked motor vehicles.

AUTOMOBILE MAINTENANCE AND REPAIR. A building or other structure used to perform services such engine and drive train repair, exhaust, fuel and brake system repair as well as other systems necessary for the safe and reliable operation of automobiles and other motor vehicles. Open storage of wrecked vehicles is excluded.

AUTOMOBILE SALES, NEW AND USED. A building and lot used for the appraisal, purchase, reconditioning, display and merchandising of used and new vehicle inventory. Vehicles shall be in working condition and able to be operated under their own power.

B100. A form of biodiesel fuel that is comprised of 100 percentage of biodiesel.

B20. A form of biodiesel fuel that is comprised of 20% biodiesel and 80% diesel.

BANKS; SAVINGS AND LOAN ASSOCIATION. An organization, usually a corporation, chartered by a state or federal government, which does most or all of the following. receives demand deposits and time deposits, honors instruments drawn on them, and pays interest on them; discounts notes, makes loans, and invests in securities; collects checks, drafts, and notes; certifies depositor's checks; and issues drafts and cashier's checks.

BARBER SHOP. An establishment for haircutting, shaving and grooming.

BEAUTY SHOP. An establishment for hairdressing, manicuring, haircutting or other cosmetic treatments.

BED AND BREAKFAST INN. A use that takes place within a building that, prior to such an establishment, was single family residence, that consists of renting from one to six dwelling rooms on a daily basis to tourists, vacationers, and business travelers, where the breakfast meal only is provided and is available only to guests.

BILLBOARD. See Sign, Off-Site (Billboard)

BIODIESEL. A renewable fuel manufactured from methanol and vegetable oil, animal fats, and recycled cooking fats, comes in many forms, usually B100 or B20.

BOARD OF ADJUSTMENT. A quasi judicial board composed of five residents of Davidson County empowered to hear appeals from decisions of the Zoning Administrator, grant variances from provisions of the Zoning Ordinance and grant special use permits.

~~BONA FIDE FARM. Crop lands, timber lands, pasture lands, orchards or other farm lands as well as any farm houses, barns, poultry houses, and tenant houses for workers, as long as such houses shall be in the same ownership as the farm and located on the site.~~

BOTANICAL GARDEN. A place where a wide variety of plants are cultivated for scientific, educational, and ornamental purposes, often including a library, a herbarium, and greenhouses; an arboretum.

BOTTLING PLANT. A plant where beverages are put into bottles with caps.

BRICK TILE & CEMENT MANUFACTURING. A facility that produces brick, tile or cement products. The storage of raw materials for manufacturing may occur on site.

BUFFER ZONE OR BUFFER. A strip of land established to protect one type of land use from another with which it is incompatible. Normally, a buffer zone is landscaped and kept for open space.

BUILDERS SUPPLY SALES. Facility providing retail or wholesale building supplies for purchase where outdoor storage of building supplies occurs.

BUILDING HEIGHT. The vertical distance measured from the mean elevation of the proposed or completed finished grade at the front of the building to the highest point of the roof for flat roofs, to the ridge lines of mansard roofs, and to mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING PRINCIPAL. A building or, where the context so indicates, a group of buildings in which is conducted the main or principal use of the lot on which said building is situated.

BUILDING, SETBACK LINE. A line establishing the minimum allowable distance between the main or front wall of any building, excluding the outermost three feet of any uncovered porches, steps, eaves, gutters, and similar fixtures, and the street right-of-way line (or the assumed right-of-way line) when measured perpendicularly.

BUILDING. Any structure having a roof and any number of sides, including but not limited to, tents, awnings, carports and such devices.

BUILDING-INTEGRATED SOLAR SYSTEM. An active solar system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar systems that are contained within roofing materials, windows, skylights, and awnings.

BUS PASSENGER TERMINAL. A building terminal and parking area that serves bus passengers.

CARNIVALS, FAIRGROUNDS. A temporary use of land offering entertainment in the form of such things as thrill rides, games of chance, farm displays, food vending, etc.

CEMETERY. A tract of land used for burials.

CERTIFICATE OF OCCUPANCY. A statement, signed by the Zoning Administrator, setting forth that the building, structure or use complies with this Ordinance and that the same may be used for the purposes stated therein.

CERTIFICATE OF ZONING COMPLIANCE. A statement, signed by the Zoning Enforcement Officer, stating that the plans for a building, structure, or use of land complies with the zoning chapter of the county, the County Health Department, and the State Department of Human Resources, Division of Health Services.

CHEMICAL MANUFACTURING. Facilities primarily engaged in manufacturing chemicals and chemical preparations, from organic and inorganic raw materials.

CHURCH. A structure along with its customary accessory uses in which persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship.

CITATION. An order to pay a civil penalty for a violation, delivered to a violator by the Zoning Administrator or designated Code Enforcement Officer, issued after the time period set out in the notice of violation for taking corrective measures has expired.

CIVIL PENALTY. Remedial monetary penalties assessed as partial reimbursement to Davidson County for the enforcement of this Ordinance.

CLERK OF SUPERIOR COURT. Clerk of Superior Court of Davidson County, North Carolina.

CLUB OR LODGE, PRIVATE. An establishment operated by a corporation or association of persons for social, recreational, fraternal or charitable purposes, but which is not operated for profit or render a service which is customarily conducted as a business.

CO-LOCATION. An arrangement whereby more than one (1) use occupies a single tower or structure. Co-location is encouraged in order to maximize the use of towers and to reduce the number of towers needed to serve the county.

COMMERCIAL RECREATIONAL FACILITY (OUTDOOR). Commercial recreation premises consisting of woodland, water courses, and fields used for active recreational activities but not limited to, paintball and laser tag.

COMMUNITY CENTER. Facility used for community assembly, meetings, seminars, and training programs, which include accommodations for eating and recreation.

COMPARTMENTALIZED STORAGE. A facility where secure areas within a structure or structures are made available to individuals for short-term storage of a wide range of items, including non-hazardous, non-perishable durable goods. This is intended to include mini-storage units, self storage units or other similar storage systems.

COMPREHENSIVE TRANSPORTATION PLAN (CTP). A long range transportation plan for Davidson County, adopted jointly by the Davidson County Board of Commissioners and the North Carolina Board of Transportation.

CONCRETE PLANT. A manufacturing or processing plant in a fixed location associated with the storage of raw materials used in the production of concrete and the mixing of concrete products prior to their use or transportation.

CONDITIONAL ZONING. A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

CONDOMINIUM. A dwelling unit owned as a single-family home within a multiple-unit property together with an undivided portion of ownership in areas and facilities held in common with other property owners in the development. Condominiums may take a number of forms such as attached townhouses, apartments, or other forms of residential structures. The common areas and structures may include underlying land, parking areas, recreation facilities, swimming pools, and in the case of an apartment house, hallways, basements, heating units, and elevators. Reference the GS.

CONFERENCE AND TRAINING CENTER. Facilities used for business or professional conferences, seminars, and training programs, which shall include accommodations for sleeping, eating and recreation.

CONICAL SURFACE. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 10.1 for a horizontal distance of four thousand (4,000) feet.

CONICAL ZONE. A conical zone is established on the area that commences at the periphery of the horizontal zone and extends outward there from for a distance of four thousand (4000) feet, and upward at a slope of 20.1.

CONVENIENCE STORE. A small retail store that is open long hours and that typically sells staple groceries, snacks and is often times combined with a service station.

COUNTRY CLUB. Membership organization and facilities for swimming, tennis, golf or other recreation.

DAY CARE FACILITY. Any child day care center or child care arrangement which provides day care for more than 5 children, not including the operator's own school-aged children for which a payment fee or grant is received on a regular basis. Children are considered under the age of 13 years. Regular basis is considered at least once per week for more than four hours but less than 24 hours per day, regardless of the time of day and regardless of whether the same or different children attend.

DAY CARE HOME. Any day care program or child care arrangement in which any person other than a family member provides day care on a regular basis of at least once per week for more than four hours per day for more than two (2) children under 13 years of age and fewer than six (6) children at any one time, wherever operated, and whether or not operated for profit.

DAY CARE HOME, LARGE. Any day care program or child care arrangement in which any person other than a family member provides day care on a regular basis of at least once per week for more than four hours per day for five (5) or more children under the age of 13 years or up to 15 school age children. .

DEDICATION. A gift, by the owner, of his property to another party without any consideration being given for the transfer. Since a transfer of property is involved, the dedication is made by written instrument and is completed with an acceptance.

DEVELOPMENT APPROVAL. An administrative or quasi-judicial approval made pursuant to this Chapter that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, certificates of appropriateness, plat approvals, development agreements, building permits, subdivision of land, State agency permits for development, driveway permits, erosion and sedimentation control permits and sign permit.

DEVELOPMENT IMPACT ANALYSIS. Information necessary for the Governing Body to determine the feasibility of a development proposal based its impacts.

DEVELOPMENT REGULATION. Any State statute, rule, or regulation, or local ordinance affecting the development or use of real property, including any of the following: unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code.~~State law~~

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DIESEL. A petroleum fuel used in trucks, trains, boats, buses, planes, heavy machinery and off-road vehicles.

DIMENSIONAL NONCONFORMITIES. A nonconforming situation that occurs when the height, size or relationship between an existing building and other buildings or lot lines (e.g. set-back requirements) does not conform to the regulations applicable to the district in which the property is located.

