

**SANFORD-BROADWAY-LEE COUNTY
UNIFIED DEVELOPMENT ORDINANCE**

ARTICLE 5. SUPPLEMENTAL DEVELOPMENT REGULATIONS

Summary: The purpose of this Article is to provide supplemental standards for individual uses. Some sections also contain special submittal requirements applicable to zoning or other development applications. The applicant must submit this information in addition to the information required by Appendix B of this Ordinance in order for the application to be certified as complete by the Department of Community Development.

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5.1 ACCESSORY USES AND STRUCTURES

5.1.1 APPLICABILITY

5.1.1.1 This section applies to any subordinate Use of a Building or other Structure, or Use of land which is: (1) conducted on the same Lot as the principal Use to which it is related (except as permitted under § 5.1.2.2 below), and (2) clearly incidental to, and customarily found in connection with, such principal Use. Uses are deemed permitted as part of the principal Use and shall not require a separate permit, unless otherwise provided in the regulations established in this Article for the particular use.

5.1.2 ESTABLISHMENT.

5.1.2.1 Accessory buildings or uses shall not be constructed or established on a lot until construction of the principal building has commenced or the primary use is established, except as permitted under § 5.1.2.2 below. Accessory buildings shall not be used for dwelling purposes, except where permitted in this Ordinance.

5.1.2.2 Accessory buildings and related uses may be permitted on a parcel without a principal use or structure under the following conditions:

- The subject property is located within the zoning jurisdiction of Lee County (not permitted in the City of Sanford or Town of Broadway zoning jurisdictions) and the property is zoned either RA Residential Agricultural or RR Restricted Residential;
- The associated principal use exists on an adjoining lot (which includes lots separated by a public right-of-way or a combination of contiguously owned lots); and
- A Special Use Permit has been granted by the Lee County Board of Adjustment (see § 3.5 of this Ordinance).

5.1.3 SETBACKS.

Table 5-1. Setbacks for Accessory structures.

ZONING DISTRICT	FRONT SETBACK (FEET) (see Note 1)	SIDE SETBACK (FEET)	REAR SETBACK (FEET)
RA	30	5	5
RR	30	5	5
R-20	30	See Note 2	
R-14	30	See Note 2	
R-12	30	See Note 2	
R-10	25	See Note 2	
R-6	20	See Note 2	
MF-12	20	See Note 2	
O&I	10	0	0
CBD	0	0	0
NC	10	0	0
C-1	10	0	0
C-2	10	0	0
HC	10	0	0
LI	30	0	0
HI	30	0	0

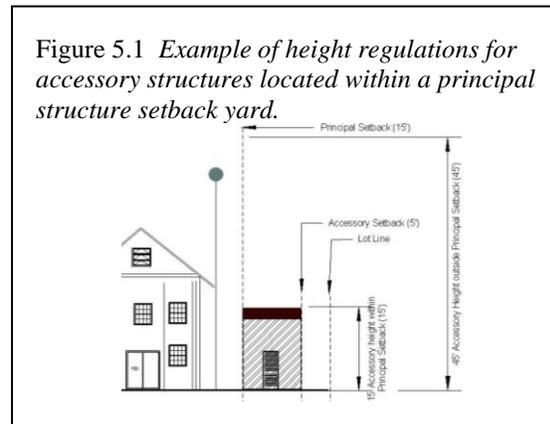
NOTE 1: This setback shall apply to all yard areas which abut a public street right-of-way.

NOTE 2: Detached accessory buildings of 800 square feet or less in size may be located within five feet of any side or rear lot line. Accessory structures that are greater than 800 square feet shall be governed by the same dimensional regulations as set forth for the principal structure(s). As set forth in Table 4.7-1.

NOTE 3: Any accessory structure that will be located within eighteen (18) inches of an exterior wall of a principal structure, shall be required to meet the principal structure setbacks as set forth in Table 4.7-1 of this Ordinance.

5.1.4 HEIGHT.

5.1.4.1 Accessory buildings shall conform to the standard height regulations of the zoning district as set forth in the Dimensional Matrix (§ 4.7, Table 4.7-1, except that those accessory structures that are located within a principal structure setback yard shall be limited to a maximum of fifteen (15) feet.



5.2 ADULT ESTABLISHMENTS

Reasonable local government regulation of sexually oriented businesses in order to prevent or ameliorate these adverse secondary impacts is consistent with the federal constitutional protection afforded to nonobscene but sexually explicit speech. In addition to State laws on obscenity, indecent exposure, and adult establishments, local government regulation of the location and operation of sexually oriented businesses is necessary to prevent undue adverse secondary impacts that would otherwise result from these businesses.

5.2.1 APPLICABILITY

This section applies to any “adult establishment” as defined in NCGS § 14-202.10.

5.2.2 STANDARDS

5.2.2.1 In lieu of the criteria established in § 3.5.3 of this Code, Adult Establishments shall comply with the provisions of NCGS Chapter 14, Article 26A and this Section.

5.2.2.2 Adult Establishments shall not be located:

(a) Within one thousand (1,000) feet of a Residential Zoning District. The distance between a proposed use and a Residential Zoning District shall be measured from the nearest property line of the site containing the adult use or proposed adult use to the nearest boundary line of a Residential Zoning District, measured along a straight line extended between the two points.

(b) Within two thousand (2,000) feet of any church or other place of worship, elementary or secondary school, day care facility, Dwelling Unit, establishment with an on-premise North Carolina ABC license, or public park that exists or has been permitted at the time the application for approval of the Sexually Oriented Business is filed . The distance between the proposed adult use and a church, school, park, day care or dwelling shall be measured from the nearest property line of the site containing the proposed adult use to the nearest property line of the church, school,

park, day care or dwelling, along a straight line extended between the two points.

(c) Within two thousand (2,000) feet of any other adult establishment that exists or has been permitted at the time the application for approval of the Sexually Oriented Business is filed. The distance between the proposed adult use and another existing adult establishment shall be measured from the nearest property line of the site containing the proposed adult use along a straight line extended to nearest property line of the site containing the existing adult establishment.

5.2.3 PERMIT

5.2.3.1 SPECIAL USE PERMIT.

No Adult Establishment shall be established or operated unless and until a Special Use Permit is approved, provided:

(a) In lieu of the standards established in § 3.5.3 of this Ordinance, the Adult Establishment shall comply with the criteria established in § 5.2.3 below.

If the Special Use permit application is not approved or denied within the time period established in subsection (a), above, the application shall be deemed approved and the applicant may file an application for a building permit and/or certificate of occupancy as provided in § 5.2.3.2, below.

5.2.3.2 BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY.

(a) Following approval of a Special Use permit, the applicant may apply for a building permit as provided in § 3.2.4 of this Ordinance. Following approval of a building permit, the applicant may apply for a certificate of occupancy as provided in § 3.2.4 of this Ordinance. No Adult Establishment shall be established or operated until a certificate of occupancy has been issued in accordance with § 3.2.4 of this Ordinance.

**5.3 ANIMAL HOSPITALS,
VETERINARY SERVICES,
ANIMAL SHELTERS,
KENNELS / ANIMAL PET
SERVICES.**

5.3.1 APPLICABILITY

This section applies to any facility providing services for animals on the premises and applies to any use that includes the commercial boarding or storage of live animals, including but not limited to veterinarian hospitals, kennels, and shelters and are subject to the criteria below:

5.3.2 STANDARDS

5.3.2.1 All buildings, structures and facilities shall be located at least 500 feet from any Residential structure.

5.3.2.2 Animal wastes shall not be stored closer than fifty (50) feet from any property line or surface waters. All animal wastes shall be removed daily.

5.3.2.3 Areas used for grazing, exercising or training of said animals shall be securely fenced to prevent the animals from straying, or a suitable restraint shall be provided to prevent straying.

5.3.2.4 Any kennel which is not wholly enclosed within a building shall be enclosed by a security fence at least six (6) feet in height.

5.3.3 VETERINARIAN OUTPATIENT CLINICS.

5.3.3.1 In lieu of § 5.3.2, the requirements of subsections (a) through (d), below, shall apply to veterinarian outpatient clinics. For purposes of this section, a “veterinarian outpatient clinic” means a structure where small animals or pets are given medical or surgical treatment and are cared for during the time of such treatment only.

(a) A veterinarian outpatient clinic must be within a completely enclosed building, with

no outside facilities or accessory structures for animals.

(b) A veterinarian outpatient clinic shall provide no grooming or boarding of animals except as required for medical treatment.

(c) A veterinarian outpatient clinic shall be designed, constructed and maintained to minimize sound emitted through exterior walls and roofs, including areas where animals are treated or kept during treatment.

5.4 BED & BREAKFAST INNS

5.4.1 APPLICABILITY

This section applies to any bed and breakfast inn. For purposes of this Section, a “bed and breakfast inn” means a private residence offering bed and breakfast accommodations to eight (8) or less persons per night for a period of less than one week.

5.4.2 STANDARDS

When allowed, bed and breakfast inns shall be subject to the following additional requirements:

5.4.2.1 The Applicant shall provide to the Administrator a floor plan designating the use and floor area of each room within each building or structure for which rooms will be rented.

5.4.2.2 The owner shall reside on site. An owner shall be an individual with a 25% or greater interest in the inn.

5.4.2.3 Breakfast shall be served on the premises only for guests and employees of the inn. Rooms may not be equipped with cooking facilities. No other meals shall be provided on the premises.

5.4.2.4 Parking is not permitted in any front yard.

5.4.2.5 No exterior advertising is permitted on the lot or parcel in a Residential Zoning District except a small unlighted announcement sign not to exceed two (2) square feet in area and three and one-half (3 ½) feet in height. In non-Residential Zoning Districts, the inn is permitted all signage allowed other uses in the district, consistent with any limitations imposed by the special use permit or any other permit issued by the City, County or Town.