DISPOSAL FACILITY. A facility or part of a facility at which hazardous or low level radioactive waste or toxic substance is intentionally placed into or on any land or water, and at which hazardous or low level radioactive waste or toxic substance will remain after closure.

DISPOSAL. The destruction, discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous or infectious waste or toxic substance into or on any land water or air.

DOMESTICATED ANIMAL. For the purposes of this Ordinance, domesticated animals include a dog, cat, or other animal commonly considered domesticated as approved by the Zoning Administrator.

DRIVE-IN THEATER. A form of cinema structure consisting of a large outdoor screen, a projection booth, a concession stand and a large parking area for automobiles. Within this enclosed area, customers can view movies from the privacy and comfort of their cars.

DRIVE-IN WINDOW. A window or series of windows associated with a commercial establishment that permits patrons to transact business or order goods while remaining in a vehicle.

DRIVEWAY. An access, with no specified development standards, to a single lot from either a public or private roadway.

DRY CLEANING AND LAUNDRY. Cleaning, dyeing, and laundry establishments not employing more than five persons in cleaning and/or laundry operations, and processing only goods delivered to and picked up from the premises by individual customers; coin-operated laundry and dry-cleaning facilities.

DUMPSTER SITE (BOX SITE). A site of not less than one-half acre nor more than two acres acquired and authorized by Davidson County (by lease, purchase, condemnation, etc.) for the location and operations of a household garbage and waste. Such sites by definition have frontage on a state maintained road and are surrounded by a solid fence or wall or a planted strip at least 5 feet wide of deciduous and/or evergreen trees spaced no more than 10 feet apart and at least one row of dense shrubs spaced no more than 5 feet apart.

DWELLING. Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. For the purposes of Article 12 of NCGS 160D, the term does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose.

DWELLING UNIT. A room or group of rooms forming a single independent habitable unit with facilities used or intended to be used for living, sleeping, cooking and eating by one family; for owner occupancy or for rental, lease or other occupancy on a weekly or longer basis, and containing independent cooking, sanitary and sleeping facilities. Units otherwise meeting this definition, but occupied by transients on a rental or lease basis for periods of less than one week, shall be construed to be lodging units.

DWELLING, MULTI-FAMILY. A building containing three or more dwelling units including apartment houses, apartment hotels, and group housing projects.

DWELLING, SINGLE FAMILY. A detached building containing one dwelling unit.

DWELLING, TWO FAMILY. A detached building containing two dwelling units, on a single or separate lots. Definition incudes duplexes and twin homes.

EASEMENT. A grant by a property owner of a strip of land for specified purpose and use by the public, a public or private corporation, or an individual.

ELECTRIC POWER DISTRIBUTION LINES. High or low voltage electric power lines used to distribute electricity that may be elevated on utility poles or towers or buried underground.

ELECTRICITY GENERATION FACILITY. Industrial facility for the generation of electric power or electricity.

ELECTRONIC CHANGEABLE FACE SIGN. See signs.

ENVIRONMENTAL ASSESSMENT. A detailed examination of the applicant's proposal and its local environmental context with an emphasis on avoiding, minimizing, and mitigating adverse impacts.

EXOTIC ANIMAL. Any animal not categorized as domestic or as farm animal livestock or poultry; any animal defined as exotic by the United States Department of Agriculture (USDA), specifically one that is of foreign origin or character, including lions, tigers, leopards, elephants, camels, antelope, anteaters, kangaroos, water buffalo, and species of foreign cattle.

EVIDENTIARY HEARING. - A public hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by this Ordinance. Examples of evidentiary

quasi-judicial hearings are hearings on special use permits, hearings to grant a variance and hearings on an appeals of administrative determinations.

EXTRACTION OF EARTH PRODUCTS. The process of removing natural deposits of minerals, ore, soil or other solid material from their original location. This excludes on-site processing.

FACILITY OPERATOR. The entity responsible for the day-to-day operation and maintenance of the Wind Energy Facility.

FACILITY OWNER. The entity or entities having controlling or majority equity interest in the Wind Energy Facility, including their respective successors and assigns.

FAMILY CARE HOME. A home defined and described in Article 3 of NCGS 168 as having support and supervisory personnel that provides room and board, personal care and habitation services in a family environment for not more than six (6) resident handicapped persons.

FAMILY. Any number of related persons living together as a single housekeeping unit.

FARM MACHINERY SALES. A location used for the sale of equipment used in agriculture.

FARM SUPPLIES SALES. A location used for the sale of feed, see, fertilizer and other supplies used in agriculture.

FARM – BONA FIDE. Production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in G.S. 106-581.1. Activities incident to the farm include existing or new residences constructed to the applicable residential building code situated on the farm occupied by the owner, lessee, or operator of the farm and other buildings or structures sheltering or supporting the farm use and operation. The minimum size of the bona fide farm will correspond to the definitions of G.S 105-277.2 on present use value assessment.

~~FARM. A parcel of more than three (3) acres devoted to agriculture uses.~~

FIRING RANGE, INDOOR. An enclosed firing range with targets for rifle or handgun practice. For the purposes of this Ordinance, noise should be significantly reduced to 40 dbl at neighboring residences and must conform to the minimum design standards as outlined in the latest revised edition of The NRA Range Source Book.

FIRING RANGE, OUTDOOR. A facility used for firearm practice outdoors. For the purposes of this Ordinance skeet, trap, rifle, pistol and turkey practice shooting is included.

FLEAMARKET. A sales area indoors or outdoors in which space is set aside or rented and which is intended for use by one or more individuals to sell a variety of articles such as those which are either handmade, used, old or obsolete.

FLOOD FRINGE. The portion of the flood plain outside of the floodway based on the total area inundated during the regulatory base flood.

FLOOD PLAIN. The channel and the relatively flat area adjoining the channel of a natural stream or river which has been or may be covered by floodwater. The flood plain consists of the flood fringe and the floodway.

FLOOD, 100 YEAR. A flood having one chance in 100 of being equaled or exceeded in any one year.

FLOOD. The temporary overflowing of water onto land which is usually devoid of surface water.

FLOODWAY. The channel of a natural stream or river and portion of the flood plain adjoining the channel which are reasonably required to carry and discharge the floodwater or flood flow of any natural stream or river.

FOUNDRY. The casting of light weight, nonferrous metal not causing noxious fumes, noise, or odors.

FREIGHT TERMINAL. A processing node for freight. Most freight terminals are located at ports or along rail lines. They may include airports, seaports, railroad terminals, and trucking terminals.

FRONTAGE. All the property abutting on one (1) side of a street between two (2) intersecting streets, measured along the street line.

FUEL DISTRIBUTION LINES. Underground lines that are used to distribute gas or liquid fuel.

FUEL OIL DEALER. A facility and business used to warehouse and dispense various types of fuel oil.

FUNERAL HOME. A facility that provides burial and funeral services for the deceased and their families. These services may include a prepared wake and funeral, and the provision of a chapel for the funeral.

FURNITURE MANUFACTURING. A facility that manufactures furniture on a large scale, trating, finishing, constructing and warehousing furniture products.

GARAGE, PRIVATE. An accessory structure used for storage, primarily of motor vehicles.

GARAGE, REPAIR. A garage in which machinery operated by mechanical power is installed which is designed for making major repairs to motor vehicles.

GENERATOR. Any person whose act or process produces hazardous or low level radioactive waste or toxic substance identified or listed in rules promulgated by the State of North Carolina or whose act first causes a hazardous or low level radioactive waste or toxic substance to become subject to regulation; provided that, "generator" does not include a facility which accepts hazardous or low level radioactive waste or toxic substances for the purpose of treatment, recycling, storage, or disposal, and in that process creates a different hazardous or low level radioactive waste or toxic substance.

GOLF COURSE. A course of holes, tees, greens and fairways consisting of a large landscaped area for playing golf

GOLF DRIVING RANGE. An area to practice golf shots. The depth of the driving range along the driving axis shall not be less than 350 yards measured from the location of the tees and the breadth not less than 200 yards at a distance of 350 yards from the tees. Lighting shall be so shielded as to cast no direct light upon adjacent properties.

GOLF, MINIATURE. A miniature version of a golf course in which players hit a golf ball short distances into a hole. Obstacles or hazards may make the game more difficult; the scenery usually creates a playful atmosphere.

GOVERNING BODY. As it pertains to this Ordinance, the Governing Body may be considered the Davidson County Board of Commissioners or the Davidson County Planning Board as authorized by General Statute or the Board of Commissioners.

GOVERNMENTAL EMERGENCY SERVICES. Organization that ensures public safety by addressing different emergencies. Some agencies exist solely for addressing certain types of emergencies whilst others deal with ad hoc emergencies as part of their normal responsibilities. Many agencies will engage in community awareness and prevention programs to help the public avoid, detect, and report emergencies effectively.

GOVERNMENTAL OFFICES. Facility that houses governmental service offices.

GREENHOUSE, COMMERCIAL. A building usually made largely of glass or plastic where the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants. Plants are raised to be sold to the general public or to wholesalers.

GREENHOUSE, PRIVATE. A temperature- controlled building used for the raising of plants for the personal enjoyment of the property owner or his or her tenant.

GREENWAY. A series of independent and interconnected paths, officially designated by a County Plan, that will allow bikers, walkers, joggers, etc., to go from one area of the County to another without driving their car or using County roads.