5.5 CAR WASHES AND CAR CARE CENTERS

5.5.1 APPLICABILITY

This section applies to any lot, parcel, tract, site or building where the cleaning, washing, drying, waxing, polishing, or vacuuming of an automobile is done by the driver or occupant of the automobile or an automated sprinkler.

5.5.2 STANDARDS

When allowed, car washes shall be subject to the following additional requirements:

- Stacking lanes with the capacity for up to 5 vehicles shall be provided for vehicles waiting to use automatic car wash facilities and 2 vehicles per bay for self-service car washes.
- No storage or repair of vehicles shall be allowed within the car washing facility.
- The associated lanes and driveways shall be covered with an all weather surface.
- Provisions shall be made for an on-site drainage system to capture water used to wash vehicles. The drainage plan shall be evaluated to determine that the water from the facility will not increase the rate or volume of storm water discharged onto adjacent property or streets.
- The use shall provide a safe access to the street. Access shall only be through defined driveway locations.
- Parked or waiting vehicles may not block sidewalks, driveways or streets.

5.6 CEMETERIES

5.6.1 APPLICABILITY

This section applies to any Cemetery. For purposes of this Section, a “Cemetery” means any one or a combination of more than one of the following in a place used or to be used and dedicated or designated for cemetery purposes:

- A burial park, for earth interment.
- A mausoleum, which means a structure or building substantially exposed aboveground intended to be used for the entombment of remains of a deceased person.
- A columbarium, which means a structure or building substantially exposed aboveground intended to be used for the interment of the cremated remains of a deceased person.

(Source: NCGS § 65-48)

5.6.2 STANDARDS

5.6.2.1 Tombstones, crypts, monuments and mausoleums shall be located at least 25 feet from any exterior side or rear lot lines which adjoin lots developed for residential use, and at least 25 feet from a street right-of-way line.

5.6.2.2 Tombstones, crypts, monuments and mausoleums shall be located at least 25 feet from a street right-of-way line, and at least ten feet from all exterior side or rear lot lines which do not adjoin lots developed for residential use.

5.6.2.3 Buildings for the maintenance, management, rent or sale of cemetery lots shall be located at least 100 feet from any lot lines which adjoin lots in a Residential Zoning District.

5.6.2.4 Any building for the maintenance, management, rent or sale of cemetery lots shall be located in accordance with the requirements for principal uses for the district in which it is located where lot lines do not adjoin lots in a Residential Zoning District.

5.7 COMMUNITY FOOD SERVICES

5.7.1 APPLICABILITY

This section applies to any establishment principally engaged in collecting, preparing, and delivering food for the needy, distributing clothing and bedding to the needy, running collections for food and donations for the needy, or providing meals to the needy at fixed or mobile locations. Examples include food banks, meal delivery programs, and soup kitchens. For purposes of this section, “needy” means persons or households who fall below the poverty level established by the federal poverty guidelines established by the United States Department of Health and Human Services, as revised each April 1., or who are homeless. For purposes of this section, “homeless” means an individual or household who (i) lacks a fixed, regular, and adequate nighttime residence or (ii) has a primary nighttime residence in a supervised publicly or privately operated shelter for temporary accommodations, lives in an institution providing temporary residence for individuals intended to be institutionalized, or a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings. The term “homeless” does not include persons who are imprisoned or otherwise detained pursuant to federal or State law. (Source: NCGS §§ 108A-70.18, 115C-366)

5.7.2 STANDARDS

5.7.2.1 All structures shall meet the front, side and rear setbacks of the zoning district in which the use is located.

5.7.2.2 A buffer shall be established on all side and rear property lines consisting of a solid visual barrier fence with a minimum height of six (6) feet and constructed no closer than five (5) feet to a property line with evergreen shrubs planted on the exterior side of the fence at the equivalent rate of one (1) per ten (10) linear feet of fence.

5.8 CONCRETE AND ASPHALT PLANTS

5.8.1 APPLICABILITY

This section applies to any establishment classified under NAICS code 3273 and 32412, including the establishment principally engaged in the manufacture of Portland cement, asphalt, natural, masonry, pozzalanic, ready-mix concrete; and further including any batch plant or mix plant.

5.8.2 STANDARDS

5.8.2.1 Property boundaries facing public streets shall be fenced with a six (6) foot high nonclimbable security fence and shall meet the standards for buffers in Article 7.

5.8.2.2 Property boundaries shall not be within 100 feet of property zoned residential, however, intervening highways, streets, railroads, and similar rights-of-ways shall be included in the 100-foot measurement.

5.8.2.3 Vehicle use areas shall be set back at least ten (10) feet from the property boundary and shall be defined with some type of edging.

5.8.2.4 Outdoor storage areas shall be screened in conformance with requirements found elsewhere in this ordinance, and in no case shall be visible from residential areas or public roads.

5.8.2.5 The site must be at least four (4) acres in size and must have access on a thoroughfare as defined on the Sanford/Lee County Thoroughfare Plan.

5.8.2.6 Any batch or mixing plant operations shall conform to the following:

- The structure containing batching or mixing operations shall be located at least fifty (50) feet from any property line.
 - Within one (1) year after the cessation of production, all equipment and stock piles incidental to such operation shall be dismantled and removed by and at the expense of the owner.
- 5.8.2.7 All unpaved storage areas shall be maintained in a manner which prevents dust from entering adjacent properties located in residential zoning districts.
- 5.8.2.8 Access:
- (a) Access roads leading to any part of the operation shall be constructed with a gravel or asphalt stone surface and maintained in a dust-free manner.
 - (b) Access roads shall be located no closer than fifteen (15) feet to any property line other than a railroad right-of-way line.
 - (c) A plan shall be submitted showing truck routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools, or other uses negatively affected by truck traffic. Such routes shall be adhered to.

5.9 CORRECTIONAL FACILITIES

5.9.1 APPLICABILITY

This section applies to any publicly or privately owned facility housing persons awaiting trial or persons serving a criminal sentence or detention for a juvenile offense, including any jail, penitentiary, or detention center.

5.9.2 STANDARDS

5.9.2.1 In order to accommodate outdoor recreational facilities and to allow for potential building expansion, the site size for facilities shall be a minimum of one (1) acre in size or the minimum of the zoning district, whichever is larger.

5.9.2.2 The facility shall be established at least 650 feet from the nearest property which is residentially zoned or used.

5.9.2.3 The facility shall not be established within 1,320 feet [1/4 mile] of a public or private school, day care, or place of worship.

5.9.2.4 Site development shall conform to the landscaping and dimensional requirements of the zoning district.

5.10 CHILD DAY CARE FACILITIES

5.10.1 APPLICABILITY

This section applies to any of the following establishments (such establishments are referred to collectively as “Day Care” or “Day Care Facilities”):

5.10.1.1 Any *Child care* establishment, which means a program or arrangement where three or more children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption. Child care does not include the following:

- Arrangements operated in the home of any child receiving care if all of the children in care are related to each other and no more than two additional children are in care;
- Recreational programs operated for less than four consecutive months in a year;
- Specialized activities or instruction such as athletics, dance, art, music lessons, horseback riding, gymnastics, or organized clubs for children, such as Boy Scouts, Girl Scouts, 4-H groups, or boys and girls clubs;
- Drop-in or short-term care provided while parents participate in activities that are not employment related and where the parents are on the premises or otherwise easily accessible, such as drop-in or short-term care provided in health spas, bowling alleys, shopping malls, resort hotels, or churches;
- Public schools;
- Nonpublic schools described in Part 2 of Article 39 of Chapter 115C of the General Statutes that are accredited by the Southern Association of Colleges and Schools and that operate a child care facility as defined in this section for less than six and one-half hours per day either on or off the school site;
- Bible schools conducted during vacation periods;
- Care provided by facilities licensed under Article 2 of Chapter 122C of the General Statutes;
- Cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment; or
- Any child care program or arrangement consisting of two or more separate components, each of which operates for four hours or less per day with different children attending each component.

5.10.1.2 Any *child care facility*, which means any child care center, family child care home, and any other child care arrangement not excluded by NCGS § 110-86(2), that provides child care, regardless of the time of day, wherever operated, and whether or not operated for profit.

5.10.1.3 Any *child care center*, which means an arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving child care.

5.10.1.4 Any *home child care*, which means a child care arrangement located in a residence where, at any one time, more than two children, but less than nine children, receive child care.

(Source: NCGS § 110-86)

5.10.2 ACCESSORY USE

5.10.2.1 A Day Care is permitted where indicated in the Use Matrix. In addition, a Day Care is permitted as an accessory use must meet 5.10.3 in addition to the following regulations:

- (a) Church or Religious Institutions. In all zoning districts permitting churches or religious institutions when operated by a religious institution on the same zoning lot and within buildings also used for religious activities.
- (b) Public or Private Schools. In all zoning districts permitting public or private schools when operated by the school on the same zoning lot and within buildings also used for school activities.

(c) In Non-Residential Zoning Districts. In Non-Residential Zoning Districts when operated solely for the benefit of the employees of the principal use on the same zoning lot.

5.10.3 STANDARDS

5.10.3.1 Such facilities shall comply with the standards established by the North Carolina Department of Health and Human Services and Article 7, Chapter 110, of the North Carolina General Statutes. Evidence of compliance with the above standards (as amended) and other applicable statutes, rules, and regulations shall be furnished by the operator of such child care facility to the Community Development Department.

5.10.3.2 Structures shall conform to the area, yard, height, setback and other requirements of the district in which such structures are located.

5.10.3.3 Outdoor play space shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas or land unsuited by other usage or natural features for children's play space. No wall or fence shall exceed six feet in height within any required yard. The minimum height of walls and fences shall be three feet. Walls and fences need not conform to any of the yard or setback requirements specified in this Ordinance.

5.11 DRIVE-IN THEATERS

5.11.1 APPLICABILITY

This section applies to any outdoor facility where motion pictures are viewed from passenger vehicles.