GRID-INTERTIE SOLAR SYSTEM. A photovoltaic solar system that is connected to an electric circuit served by an electric utility company.

GROSS FLOOR AREA. The total area of all floors of a building is measured to the outside surface of exterior walls and including halls, stairways, elevator shafts, attached garages, porches, balconies and the like.

GROUP CARE FACILITY; GROUP HOME. A residential facility for not more than 12 persons, licensed by the state of North Carolina by whatever name it is called (e.g. domiciliary home, home for the aged, rest home, etc.) other than a "family care home" as defined by this Ordinance.

GROUP DEVELOPMENT. A group of two or more principal structures built on a plot of land not subdivided into the customary streets and lots designed for occupancy by separate families, businesses, or other enterprises.

GUEST HOME (TOURIST HOME). Any dwelling occupied by the owner or operator in which rooms are rented for lodging or transients and travelers for compensation.

HANDICAPPED PERSON. A person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to other as defined in G.S. 122C-3(11)b.

HAZARD TO NAVIGATION. An obstruction determined to have a substantial adverse effect on the safety and efficient utilization of the navigable airspace.

HAZARDOUS WASTE OR TOXIC SUBSTANCE. Any hazardous waste, as defined in NCGS 130A-290 (a) (8) and low level radioactive waste means any such waste as defined in NCGS 104E-(5)(9A) which because of their quantity, concentration, or physical, chemical or infectious characteristics may;

Cause or significantly contribute to an increase in serious irreversible or incapacitating illness; or

Pose a substantial present or potential threat to the environment when improperly treated, stored, transported, disposed of or otherwise managed.

HAZARDOUS/INFECTIOUS/LOW LEVEL RADIOACTIVE WASTE OR TOXIC SUBSTANCE FACILITY. A storage facility, treatment facility, transportation facility and/or disposal facility consisting of a building, structure, or use of land devoted, or intended to be devoted, to changing by any method, technique or process, the physical, chemical or biological character of any hazardous, low level radioactive waste or toxic substance so as to neutralize such material or render it non-hazardous or nontoxic, safer for transport, amenable for recovery, amenable for storage or reduced in bulk, or to reprocess the waste or substance to form a new material, or for the temporary or the long term storage of hazardous or low level radioactive waste or toxic substance. A facility may consist of several storage, treatment, recycling, transport, or disposal operational units, (e.g., one or more landfills, surface impoundments, or combinations of them.) Such uses may also contain temporary storage facilities normally associated with these operations and of sufficient size to conduct a commercially feasible operation; however, under no circumstances is a hazardous or low level radioactive toxic substance storage facility, treatment facility, transportation facility or disposal facility to be construed to be either of the following.

a. A facility which generates hazardous waste, low level radioactive waste or toxic substance , provided that, "generator" does not include a facility which accepts hazardous or low level radioactive waste or toxic substance for the purpose of storage, treatment, or disposal, and in that process creates a different hazardous waste, low level radioactive waste toxic substance; or

b. A facility for the storage, treatment, transportation, or disposal of hazardous or low level radioactive waste or toxic substance which is clearly subordinate, incidental and related to the principal structure, building or use of land and if located on the same lot as the principal structure, building (accessory use).

HEIGHT. For the purpose of determining the height limits in the airport height restrictive area, the datum shall be mean sea level elevation unless otherwise specified.

HOME FURNISHINGS AND APPLIANCE SALES. A location used for the sale of home furnishings and appliances.

HOME OCCUPATION. A profession or occupation carried on by a member of a family residing on the premises accessory use of a dwelling unit conducted entirely within the dwelling unit. The use must be clearly incidental and subordinate to the use of the dwelling unit for residential purposes

HORIZONTAL SURFACE. A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which coincided with the perimeter of the horizontal zone.

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

HOSPITAL. A hospital is an institution for health care providing patient treatment by specialized staff and equipment, and often, but not always providing for longer-term patient stays

HOTEL, MOTEL, MOTOR LODGE, MOTOR INN, INN, TOURIST COURT. A building or group of attached or detached buildings containing in combination ten or more lodging units, or ten or more dwelling units

intended primarily for rental or lease to transients by the day or week, as distinguished from multi-family dwellings, rooming houses and residential hotels in which rentals and leases are for weekly or longer periods and occupancy is generally by residents rather than transients.

HOTEL, RESIDENTIAL. A building or group of attached or detached buildings containing in combination ten or more lodging units available for occupancy only for periods of 30 days or longer, provided, however, that temporary lodging units for guests of regular tenants may be provided in any residential hotel, with the number of such units limited to ten percent of the number of tenant lodging units.

IMPERVIOUS AREA. Is a surface composed of any material that impedes or prevents natural infiltration of water into the soil. Impervious surfaces may include, but are not limited to roofs, streets, parking areas, tennis courts, driveways, patios, sidewalks, or any concrete, asphalt or compacted gravel surface. Public roads are excluded from computations of impervious area.

INTERNAL REVIEW COMMITTEE (IRC). A committee authorized to review and provide feedback on other planning and development projects as may be required.

IRREGULAR LOT. A lot so located, shaped or oriented to adjacent lots that application of general measurement methods or setback or dimensional requirements of the district in which it is located serves no significant public purpose, and/or with location of setbacks by type (from side and rear) not logically determined by nor related to setback patterns on nearby regular lots.

JUNK OR ABANDONED MANUFACTURED HOME.

a. A manufactured home not being occupied as a dwelling and does not provide complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation or a manufactured home that has not received the proper permits to be located within the county's jurisdiction;

b. A manufactured home which is a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous condition constituting a threat to anyone, or frequent use by vagrants as living quarters in the absence of sanitary facilities; or

c. Any manufactured home that was originally designed and intended for residential or other approved use, which has been vacant or not in active use, regardless of purpose or reason, for a period of six (6) months. To be considered active use, the manufactured home shall have been lawfully connected to electric utility; public or private water supply; and, public or private sewage disposal systems.

JUNK. Scrap or used materials such as paper, metal, rubber, rags, glass, wrecked, used or dismantled products and articles such as machinery, vehicles, appliances and items.

JUNKED MOTOR VEHICLE. A motor vehicle that is partially dismantled or wrecked, cannot be self-propelled or moved in the manner originally intended or does not display a current license plate and registration, and not housed within an enclosed structure. This shall also include vehicular trailers no longer in working order or not displaying a current license plate and registration.

JUNKYARD. An establishment on 2 or more acres (specifically including but not limited to a residence or an unoccupied parcel of real property) or place of business which is maintained, operated, or used for

storing, keeping, buying, or selling junk, or for maintenance or operation of an automobile graveyard; however, permitted city or county landfills shall not constitute junkyards.

KENNEL, COMMERCIAL. An establishment wherein any person engages in business or practice, for fee, of boarding, breeding, grooming, letting for hire, or training of multiple domesticated animals at any one time, not including pets owned by the landowner; or an establishment wherein any person engages in the business or practice, for a fee, of selling more than one (1) litter of domesticated animals at any one time.

KENNEL, NON-COMMERCIAL. A facility where five (5) or fewer adult domesticated animals are housed, not including pets owned by the landowner.

LABORATORY (Analytical, Experimental or Testing). A facility that provides controlled conditions in which scientific research, experiments, and measurement may be performed.

LAND DEVELOPMENT PLAN. A long range plan for the desirable use of land in Davidson County which has been adopted by the Davidson County Board of Commissioners. The purpose of the plan is to serve as a guide in the zoning of land, in the subdividing and use of undeveloped land, and in the acquisition of rights-of-way or sites for public purposes such as parks, public buildings, streets.

LANDFILL. A facility for disposal of solid waste on land in a sanitary manner, in accordance with rules concerning sanitary landfills set by the NC Department of Environment, Health and Natural Resources, called for in NCGS 130-A.

LARGER THAN UTILITY RUNWAY. A runway that is constructed for and intended to be used by Propeller driven aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight and jet powered aircraft.

LEGISLATIVE HEARING. A public hearing to solicit public comment on a proposed legislative decision such as zoning text or map amendment or comprehensive plan adoption.

Commented [VB14]: 160D definition.

LIBRARY. A facility with a collection of literary documents or records kept for reference or borrowing. The facility may include computer terminals, meeting rooms and conferencing capabilities.

LITTER. A brood of young containing more than a single offspring that is produced by an animal in a single birth event.

LIVESTOCK SALES. A facility used for the sale or auction of livestock.

LODGES, FRATERNAL OR SOCIAL ORGANIZATIONS. A facility where fraternal or social organizations meet to host events, meetings and meals. The facility typically consists of a large meeting room, food preparation area and may include temporary sleeping quarters for members or guests.

LODGINGS. Living quarters which do not contain independent kitchen facilities, provided, however, that dwelling units occupied by transients on a rental or lease basis for periods of less than one week shall be considered lodging units even though they contain independent kitchen facilities.

LOT. Land bounded by lines established for the purpose of property division. The term includes water contained in the property so enclosed. As used in this Ordinance, unless the context indicates otherwise, the term refers to a zoning lot. In cases where authorities empowered to exercise eminent domain, by purchase or condemnation, create residual lots of lesser area, width or a combination thereof that required in the district, such lots shall be construed to be nonconforming lots.

LOT LINE. A line which marks the boundary of a lot.

LOT LINE, FRONT. In the case of an interior lot, the lot line separating said lot from the street; in the case of the corner lot or through lot, the lot line separating said lot from the street which is designed as the front street in the request for a building permit.

LOT LINE, REAR. The lot line opposite and most distance from the front lot line; in the case of irregularly-shaped lots, such lot line shall be an imaginary

LOT LINE, SIDE. Any lot line which is not a front lot line or a rear lot line; a lot line separating a lot from a side street is an exterior side lot line, while a lot line separating a lot from another lot, or lots, is an interior side lot line.

LOT OF RECORD. A lot which is part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds of Davidson County, or a lot described by metes and bounds, the description of which has been so recorded.

LOT WIDTH. The distance between side lot lines measures at the building setback line.

LOT, AREA, NET. Net lot area shall be computed as total horizontal area within lot lines.

LOT, BUILDABLE AREA OF. The portion of the lot remaining for construction after meeting minimum requirements for setbacks, easements, floodways and other open space required at ground level.

LOT, CORNER. A lot which occupies the interior angle at the intersection of two street lines which make an angle of more than 45° and less than 135° with each other. The street line forming the least frontage shall be deemed the front of the lot except where the two street lines are equal, in which case the owner shall be required to specify the front when requesting a zoning permit.

LOT, DEPTH. The depth of a lot, for the purpose of this chapter, is the distance measured in the mean direction of the side lines of the lot from the midpoint of the front lot line to the midpoint of the opposite main rear line of the lot.

LOT, DOUBLE-FRONTAGE. A continuous (through) lot which is accessible from both of the parallel street upon which it fronts.

LOT, INTERIOR. A lot other than a corner lot.

LOT, NONCONFORMING. A lot existing at the effective date of this Ordinance or any amendment to it that cannot meet the minimum area or lot-width requirements of the district in which the lot is located.

LOT, NON-LEGAL FOR ZONING PURPOSES. A lot which is neither a zoning lot nor a non-conforming lot. Such a lot shall not be used or occupied until it is made to conform to the requirements of this Ordinance and other applicable regulations.

LOT, REVERSE FRONTAGE. A continuous (through) lot which is accessible from only one of the parallel streets upon which it fronts.

LOT, ZONING. A legally subdivided lot shown on a legally recorded plat and of sufficient area and dimensions to meet district requirements for area, width and use, and to provide such setbacks and other open spaces as are required. A zoning lot may consist of combinations of legally subdivided and legally recorded adjacent individual lots and/or portion of such lots, provided, however, that except as provided herein, in no case shall a division or combination result in a residual lot, portion of lot, or parcel

be created which does not meet the requirements of this Ordinance and the Davidson County Subdivision Regulations.

LOW EXPLOSIVES. Explosive materials which can be caused to deflagrate when confined, but do so at less than the speed of sound (for example, black powder, safety fuses, igniters, igniter cords, fuse lighters and "display fireworks" classified as UNO333, UNO334, UNO335 by the U. S. Department of Transportation regulations at 49 CFR 172.101, except for bulk salutes as defined by the Department of Treasury, Bureau of Alcohol, Tobacco and Firearms/Federal Explosives Law and Regulations).

MACHINE SHOP (see also WELDING SHOP). A workshop where metal is cut and shaped etc., by machine tools

MAJOR ARTERIALS, ROADS, AND HIGHWAYS. Major arterials, roads, and highways are those public streets and highways designated, or hereafter designated, as major streets and highways on a major Thoroughfare Plan for the County, approved by the North Carolina Department of Transportation, or that may hereafter be approved by the North Carolina Department of Transportation.

MALL. See SHOPPING CENTER.

MANUFACTURED HOME. A single family dwelling unit, fabricated in an off-site manufacturing facility for assembling on the building site bearing a seal certifying that it was built in compliance with the Federal Manufactured Housing and Construction Safety Standards. Such unit is not constructed in accordance with the standards set forth in the North Carolina State Building Code; is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis; and exceeds forty feet in length and eight feet in width.

MANUFACTURED HOME, CLASS A. A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria.

a. The manufactured home has a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis and includes at least 960 square feet of enclosed living area;

b. The pitch of the roof of the manufactured home ahs a minimum vertical rise of two and two tenths (2.2)feet for each twelve (12) feet of horizontal run and the roof is finished with a type of shingle that is commonly used in standard residential construction;

c. All roof structures shall provide an eave projection of no less than six (6) inches;

d. The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction

e. The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home;

f. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina Department of Insurance, attached firmly to the primary structure and anchored securely to the ground; and

g. The moving hitch, wheels and axles, and transporting lights have been removed. (can be enclosed within foundation).

h. It is the intent of these criteria to insure that a Class A manufactured home, when installed, shall have substantially the appearance of an on-site, conventionally built, single-family dwelling.

MANUFACTURED HOME, CLASS B. A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, or a manufactured home constructed after July 1, 1970, that is labeled unit as labeled by an independent inspection agency that was approved and licensed to label mobile homes or manufactured homes under North Carolina Law pursuant to N.C.G.S. 143-147 (as of 3/11/1975) and as recognized by the regulations adopted by the North Carolina Department of Insurance; such manufactured home also

a. Is set up in accordance with the standards set by the North Carolina Department of Insurance.

b. Has a continuous foundation or curtain wall.

c. Has all stairs, ramps, porches, etc. attached firmly to the primary structure and anchored securely to the ground

MANUFACTURED HOME, CLASS C. Any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home. Manufactured home in this class are subject to special restrictions due to their age and due to the fact that they were not required to meet uniform construction standards deemed adequate for the current protection of the health and safety of potential inhabitants of said homes.

MANUFACTURED HOME, PARK MODEL. A recreational park trailer of up to 400-square feet, constructed on chassis, designed for transient occupation.

MANUFACTURED HOME PARK. A plot of ground, together with all contiguous or adjoining parcels of land, that is owned or controlled by the same person, persons, family, partnership, corporation, company, or affiliates which has been planned or improved for the placement and rental of either two or more manufactured homes or two or more land sites for placement of manufactured homes for dwelling or sleeping purposes. For purposes of this chapter only, a contract for deed, written lease with option to purchase, or similar written promise to convey land between unrelated parties upon a condition subsequent shall be considered to be a conveyance.

MANUFACTURED HOME SPACE. Any parcel of ground within a manufactured home park designed for the exclusive use of one mobile home.

MANUFACTURING, HEAVY. The processing, fabrication, or manufacture of products or materials including, but not limited to, animal or vegetable matter, chemicals or chemical compounds, glass, metals, minerals, or other products converted from raw materials and including those processes with significant air or water discharge.

MANUFACTURING, LIGHT. The processing, fabrication or manufacture of foodstuffs, apparel, beverages, textiles, electrical components, or tobacco products; fabrication of wood, leather, paper, water or plastic products with limited air or water discharge.

MANUFACTURING , ASSEMBLY OR PROCESSING. For the purposes of this Ordinance there are three (3) categories of assembly or processing.

a. Process, fabrication or manufacture of products or material (including, but not limited to animal or vegetable matter, chemicals or chemical compounds, glass, metals, minerals or other products converted from raw materials and including those processes with significant air or water discharge.

b. Fabrication or assembly of products from pre-structured materials or components.

c. Manufacture of foodstuffs, apparel, beverages, textiles, electrical components, or tobacco products; fabrication of wood, leather, paper, water or plastic products.

MEDICAL CLINIC. A small private or public health facility that is devoted to the care of outpatients, often in a community, in contrast to larger hospitals, which also treat inpatients.

MICRO FARM. Agricultural, horticultural or viticulture activities for retail or wholesale purposes which occur on a parcel of land that does not qualify for bona fide farm exemption.

MICROWAVE TOWER. See Tower, Microwave, Television, Radio

MINING AND DREDGING OF SAND. The in-channel or near-channel extraction of sand. NAICS Codes 212321, construction sand or gravel dredging, and 212322, industrial sand pits and dredging. Also included within this definition is the surface removal of accumulated sand not within a stream or water body.

MINI-WAREHOUSE. A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized and controlled-access stalls or lockers for the dead storage of customers' goods or wares.

MIXED USE (also Mixed Commercial and Residential Use). A building where the primary use is commercial and a residence is attached vertically or horizontally to the commercial structure.

MOBILE HOME PARK. See Manufactured Home Park

MODULAR HOME, ON-FRAME. A manufactured home which is constructed in accordance with the North Carolina State Building Code on a metal frame and is set-up on block piers with brick underpinning.

MODULAR HOME. A dwelling unit constructed in accordance with the standards set forth in the North Carolina Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

MOTOR VEHICLE MAINTENANCE AND REPAIR. See Automobile Maintenance And Repair.

MUSEUM. A building used for collecting and displaying objects having scientific, historical or artistic value.

NON-CONFORMING LOT. A lot existing at the effective date of this Ordinance or any amendment to it that cannot meet the minimum area or lot width requirements of the district in which the lot is located.

NON-CONFORMING USE. A structure or land lawfully occupied by an existing use which does not conform with the permitted uses for the zoning district in which it is situated, either at the effective date of this Ordinance, or as a result of subsequent amendments to this Ordinance.

NON-CONFORMING STRUCTURE. A lawful structure permitted in the zoning district in which it is located, but which does not comply with one or more requirements of the Area, Height and Placement requirements of this Ordinance.

NON-PARTICIPATING LANDOWNER. Any landowner not under agreement with the Facility Owner or Operator.