5.11.2 STANDARDS

5.11.2.1 The site shall have access to a major or minor thoroughfare.

5.11.2.2 The projection screen shall not be visible from any public street within 1,500 feet.

5.11.2.3 No central loudspeakers shall be permitted.

5.11.2.4 Vehicle areas shall be visually shielded so that lights will not shine onto adjacent property.

5.11.2.5 Vehicle stacking lanes shall be available outside the theater entrance and shall have sufficient capacity to prevent obstruction of the traffic by theater patrons.

5.11.2.6 Use of the theater property for any purpose other than displaying motion pictures, including but not limited to flea markets, shall require a special use permit.

5.12 FAMILY CARE HOMES

5.12.1 APPLICABILITY

This section applies to any family care home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident handicapped persons. A "Handicapped person" means 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 others as defined in NCGS § 130C-3(11)b.

5.12.2 STANDARDS

A Family Care Home is subject to the following standards or the latest version of NCGS § 168-30:

5.12.2.1 A Family Care Home is deemed a residential use of property for zoning purposes and is a permissible use in all Residential Zoning Districts.

5.12.2.2 No Family Care Home, its owner, or operator is required to obtain, because of the use, a special use permit, special exception or variance pursuant to Article 3 of this Ordinance.

5.12.2.3 A Family Care Home shall not be located within a one-half mile radius of an existing Family Care Home.

5.13 FARMING, STABLES, AND RELATED USES

The purpose of this Section is to provide rules and regulations for the keeping of agricultural animals or other livestock so that these animals do not become a nuisance, hazard, and/or health problem to the adjoining neighbors and the general public. The provisions of this section shall not apply to dogs, cats, or other similar household pets.

5.13.1 APPLICATION/EXEMPTION

This section shall not apply within the unincorporated areas of Lee County which lie beyond the ETJ of the City of Sanford and the Town of Broadway.

5.13.2 USE REGULATIONS

The use of land for the keeping of agricultural animals or other livestock shall be permitted as set forth in the Use Matrix (Table 4.6-1) subject to the criteria below.

5.13.3 AGRICULTURAL ANIMALS.

Horses and Cows are permitted in the RA, RR, and R-20 districts in the incorporated areas of the City of Sanford and extraterritorial jurisdiction of Sanford and Broadway, provided that:

- (a) The lot size shall be a minimum of 2 acres;
- (b) All livestock shall be fenced so that they are no closer than two-hundred (200) feet from a dwelling unit; and
- (c) No more than 2 animals per acre.

Note: Swine and Goats are not permitted within the corporate limits of the City of Sanford. No livestock is permitted within the town limits of the Town of Broadway.

5.13.4 STABLES

Riding stables which are accessory to a private residential use and which contain no more than two animals are permitted within the RA, RR and R-20 zoning districts, provided that all

buildings and structures related to the care of animals are located at least 200 feet from any lot line and 50 feet from the principal dwelling unit.

5.13.5 RIDING ACADEMIES.

5.13.5.1 This section applies to riding academies which are operated on either a profit or a nonprofit basis, and which contain more than two animals.

5.13.5.2 All buildings and structures related to the care of animals and to the conduct of the academies shall be located at least 200 feet from any line in a Residential Zoning District.

5.14 FLEA MARKETS - OUTDOOR

5.14.1 APPLICABILITY

An open area in which stalls or sales areas are set aside and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade. This definition shall not be construed to include sidewalk sales by retail merchants, fruit or produce stands, bake sales, or garage, yard or rummage sales held in conjunction with and incidental to residential uses or sponsored and conducted by religious, civic or charitable organizations on their own property. The term "flea market" also includes an occasional or periodic sales activity held within a building, structure or open area where individuals or groups of individual sellers offer items, new or used, for sale to the public, not to include private yard or garage sales, and occasional sales.

5.14.2 STANDARDS

5.14.2.1 A minimum lot area of 2 acres is required.

5.14.2.2 No booths, stalls, display areas or sanitary facilities shall be placed or maintained within any required setback area.

5.14.2.3 All items shall be stored indoors when the flea market is not open for business or removed from the site at the close of each business day.

5.14.2.4 Sanitary facilities shall be provided on-site with at least one handicapped-accessible facility.

5.15 HAZARDOUS WASTE FACILITIES

The purpose of these regulations is to:

- *Ensure that hazardous or low-level radioactive waste facilities are located in a manner consistent with the public health, safety, and welfare, and that surface waters, ground waters, population centers, adjacent land uses, and Lee County in general will be protected from the potential injurious effects of a hazardous waste facility.*
- *Provide that decisions pertaining to location of hazardous waste facilities are made according to objective criteria.*

5.15.1 APPLICABILITY

This section applies to any facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste (Source: NCGS § 130A-290).

5.15.2 STANDARDS

5.15.2.1 Pursuant to NCGS § 143-215.54, new hazardous waste management facilities are prohibited in the 100-year floodplain except as authorized under NCGS § 143-215.54A(b), as amended.