NON-PERMANENT STRUCTURE. A structure intended for accessory use lacking a permanent foundation or permanent fixture to the ground or principal structure. This includes but is not limited to carports, sheds on skids, PODs, above ground swimming pools, temporary construction offices, or other structures interpreted to meet this definition. This definition explicitly excludes unoccupied manufactured homes, tractor trailers and shipping containers.

NON-PRECISION APPROACH ZONE. The inner edge of this approach zone coincides with the width of the primary surface and is (500 feet wide. The approach zone expands outward uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

NON-PRECISION INSTRUMENT RUNWAY. A runway having an existing instrument approach . Procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

NOTICE OF VIOLATION. A written notification of a violation of this Ordinance, indicating the nature of the violation and prescribing a time period for taking corrective measures.

NURSING AND/OR REST HOME. A facility that provides residentially based services for people who require constant nursing care and have significant deficiencies with activities of daily living. Residents include the elderly and younger adults with physical or mental disabilities.

OATH; AFFIRMATION. A solemn pronouncement swearing or affirming the truthful nature of any statements or evidence presented in reference to a request before the Governing Body, Planning Board or Board of Adjustment, and made in a form prescribed or permitted by the North Carolina General Statutes.

OBSTRUCTION. Any structure, fence, shrub, tree, bush, flower, plant, motor vehicle, or any other object including mobile object that obscures, impairs, or prevents view or sight through or exceeds a limited height set forth in Section 4, Airport Height Limitations.

OCCUPIED BUILDING. A residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when a permit application is submitted.

OFF-STREET LOADING SPACE. An off-street area with a minimum width of twelve (12) feet, a minimum depth of sixty (60) feet and have a vertical clearance of sixteen (16) feet above finished grade of the

space for the purpose of loading and unloading delivery and transfer trucks without interference with required off-street parking areas.

OFF-GRID SOLAR SYSTEM. A photovoltaic solar system in which the circuits energized by the solar system are not electrically connected in any way to electric circuits that are served by an electric utility company.

OFFICES. place of business where professional or clerical duties are performed

OUTDOOR ADVERTISING SIGN OR BILLBOARD. The provision of an outdoor display sign or display space on a lease or rental basis.

OUTDOOR STORAGE YARD. An outdoor area used for storage.

PACKAGE TREATMENT PLANT. Any sewage treatment facility which discharges onto the ground surface or into any stream, lake, or other body of water, but not including ground absorption sanitary treatment systems under the jurisdiction of the County Health Department.

PARCEL DELIVERY SERVICE. a private company which delivers parcels within a specific area.

PARKING SPACE, OFF STREET. A surfaced area outside the right of way of not less than nine (9) feet wide and twenty (20) feet long for the stationary storage one automobile, plus the necessary access space.

PARKING, PRINCIPAL USE. The use of land for parking where the majority of the land is taken up by a parking lot and access driveways.

PARKS, PLAYING FIELDS. See Recreation, Active and Passive.

PARTICIPATING LANDOWNER. A landowner under lease or other property agreements with the Facility Owner or Operator pertaining to a Wind Energy Facility.

PERSON. An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative.

PETROLEUM BULK STORAGE STATIONS; DISTRIBUTION TERMINAL. A facility used to store and distribute petroleum products in large quantities. The amount of fuel stored here is typically larger than what is stored at the Fuel Oil dealer.

PHARMACY AND DRUG STORE. A retail shop where medicine and other articles are sold.

PHOTOVOLTAIC SYSTEM. An active solar energy system that converts solar energy directly into electricity.

PLANNED EMPLOYMENT CENTER. Planned corporate campus that incorporate business and professional services, research and development facilities, limited light manufacturing, wholesale trade, and general offices along with permitted accessory commercial and residential uses.

PLANNING BOARD. The county planning board appointed by the Davison County Board of Commissioners to carry out the duties set forth in G.S. ~~153A-321~~160D-301.

PRIMARY SURFACE. A surface longitudinally centered on a runway. The primary surface extends two hundred (200) feet beyond each end of that runway. The elevation of any point on the primary surface

is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is five hundred (500) feet.

PRINCIPAL BUILDING. A building in which is conducted the principal use of the lot on which it is located.

PRINCIPAL USE. The primary use and chief purpose for which a lot is used.

PRINTER OR PRINT SHOP. A business that provides commercial printing services, often also offering typesetting and book-binding services.

PUBLIC ROAD. A full passage right-of-way, dedicated to the public and constructed to meet NCDOT road standards.

PUBLIC SEWAGE DISPOSAL SYSTEM. A system serving two or more dwelling units and approved by the County Division of the District Health Department and the State Department of Water and Air Resources.

PUBLIC WATER SUPPLY. Any water supply furnishing potable water to ten or more residences or businesses or combination of businesses or residences. Approval by the Division of Health Services, Department of Human Resources, is required.

QUASI-JUDICIAL DECISION. - A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

RACE TRACK, ANIMAL. A facility for racing of animals (eg. horses ; greyhounds).

RACE TRACK, DRAG STRIP; SPEEDWAY. A facility for racing of automobiles, motorcycles or other motorized vehicles.

RADIO COMMUNICATIONS TOWER. See Tower, Microwave, Television, Radio

RECREATION, ACTIVE. Leisure-time activities, usually of a formal nature and often preformed with others, requiring equipment and taking place at prescribed places, sites or fields. Active recreation space may include facilities such as ball fields, tennis courts, or swimming pools, or tot-lots and other similar type play areas. Active recreation space may also be used for picnicking, boating, fishing, swimming, outdoor games and sports, equestrian activities, and activities incidental and related to the foregoing, all on a non-commercial basis.

RECREATION, PASSIVE. Activities that involve less equipment than active recreation and are unorganized activities, such as walking, bicycling, or picnicking.

RECREATIONAL FACILITIES, COMMERCIAL INDOOR. A facility or business that charges a fee for access to recreational facilities (e.g. bowling, skating, gaming, indoor soccer).

RECREATION FACILITIES, COMMERCIAL OUTDOOR. A facility of business that charges a fee for access and use of an outdoor recreational facility.

RECYCLING DROP-OFF CENTER. A facility where County residents may drop off recyclable materials separated or bundled.

REPAIR SERVICES, ELECTRONIC AND APPLIANCE. A building used for the repair electronics and appliances.

RESERVATION. A reservation of land does not involve any transfer of property rights. It simply constitutes an obligation to keep property free from development for a stated period of time.

RESIDENCE. Any building, or portion thereof, which is designed for living and/or sleeping purposes. The term "residence" shall not be deemed to include a hotel, motel, tourist home, or other building designed for transient residence. Neither shall it include travel trailers, campers, motor homes, or other vehicles designed for transient residence. The term "residence" shall include the term "dwelling unit."

RESIDENTIAL FLOOR AREA. The sum of areas for residential use on all floors of the building measured from the outside faces of the exterior walls, including halls, lobbies, stairways, elevator shafts, enclosed porches and balconies, and below-grade floor areas used for habitation and residential access. Areas exempt from the floor area calculation include.

a. Open terraces, patios, atriums, or balconies;
b. Carports, garages, breezeways, tool sheds;
c. Special-purpose areas for common use of occupants, such as recreation rooms or social halls;
d. Staff space for therapy or examination in care housing;
e. Basement space not used for living accommodations;
f. Any commercial or other nonresidential space.

RESIDENTIAL LAND AREA. Residential land area shall be construed as all land for residential development and related uses, including open space. Such lands shall be construed to include streets entirely within residential portions of the development, common open space, and lands accepted for dedication for public purposes.

RESIDENTIAL STORAGE FACILITY. An off-premise building classified as the principal structure on a lot of record, used for the storage of personal property and used in association with an owner's residence or current tenant or lessee of the residence which is located directly or diagonally across the street from the lot containing said residence. This building is not intended for uses other than the storage of personal vehicles, goods or materials. *Amended 8-3-15*

RESTAURANT. An establishment whose principal business is the sale of food, frozen desserts or beverages to the customer in a ready-to-consume state, and whose design or method of operation provides for consumption of foods, frozen desserts or beverages within the restaurant building, within a motor vehicle parked upon the premises, or at other facilities on the premises outside the building.

RESTAURANT, DRIVE-IN. As establishment whose principal business is the sale of food, frozen desserts or beverages to the customer in a ready-to-consume state, and whose design and method of operation

provide for food, frozen desserts or beverages served directly to the customer in a motor vehicle or food service within the restaurant itself.

RETAIL SERVICES. Establishments providing tangible needs for immediate use.

RETAIL TRADE, DURABLE AND NON-DURABLE GOODS. Establishments selling commodities in small quantities to the consumer.

RETREAT CENTER; RURAL RESORT; CONFERENCE CENTER. A public or private establishment consisting of a detached structure or structures located in a rural setting in which lodging units are offered as the principal use, along with conference and meeting facilities, restaurant and/or banquet facilities, and recreational or outdoor amenities principally intended for vacationing, relaxation and conference activities for visitors to the community. It may include single-family dwellings (attached or detached) guest homes, or an accessory apartment to be used only by employees or owners of the resort and retreat. Permitted also are commonly incidental, recreation- oriented uses, including golf courses, horseback riding, swimming, tennis, and other similar outdoor activities; as well as facilities contained within the principal resort building.

RIDING ACADEMY. A commercial establishment offering facilities for the teaching and practice of horseback riding and the boarding and care of horses and ponies.

ROOF PITCH. The final exterior slope of a building roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.