5.15.2.2 Ingress to and egress from hazardous waste facilities shall be permitted by roads to serve only the hazardous waste facilities. Within the unincorporated areas of the County, such roads shall be designed and constructed to North Carolina Secondary Road Standards. Within the incorporated areas of the County, roads shall conform to the requirements of Article 10 of this Ordinance. Roadway design shall allow a weight limit of nineteen thousand (19,000) pounds per axle, and shall intersect directly with a State-maintained road. Approach and departure traffic routes for a hazardous waste facility shall not be permitted through local streets or any other system of streets primarily intended to provide access to residences in a neighborhood.

5.15.2.3 A Type D bufferyard, in accordance with Article 7 of this Ordinance, shall be

required around all sides of a hazardous waste facility.

5.15.2.4 A non-climbable security fence at least seven (7) feet in height shall be installed around all portions of hazardous waste facilities directly involved in the storage, handling, and disposal of hazardous waste.

5.15.2.5 All storage, treatment, processing, recycling, collection, recovery, and disposal of hazardous waste shall be located at least one thousand (1,000) feet from any exterior property line when such property line abuts a Residential Zoning District.

5.15.2.6 Approval of the zoning clearance permit will not become effective unless all applicable permits for hazardous waste facilities have been issued by the appropriate State and Federal agencies governing operation of the facility. Zoning clearance permits will automatically expire if at any time after the issuance, State or Federal permits are revoked or terminated.

5.15.2.7 Lee County or the incorporated jurisdiction permitting the facility shall be compensated for costs incurred as a result of the location of hazardous waste facilities by a privilege license tax, in accordance with the NCGS § 153A-152.1(a) or § 160A-211.1, as amended. The hazardous waste facility operator(s) shall be assessed in accordance with a privilege license tax schedule to offset costs incurred by the County attributable to the facility.

5.15.2.8 Pursuant to NCGS § 143-215.54, new hazardous waste management facilities are prohibited in the 100-year floodplain except as authorized under NCGS § 143-215.54A(b), as amended.

5.15.3 SUBMITTAL REQUIREMENTS

Zoning clearance permit applications for hazardous waste facilities shall be submitted in accordance with Appendix B and this section. The application shall include four (4) copies of all documents required by any State of North Carolina agency or any Federal agency for a permit to operate a hazardous waste facility, as defined by this Code

5.16 HOME OCCUPATIONS

The purpose of the home occupation regulations and performance standards are:

- to establish criteria for operation of home occupations in dwelling units within Residential Zoning Districts;
- to permit and regulate the conduct of home occupations as an accessory use in a dwelling unit, whether owner or renter-occupied;
- to ensure that such home occupations are compatible with, and do not have a deleterious effect on, adjacent and nearby residential properties and uses;
- to ensure that public and private services such as streets, sewers, water or utility systems are not burdened by the home occupation to the extent that usage exceeds that normally associated with residential use;
- to allow residents of the community to use their residences as places to enhance or fulfill personal economic goals, under certain specified standards, conditions and criteria; and
- to enable the fair and consistent enforcement of these home occupation regulations; and to promote and protect the public health, safety and general welfare.

5.16.1 APPLICABILITY

This section applies to any occupation or profession or business activity customarily conducted entirely within a dwelling unit and carried on by a member of the family residing therein, and which occupation or profession is clearly incidental and subordinate to the use of the dwelling unit for dwelling purposes and does not change the character thereof, and contains no mechanical equipment except for that which is customarily used for domestic, hobby, or household purposes. A home occupation is an accessory use to a dwelling unit.

5.16.2 EXEMPT HOME OCCUPATIONS.

No Home Occupation Permit shall be required for the home occupations listed below, provided that they comply with all applicable home occupation regulations and standards of this Section, and provided further that all persons engaged in such activities reside on the premises:

- artists, sculptors, composers not selling their artistic product to the public on the premises;
- Craft work, such as jewelry-making and pottery with no sales permitted on the premises;
- home offices with no client visits to the home permitted;
- telephone answering and message services.

5.16.3 LIST OF HOME OCCUPATIONS.

The home occupations permitted herein are allowed in a residential setting because they do not compromise the residential character of an area, do not generate conspicuous traffic, do not visually call unusual attention to the home, and do not generate noise of a nonresidential level.

Table 5.16-1 specifies those occupations that may be conducted at home, provided the home occupations comply with the performance standards set forth in Table 5.16-2.