ROOMING HOUSE. A building which contains more than three (3), but fewer than ten (10) guest rooms which are let to individuals for compensation.

RUNWAY. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

RUNWAY, LARGER THAN UTILITY WITH A VISIBILITY MINIMUM GREATER THAN ¾ MILE NON-PRECISION INSTRUMENT APPROACH ZONE. The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

SANITARY SEWAGE SYSTEM. An approved sanitary sewage system means a complete system collection, treatment and disposal and includes.

a. connection to a public, community, or municipal sewage treatment and disposal system.
b. connection to a private or individual septic tank and ground absorption sewage treatment and disposal system with its collection and treatment components.
c. proper and specific approval, including permits, operation, and maintenance, from the governing bodies and agencies having jurisdiction.

SAW MILL, PERMANENT. A facility in which cut logs are sawed into standard-sized boards and timbers.

SAWMILL, TEMPORARY. A sawmill operation established on a lot or parcel where lumber is actively being harvested and not intended for continuous, permanent use.

SCENIC CORRIDOR PLAN. A plan that describes unique qualities, conditions, boundaries and requirements of a road corridor that creates a visually pleasing impression.

SCHOOL, PRIMARY OR SECONDARY. Institution where academic or technical instruction is given to persons under college age.

SELF-CONTAINED TRAVEL TRAILER. A travel trailer which may operate independently of connections to electricity, water, and sewer for a limited period of time, having its own battery or LP gas system or both, to operate lights, refrigerator, stove, and heater; having a water tank with a pressure system; and having a holding tank with a toilet.

SEPTAGE LAND APPLICATION SITE. As regulated under the State requirements set forth in NCGS 130A-291.1; NC Septage Management Rules and meaning the area of land on which septage is applied.

SEPTAGE. As defined by NCGS 130A-290 (a) 32. Solid waste that is a fluid mixture of untreated and partially treated sewage solids, liquids, and sludge of human or domestic origin which is held or removed from a septic tank system.

SERVICE STATION. An establishment where gasoline and/or diesel fuel is supplied and dispersed at retail and where, in addition, the following services may be rendered and sales made, and no other.

a. Sale and servicing of spark plugs, batteries and distributors and ignition system parts;
b. Sale, servicing and repair of tires, but not recapping or regrooving;
c. Replacement of mufflers, tail pipes, water hose, fan belts, brake fluid, light bulbs, windshield wipers and blades, grease retainers, wheel bearings and the like;
d. Radiator cleaning, flushing and fluid replacement;
e. Washing and polishing and sale of automotive washing and polishing supplies;
f. Greasing and lubrication;
g. Providing and repairing of fuel pumps, oil pumps, and lines;
h. Minor adjusting and repair of carburetors;
i. Emergency repair of wiring;
j. Adjusting and repairing of brakes;
k. Minor motor adjustments not involving removal of the head or crankcase;
l. Sales of beverages, packaged foods, tobacco products and similar convenience goods for customers, as accessory and incidental to the principal operations;
m. Provision of road maps and other travel information to customers;
n. Provision of restroom facilities.

A service station is not a repair garage, nor a body shop. Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, glass work, upholstering, welding, storage of automobiles or trucks not in operating condition or other operations involving noise, glare, smoke fumes or other characteristics to an extent greater than normally found in service stations.

SETBACK. An open space other than a court unoccupied and unobstructed by any structure or portion of a structure. Fences and walls may be permitted in any setback subject to height limitations as

established herein. Poles, posts and other customary accessories, ornaments, furniture and landscaping shall be permitted in any setback so long as they do not constitute substantial impediments to free flow of light and air across the setback or violate provisions of these or other regulations regarding visibility.

SETBACK LINE, REQUIRED. A line marking the setback distance from the street or lot lines, which establishes the minimum required front, side and rear open space of a lot.

SETBACK LINES. The lines on the front, rear, and sides of a lot which delineates the area within which a structure may be built and maintained according to the district regulations.

SEWAGE PUMPING STATION. A facility including pumps and equipment for pumping sewage from one place to another. Installed where gravity sewer lines are not sufficient.

SHADOW FLICKER. Visible flicker effect when rotating turbine blades cast shadows on the ground and nearby structures causing the repeating pattern of light and shadow.

SHOPPING CENTER. A group development of commercial or retail establishments which are planned and developed and owned or managed as a unit with off street parking provided on the premises.

SIGN. Any words, lettering, parts of letters, pictures, figures, numerals, phrases, sentences , emblems, devices, design, trade names, or trademarks by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product, which are visible from any public way and used to attract attention.

SIGN AREA. Sign area shall be measured by the smallest square, rectangle, triangle, circle or combination thereof, which will encompass the entire advertising copy area including architectural trim. In computing area, only one (1) side of a double-faced sign shall be considered.

SIGN, DIRECTIONAL; GATEWAY. A sign designed to promote safety, traffic flow, and enhance area economic development by directing the general public to a business or industrial development. Directional signs are off-premise signs limited exclusively to the name of the establishment, location, or direction of route to such establishment. Advertising messages are prohibited.

SIGN, ELECTRONIC CHANGEABLE FACE. A sign, display, or device, or portion thereof, which electronically changes the fixed display screen composted of a series of lights, including light emitting diodes, fiber optic, or other similar technology where the message change sequence is accomplished immediately. This includes computer programmable, microprocessor controlled electronic digital displays that show electronic, static images, static graphics, or static pictures.

SIGN, FLASHING. A sign that uses intermittent or flashing light sources or mechanically moved reflective material to attract attention is prohibited, except for those signs otherwise in compliance with this Ordinance that show messages continuously a minimum of 5 seconds in time before switching to another message.

SIGN, FREESTANDING. Any sign which is attached to or mounted upon the ground by means of one or more upright posts, pillars, or braces placed upon the ground by means of one or more upright posts, pillars, or braces place upon the ground, and which is not attached to any building (excludes bill- boards, poster panels, and outdoor advertising signs).

SIGN, GROUND. A sign resting directly on the ground and supported by means of wheels, upright pillars, braces or posts placed upon or in the ground and not attached to any part of a building. This definition includes temporary rental signs usually attached to wheels.

SIGN, IDENTIFICATION. A sign used to identify a residence, business, service or entertainment located at the same location as the sign.

SIGN, LOCAL INTEREST. A sign of a temporary nature used to advertise or announce a particular event, usually of local concern.

SIGN, MARQUEE. A sign affixed to the top of any hood or canopy over the entrance to a store, building, or place of public assembly.

SIGN, OFF-SITE; OUTDOOR ADVERTISING; BILLBOARD. Outdoor structure or display, pictorial or otherwise, either freestanding or attached to a building, which advertises or attracts attention to a business, commodity, service, or other activity, conducted, sold, or offered elsewhere than on the premises where displayed.

SIGN, ON-SITE. A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services or activities on the premises. On-site signs do not include signs erected by the outdoor advertising business.

SIGN, PERMANENT. Signs erected, located, or affixed in a manner enabling continued use of the sign for a relatively long, unspecified period of time.

SIGN, PROJECTING. A sign projecting from the exterior wall of a building or suspended from and supported by the underside of a horizontal surface, such as a canopy, forming an angle of thirty (30) degrees or more.

SIGN, ROOF. A sign erected, constructed, or maintained upon the roof of any building.

SIGN, SUSPENDED. A sign which is suspended from the underside of a horizontal plane surface, such as a canopy or marquee, and is supported by such surface.

SIGN, WALL. A sign affixed to the surface of, and whose plane is parallel to the plane of, the exterior wall of a building, or which forms an angle of less than thirty (30) degrees with said wall.

SITE PLAN. - A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.

SOLAR COLLECTOR. A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

SOLAR COLLECTOR SURFACE. Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.

SOLAR ENERGY. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR ENERGY SYSTEM. A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating.

SOLAR FARM. A use were a series of solar collectors are placed in a area for the purpose of generating photovoltaic power for an area greater than the principal use on the site. Also referred to as Solar Power Plant and Solar Photovoltaic Farm.

SOLAR MOUNTING DEVICES. Devices that allow the mounting of a solar collector onto a roof surface or the ground.

SPECIAL EVENT. An activity, event, or group outing including, but not limited to a performance, meeting, assembly, contest, exhibit, ceremony, parade, athletic competition, reading, or picnic involving more than 20 people which is atypical of the extent of impact or use occurring on a parcel or site.

SPECIAL USE PERMIT. A permit granted by either the Davidson County Board of Adjustment or Governing Body (as specified herein) to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. The term includes permits previously referred to as conditional use permits or special exceptions.~~for a specified land use which is permitted in a given zoning district under Ordinance provisions which authorize the use when specific findings have been made.~~

STEADY-STATE VIBRATIONS. For purposes of this Ordinance, steady-state vibrations are continuous vibrations or vibrations in discrete impulses more frequent than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute shall be considered impact vibrations.

STORAGE. Temporary or permanent holding of hazardous waste or toxic substances.

STORAGE BUILDING. A structure completely enclosed consisting of at least four (4) rigid sides and a roof.

STREAM. Any stream as shown on the US Geological Survey quadrangle maps of Davidson County.

STREET. A dedicated and accepted public right- of-way for vehicular traffic which affords the principal means of access to abutting properties.

STREET, RURAL LOCAL ROAD. A local road primarily serves to provide access to adjacent land and for travel over relatively short distances.