Permitted Use Table 5.16-1

- Accounting, tax, bookkeeping, payroll services (NAICS 5412, LBCS function 2412)
- Baking and cooking (NAICS 3118; LBCS 2151)
- Catering (NAICS 72232; LBCS 2560)
- Childcare (NAICS 6244; LBCS 6562)
- Computer repair training (NAICS 611519)
- Computer Systems Design and Related Services (NAICS 5415)
- Computer Training (NAICS 61142; LBCS Function 6143)
- Drafting services (NAICS 54134)
- Engineering, architecture and landscape architecture (NAICS 5413; LBCS 2413)
- Financial planning & investment services (NAICS 52393; LBCS 2250)
- Fine arts studio (creation of individual works only, no mass production) (NAICS 7115, 7121)
- Florist
- Hair salon, barbering, hairdressing, and other personal care services (NAICS 8121)
- Information and Data Processing Services (NAICS 51421; LBCS Function 4240) [Includes SIC 7374 Computer Processing and Data preparation and Processing Services, and SIC 7379 Computer Related Services, NEC (disk and diskette conversion and recertification)]
- Insurance sales (NAICS 52421; LBCS 2240)
- Interior decoration (no studio permitted) (NAICS 54141; LBCS 2414)
- Legal services (NAICS 5411; LBCS Function 2411)
- Mail order business (order taking only, no stock in trade) (NAICS 4541)
- Musical instruction, voice or instrument (NAICS 61161)
- Musical instrument tuning and repair (NAICS 811211, 81149, 4511)
- Offices for Professional, Scientific, or Technical Services (NAICS 54, LBCS 2400) or administrative services (NAICS 5611, LBCS 2420)
- Photographic services (NAICS 54192)
- Professional services including the practice of law (NAICS 54)
- Real estate services and appraisal (NAICS 531)
- Tailoring (dressmaking, alterations, etc.) services (NAICS 81149; 3152)
- Teaching of crafts and incidental sale of supplies to students (NAICS 61161)
- Tutoring (NAICS 611691)
- Any other customary home occupation use not listed above provided that it shall conform to the standards of this Section 5.16.

TABLE 5.16-2: HOME OCCUPATION PERFORMANCE STANDARDS BY ZONING DISTRICT

<i>PERFORMANCE STANDARDS</i>	<i>RA</i>	<i>ALL OTHER DISTRICTS</i>
The use shall be clearly incidental and secondary to residential occupancy.	*	*
The use shall be conducted entirely within the interior of the residence.	*	*
No more than one (1) non-resident employee shall be permitted.	*	*
Not more than 6 clients/day (limit 1 visit per day per each client) are permitted to visit home occupation. Hours for visits shall be between 8:00 AM and 8:00 PM.	*	*
Not more than 25% of the gross floor area of the principal dwelling structure shall be utilized for the home occupation.	*	*
Music, art, craft or similar lessons are permitted (12 or fewer clients per day).	*	*
Home Childcare (shall conform to the standards of Section 5.10 of this Ordinance)	*	*
Public facilities and utilities shall be adequate to safely accommodate equipment used for home occupation.	*	*
Storage of goods and materials shall be inside and shall not include flammable, combustible or explosive materials.	*	*
Parking shall be provided only in the driveway.	*	*
Outside storage of heavy equipment or material shall be prohibited.		*
No truck or van with a payload rating of more than one ton shall be parked on the site or in front of the site on a regular basis.		*
Mechanized equipment shall be used only in a completely enclosed building		*
Electronically amplified sounds shall not be audible from adjacent properties or public streets.	*	*
No generation of dust, odors, noise, vibration or electrical interference or fluctuation shall be perceptible beyond the property line.	*	*
Deliveries and pickups shall be those normally associated with residential services, shall not block traffic circulation and shall occur only between 8:00 a.m. and 8:00 p.m. Monday-Saturday.	*	*
Accessory Buildings shall not be used for home occupation purposes.		*
Signage shall conform to the standards of Table 11-3 of this UDO.	*	*

An asterisk (*) indicates that the performance standard applies in the applicable district

5.16.4 UNSAFE HOME OCCUPATIONS.

If any home or rural family home occupation has become dangerous or unsafe, or presents a safety hazard to the public, pedestrians on public sidewalks or motorists on a public right-of-way, or presents a safety hazard to adjacent or nearby properties, residents or businesses, the Community Development Department shall issue an order to the dwelling owner and/or tenant on the property on which the home occupation is being undertaken directing that the home occupation immediately be made safe or be terminated. The property owner and/or tenant shall take the necessary corrective steps

or measures, but in the event of a failure to do so by the owner and/or tenant, after notice and a reasonable period of time, the Community Development Department may take any and all available enforcement actions to render the home occupation and dwelling safe. Costs incurred by the Community Development Department, if forced to take enforcement actions, shall be borne by the property owner and shall be treated as a zoning violation pursuant to § 1.6 of this Ordinance.

5.17 HOTELS, MOTELS AND TOURIST COURTS

5.17.1 APPLICABILITY

Any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests.

(Source: North Carolina State Building Code, Vol. 1, § 201.3)

5.17.2 STANDARDS

When allowed, all hotels and motels, except hotels or motels in the CBD District, shall be subject to the following additional requirements:

5.17.2.1 The lot or parcel shall have direct to a major or minor thoroughfare.

5.17.2.2 Where the property line of the hotel or motel is adjacent to property in a Residential Zoning District or a residential use, all hotel and motel buildings and parking shall be located at least 50 feet within the property line of the hotel or motel.

5.17.2.3 Any accessory commercial activities such as restaurants and any outdoor recreational activities such as swimming pools shall not be located along the side of the property adjacent to a Residential Zoning District or use.