STREET, RURAL LOCAL STREET. A local street is any link not a part of a higher-order urban system and serves primarily to provide direct access to abutting land and access to higher systems. It offers the lowest level of mobility and through traffic is usually deliberately discouraged.

STREET, RURAL MINOR ARTERIAL. A rural link in a network joining cities and larger towns an providing intrastate and inter-county service at relatively high (85 mph) overall travel speeds with minimum interference to through movement. This network would primarily serve traffic. Major Collector. A road which serves major intra-county travel corridors and traffic generators and provides access to the arterial system.

STREET, RURAL MINOR COLLECTOR. A road which provides service to small local communities and links the locally important traffic generators with their rural hinterland.

STREET, RURAL MINOR THOROUGHFARES. Minor thoroughfares are important streets in urban systems and perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating a minor through-traffic movement and may also serve abutting property.

STREET, RURAL PRINCIPAL ARTERIAL. A rural link in a network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel and existing solely to serve traffic. This network would consist of interstate routes and other routes designated as principal arterials.

STREET, RURAL MAJOR THOROUGHFARES. Major thoroughfares consist of Interstate, other freeway and expressway links, and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas.

STREET, ALLEY. A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or site of properties otherwise abutting on a street.

STREET, CUL-DE-SAC. A short street having but one end open to traffic and the other end being permanently terminated and a vehicular turn-around provided.

STREET, EXPRESSWAY. An expressway is a street or road usually with a median which serves through traffic with full or partial control of access and generally with grade separations at intersections; however, infrequent at-grade crossings may be permitted.

STREET, FREEWAY. A freeway is a divided street or road which serves through traffic with full control of access and with grade separations at all intersections.

STREET, FRONTAGE ROAD. A local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.

STREET, PRIVATE. An undedicated private right-of-way which affords access to abutting properties and requires a subdivision streets disclosure statement in accordance with GS 136-102.6. Emergency and other public services may not be provided over such private streets, and they shall be privately maintained.

STREET, PUBLIC. A street located on a right-of-way dedication under the requirements of this Ordinance.

STRUCTURE. Anything constructed or erected, the use of which requires more or less permanent location on the ground, or which is attached to something having a more or less permanent location on the ground. An edifice or a building of any kind; in the broadest sense, any product or piece of work artificially built up or composed of parts and joined together in some definite manner.

STRUCTURE, NON-PERMANENT. A structure intended for accessory use lacking a permanent foundation or permanent fixture to the ground or principal structure. Includes but is not limited to carports, sheds on skids, pods, above ground swimming pools, temporary construction offices or other structures interpreted to meet this definition. This definition explicitly excludes the following: unoccupied manufactured homes, tractor trailers or shipping containers.

SUBDIVIDER. Any person, firm, corporation or official agent thereof, who subdivides or develops any land deemed to be a subdivision.

SUBDIVISION. The divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or ~~building~~ development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets as specified in NCGS 160D-802.

SUBDIVISION, MAJOR. A subdivision with more than ten (10) owner occupied lots created for the purpose of sale or building development.

SUBDIVISION, MINOR. A subdivision with ten (10) of fewer owner occupied lots created for the purpose of sale or building development with all lots having access to an existing state maintained road.

SWITCHING STATION. See Telephone Exchange.

TELEPHONE EXCHANGE. A building housing equipment that establishes connections between telephones.

TELEVISION TOWER. See Tower, Microwave, Television, Radio.

TEMPORARY BUILDING OR STRUCTURE. When developing land for residential, commercial, institutional or industrial use, the buildings or structures used during construction. When construction is complete, these buildings should be removed.

TOURIST HOME. A building or group of attached or detached buildings containing in combination three to nine lodging units for occupancy for daily or weekly periods, with or without board, and primarily for occupancy by transients, as distinguished from rooming houses, in which occupancy is primarily by residents rather than transients.

TOWER; MICROWAVE, TELEVISION, RADIO. Any towers that include HAM radio towers, radio and television broadcast towers or emergency management broadcast towers. Not including wireless telecommunications towers.

TOWNHOME; TOWNHOUSE. Two or more attached single family residences contained within one or more residential structures with each unit located on a separate plot.

TOWNHOUSE DEVELOPMENT. A development of one or more structures containing a total of two or more units intended for owner occupancy, where ownership of the land beneath each unit runs with that unit, where units and the individually owned lands on which they rest do not meet conventional lot requirements for street frontage and yard sizes, and where walls between units are constructed in accordance with North Carolina state building code requirements.

TRANSITIONAL SURFACE. These surfaces extend outward at right angles (ninety-degree angles) to the runway centerline and extend at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

TRANSITIONAL ZONE. The transitional zones are the areas beneath the transitional surfaces.

TRANSPORTATION FACILITY. Any transportation facility including its storage areas and parking areas where shipments of hazardous waste or toxic substances are held for transportation to another site.

TRAVEL TRAILER PARK AND CAMPGROUND. An outdoor area designed to accommodate non-permanent travel trailer and recreational vehicles on a temporary basis. Electrical, cable, water and sewage hookups may be provided on site.

TREATMENT. Any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste or toxic substance so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous, safer to transport, store, or dispose of; or amendable for recovery, amenable for storage, or reduce in volume.

TREE. An object of natural wooded growth.

USE. The purpose for which land or a building or structure is arranged, designed or intended, or for which either land or a building or structure is, or may be, occupied or maintained.

USED FOR. Includes the meaning DESIGNED FOR.

USE, PRINCIPAL PERMITTED. A use which is permitted outright in a district for which a Zoning Permit may be issued by the Zoning Administrator.

UTILITY SUB-STATION. A collection of switching, protection and control equipment including transformers used for electricity transmission.

UTILITY TOWER. A tower used to carry electrical transmission wires or other physical lines of communication.

VARIANCE. A relaxation of the terms of this Ordinance granted by the Board of Adjustment where such variance will not be contrary to the public interest and, where, owing to conditions peculiar to the property enforcement of the Ordinance would result in unnecessary and undue hardship. A variance may only be authorized only for the dimensional controls of this Ordinance. The establishment or expansion of a use otherwise prohibited shall not be permitted by a variance.

VENDING KIOSK. A free-standing machine intended to facilitate a commercial transaction resulting in the dispensing of products or goods in an automated fashion.

VESTED RIGHT. - The right to undertake and complete the development and use of property under the terms and conditions of an approval secured as specified in G.S. 160D-108 or under common law.

VETERINARY CLINIC. An establishment with facilities for the examination and treatment of animals but not necessarily accommodations for 24 hour care.

VIOLATOR. Any person or entity that owns, leases, rents, occupies, manages, or builds any structure or engages in any land development activity in violation of this Ordinance and any person or entity that owns, leases, rents, or occupies a use in violation of this Ordinance.

VOCATIONAL OR PROFESSIONAL SCHOOL. Also referred to a trade or career school. A school providing vocational education in which students are taught the skills needed to perform a particular job.

WAREHOUSE. is a commercial building for storage of goods. Warehouses are used by manufacturers, importers, exporters, wholesalers, transport businesses, etc.

WASTEWATER TREATMENT PLANT. A facility that receives influent wastewaters (and sometimes runoff accumulated in the collection system) from domestic and/or industrial sources and, by a combination of physical, chemical, and biological processes.

WATERFRONT PROPERTY. Properties with direct frontage on a body of water with a normal pool level.

WATER QUALITY CRITICAL AREA (WQCA). Land located adjacent to the shoreline of a public water supply reservoir, so designated by a Governing Body, and is located from normal pool level extending from ½ to 1 mile from the reservoir high water mark depending on the size of the watershed, and specifically delineated on the official watershed map.

WATER SUPPLY SYSTEM. An approved water supply system which, depending upon ownership and/or number of connections, may be.

a. Connection to a public or municipal system;
b. Connection to a community or non-community privately owned system serving an extended geographic area (system and extensions regulated by the Department of Human Resources, Division of Health Services);
c. Connection to a private well serving up to 14 connections and less than 25 residents (regulated by the County Health Department); Department of Natural Resources and Community Developmental Management; Division of Human Resources, Division of Health Services); or
d. Connection to a public system with 15 or more connections serving 25 or more residents (approved by the Department of Human Resources, Division of Health Services).

WATER TANK & TOWER. A standpipe or elevated tank used as a reservoir or for maintaining equal pressure in the water supply system.

WATER TREATMENT PLANT. A facility that treats raw water so that it is safe for human consumption. A water treatment plant may treat water from a reservoir using four distinct processes: coagulation, sedimentation, filtration, and disinfection.

WATERSHED. All other parts of the watersheds in addition to WQCA in Davidson County draining directly into a water supply reservoir. A watershed is defined as an area in which all water drains to a particular body of water.

WHOLESALE, BULK STORAGE. Storage of bulk materials, supplies and/or equipment in a warehouse setting.

WHOLESALE STORAGE SALES OR SERVICES. The sale of wholesale storage space and related services for the purpose of storing bulk materials, supplies and/or equipment in a warehouse setting.

WIND ENERGY FACILITY. An electric generating facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures & facilities. For the purpose of this Ordinance, the term does not apply to roof-mounted or building integrated roof mounting systems.

WIND ENERGY FACILITY, PRINCIPAL USE. A wind energy conversion system consisting of one or more wind turbine(s), a tower(s), and associated control or conversion electronics, which has a total rated capacity of more than 25 kW.

WIND ENERGY FACILITY, ACCESSORY USE. A single system designed to supplement other electricity sources as an accessory use to existing buildings or facilities, wherein the power generated is used primarily for on-site consumption. A small wind energy conversion system consists of a single wind turbine, a tower, and associated control or conversion electronics, which has a total rated capacity of 25 kW or less.

WIND POWER. Power is generated in the form of electricity by converting the rotation of turbine blades into electrical current by means of an electrical generator.

WIND TURBINE. A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and may include a nacelle, rotor, tower, and pad transformer.

WIND TURBINE HEIGHT. The distance measured from grade at the center of the tower to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation.

WINE TASTING ROOM. A facility in which wine products grown or processed on the owner's bona fide farm may be tasted and sold, including the following associated uses: gift/retail sales, assembly areas, meeting rooms, dining and catering facilities, and a restaurant facility, if expressly requested and permitted. A facility operated in association with an existing vineyard and located on the same property, or multiple adjoining properties in same ownership.

WINERY. A manufacturing facility or establishment engaged in the processing of grapes to produce wine or wine-like beverages as defined by the North Carolina General Statutes.

WIRELESS TELECOMMUNICATION TOWERS & FACILITIES (CO-LOCATION). Co-location occurs when two or more providers place their transmitting facilities together in the same location or on the same tower or monopole. These facilities may provide identical, competing services or a variety of different telecommunication services. By using existing towers or poles, the need to erect new structures can be reduced and their overall visual presence in a jurisdiction can be minimized, without compromising their technical utility (Must be no increase in height of existing tower, and must present site plan showing the location of equipment structures to be located within previous approved fenced-in area.

WIRELESS TELECOMMUNICATION TOWERS & FACILITY. A structure of structures including accessory facilities required to house maintenance equipment, designed to support antenna used for transmitting and receiving telecommunication transmissions. This includes but is not limited to facilities associated with all forms of digital telecommunications, analog telecommunications, personal communication systems (PCS), and cellular telecommunication services as described below.

a. "Analog Telecommunications". Moving information from place to place in the form of continuous electrical signals. Analog is the form of information that comes out of an ordinary voice telephone or from a modem into a telephone line.

b. "Cellular Services". A telecommunications service that permits customers to use wireless, mobile telephones to connect, via low-power radio transmitter sites call cell sites, either to the public switched network (regular telephone) or to other mobile cellular phones.

c. "Digital Telecommunications". An information transmission, storage and processing method that uses electronic or optical pulses, also called bits. Digital switching technology transmits and processes calls faster and better than analog transmission, its predecessor. This improved both the capacity and the efficiency of the network.

d. "Personal Communications Services (PCS)". Digital wireless telephone technology such as portable phones, pager, faxes, and computers. Such mobile technology promises to allow each consumer to use the same telephone number wherever he or she goes. Also known as Personal Communications Network (PCN).

This does not include HAM radio towers or radio and television broadcast towers or utility towers or emergency management broadcast towers.

WIRELESS TELECOMMUNICATION TOWERS (MONOPOLE). A single steel pole erected for the purpose of transmitting or receiving signals, including, without limitation, telephone, radio, television, cable television, or microwave signals.

YARD. An open space on the same lot with a principal building, unoccupied and unobstructed from the upward, except where encroachments and accessory buildings are expressly permitted.

YARD, FRONT. An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the front line of the lot and the building setback line.

YARD, REAR. An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear building setback line.

YARD, SIDE. An open, unoccupied space on the same lot with a principal building, situated between the building and the side lot line, and extending from the rear line of the front yard to the front line of the rear yard.

ZONING ADMINISTRATOR. The Davidson County employee or employees appointed by the County Manager to have overall responsibility for the enforcement and interpretation of this Ordinance, to include zoning officers, planners and the planning director.

ZONING ~~PERMIT~~APPROVAL. An approval ~~permit~~ issued by the Zoning Administrator which authorizes the use of land as permitted by the Ordinance. A Zoning ~~Permit~~ Approval shall be obtained prior to establishment of a use within a zoning district.

ZONING MAP AMENDMENT OR REZONING. An amendment to a zoning regulation for the purpose of changing the zoning district that is applied to a specified property or properties. The term also includes (i) the initial application of zoning when land is added to the territorial jurisdiction of a local government that has previously adopted zoning regulations and (ii) the application of an overlay zoning district or a conditional zoning district. The term does not include (i) the initial adoption of a zoning map by a local government, (ii) the repeal of a zoning map and readoption of a new zoning map for the entire planning and development regulation jurisdiction, or (iii) updating the zoning map to incorporate amendments to the names of zoning districts made by zoning text amendments where there are no changes in the boundaries of the zoning district or land uses permitted in the district.

ZONING REGULATION. A zoning regulation authorized by Article 7 of this Chapter.

Article X. APPENDIX

Section X.1 SUGGESTED PLANT MATERIALS

The suggested plant material list includes common trees and shrubs suitable for use in Davidson County. Due to the individual site soil, moisture, and micro-climate conditions, professional expertise should be sought to determine the appropriate plant materials for a particular development project.

(A) Canopy Trees

Mature height of thirty-five (35) feet or greater.

Common Name	**Latin Name**
Willow Oak	Quercus phellos
Sugar Maple	Acer sacchrum
Red Maple	Acer rubrum
Scarlet Oak	Quercus coccinea
Southern Magnolia	Magnolia grandiflora
London Plane Tree	Platanus acerfolia
River Birch	Betula nigra
Japanese Zelkova	Zelkova serrata
Tulip Poplar	Liriodendron tulipifera
Pin Oak	Quercus palustris
Black Gum	Nyssa sylvatica
Littleleaf Linden	Tilia cordata
White Oak	Quercus alba
Japanese Scholartree	Sophora japonicum
Gingko	Gingko biloba
English Oak	Quercus robur
Japanese Katsura Tree	Cercidphyllum japonicum
Schumard Oak	Quercus schumardi
Chinese Elm	Ulmus parviflora

(B) Understory Trees

Mature height of fifteen (15) to thirty-five (35) feet.

Common Name	**Latin Name**
Yoshino Cherry	Prunus yedonesis
Golden Raintree	Koelreutria paniculata
Saucer Magnolia	Magnolia soulangeana
Weeping Cherry	Prunus subhirtilla pendula
Kwanzan Cherry	Prunus serrulata 'Kwanzan'
Yellowood	Cladastris lutea
Ironwood	Carpinus carolineana
Pistachio	Pastachia chinensis
Redmond Linden	Tilia Americana 'Redmond'
American Holly	Ilex opaca
Mountain Silverbell	Halesia monticola
Sourwood	Oxydendrum arboreum
Thornless Honeylocust	Gleditisia triacanthos 'Inermis'
Eastern Redbud	Cercis canadensis
Mountain Ash	Sorbis americana
Japanese Maple	Acer palmatum
Japanese dogwood	Cornus kousa
Flowering Dogwood	Cornus florida
Smoketree	Cotinus coggyyria
Crape Myrtle	Lagerstromia indica
Crabapple (var.)	Malus hybrida (var.)
Amur Maple	Acer ginnala
Russian Olive	Eleaegnus angustifolia
Wax Myrtle	Myrica cerifer
Star Magnolia	Magnolia stellata

(C) Evergreen Shrubs

Mature height of approximately thirty-six (36) inches.

Common Name	**Latin Name**
Warty Barberry	Berberis verruculosa
Dwarf Burford Holly	Ilex cornuta 'Burfordii' nana
Japanese Holly	Ilex crenata (var.)
Azalea (var.)	Azalea sp.
Mugo Pine	Pinus mugo
Juniper (var.)	Juniperus sp.
Euonymous (var.)	Euonymous sp.
Leatherleaf Viburnum	Viburnum rhytidophyllum

(D) Deciduous Shrubs

Mature height of approximately thirty-six (36) inches.

Common Name	**Latin Name**
Forsythia	Forsythia sp.
Dwarf Burning Bush	Euonymous alatus 'Compacta'
Thunberg Spirea	Spirea thunbergi
Viburnum (var.)	Viburnum sp.
Oakleaf Hydrangea	Hydrangea quercifolia
Japanese Flowering Quince	Chaenomeles japonica
Potentilla	Potentilla fruticosa

(E) Ornamental Grass Varieties

Common Name	**Latin Name**
Oregonholly Grape	Mahonia bealei
Nandina	Nandina domestica
Dwarf Nandina	Nandina domestica nana

(F) Screening Plants

Common Name	Latin Name
American Holly	Ilex opaca
Burford Holly	Ilex cornuta 'Burfordii'
Nellie Stevens Holly	Ilex cornata 'Nellie Stevens'
Red Tip Photinia	Photinia glabra
Wax Myrtle	Myrica cerifera
Hetz Juniper	Juniperus hetzi
Arborvitae	Thuja occidentalis
Eastern Red Cedar	Juniperus virginiana
Japanese Black Pine	Pinus thunbergianan

(G) Groundcover

Common Name	Latin Name
Lily-Turf	Liriope muscarii
Creeping Lilyturf	Liriope spicata
Hybrid Daylily	Hemerocallis hybrida
Periwinkle	Vinca minor
English Ivy	Hedera helix
Purpleleaf Wintercreeper	Euonymous fortunei coloratus
Aaronsbeard	Hypericum calysinum
Rockspray Cotoneaster	Cotoneaster horizontalis