**5.18 JUNKYARD /
SALVAGE YARD**

5.18.1 APPLICABILITY

This section applies to any establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, including any of the following:

5.18.1.1 Any “junkyard.” An establishment or place of business which stores or keeps for a period of 15 days or more materials within the meaning of "junk" as defined by subdivision (3) of NCGS § 136-143 which had been derived or created as a result of industrial activity shall be deemed to be a junkyard within the meaning of this definition. The term "Junkyard" includes any Automobile Graveyard."

5.18.1.2 Any “Automobile Graveyard.” An "Automobile Graveyard is any establishment or place of business which is maintained, used, or operated or storing, keeping, buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. Any establishment or place of business upon which six or more unlicensed, used motor vehicles which cannot be operated under their own power are kept or stored for a period of 15 days or more shall be deemed to be an "automobile graveyard" within the meaning of this definition. (Source: Junkyard Control Act, NCGS § 136-143).

5.18.1.3 Any “Scrap and Salvage Yard.” A “Scrap and Salvage Yard” means any establishment primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms, such as automotive wrecking yards, metal salvage yards, or paper salvage yards.

5.18.2 STANDARDS

5.18.2.1 Any establishment defined in § 5.18.1 shall be enclosed by a non-climbable fence or wall not less than six (6) feet in height, adequate to conceal the storage area from public view from streets and adjacent properties. Such enclosure shall be located at least 20 feet from any public street line, such

provisions being required to prevent the deterioration of values of adjacent properties

5.18.2.2 Minimum lot size is ten (10) acres in size.

5.18.2.3 Within the unincorporated areas of Lee County, outdoor storage of more than four (4) wrecked, immobilized, or unlicensed motor vehicles or junk, as defined in Appendix A, is expressly prohibited in any residential zoning district.

5.18.2.4 Pursuant to NCGS § 143-215.54, new Junkyards or Scrap and Salvage Yards are prohibited in the 100-year floodplain except as authorized under NCGS § 143-215.54A(b), as amended.

5.19 LANDFILL, LAND CLEARING & INERT DEBRIS (LCID) OF LESS THAN TWO (2) ACRES IN SIZE.

5.19.1 APPLICABILITY

5.19.1.1 The standards of this § 5.19 shall apply to any Land Clearing and Inert Debris Landfill (“LCID Landfill”) that is two (2) acres or less in size and conform to the criteria for LCID landfills that do not require a State permit as set forth in 15A NCAC 13B .0563 of the North Carolina Administrative Code.

5.19.1.2 An LCID landfill includes any facility for the land disposal of land clearing waste, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood, and yard trash. For purposes of this definition, "land clearing waste" means solid waste which is generated solely from land clearing activities such as stumps, trees, limbs, brush, grass, and other naturally occurring vegetative material. (Source: 15A NCAC § 13B.0101; see also NCGS § 130A-290).

5.19.2 COPY OF RECORDED NOTIFICATION REQUIRED.

Small LCID landfills, as defined in this § 5.19, must submit a copy of the notarized and recorded notification as required by the State as prescribed by NCAC 13B .0563. The copy of the recorded notification shall include the Register of Deeds seal and the date, book and page number of recording. A copy of the recorded notification must be submitted to the Administrator in order to obtain zoning approval.

5.20 LANDFILL, SANITARY

5.20.1 APPLICABILITY

5.20.1.1 This section applies to any Sanitary Landfill, which includes any facility for the disposal of solid waste on land in a sanitary manner in accordance with the rules concerning sanitary landfills adopted under this Article. (Source: NCGS § 130A-290). More specifically, sanitary landfills includes:

- Construction and Demolition Landfills (CDLF), which include disposal facilities which store solid waste resulting solely from construction, remodeling, repair, or demolition operations on pavement, buildings, or other structures, but does not include inert debris, land-clearing debris or yard debris. (Source: NCGS § 130A-290).
- Land Clearing and Inert Debris Landfills (“LCID Landfill”) of greater than two (2) acres in size. An LCID landfill includes any facility for the land disposal of land clearing waste, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood, and yard trash. (Source: 15A NCAC § 13B.0101; see also NCGS § 130A-290). (Note: LCID landfills of two acres or less in size are subject to the standards of § 5.19 of this UDO.)
- Solid Waste Landfills, which are defined as a landfill containing any solid waste resulting from the operation of residential, commercial, industrial, governmental, or institutional establishments that would normally be collected, processed, and disposed of through a public or private solid waste management service (Source: refer to

“municipal solid waste landfill” in NCGS § 130A-290)

5.20.1.2 Hazardous waste disposal and storage is not subject to this section, but is subject to the standards of § 5.17 of this UDO.

5.20.2 SUPPLEMENTAL STANDARDS FOR ALL SANITARY LANDFILLS

5.20.2.1 Approval of the Zoning Clearance permit or Special Use permit will not become effective unless all applicable permits for the sanitary landfill has been issued by the appropriate State and Federal agencies governing operation of the facility. Zoning Clearance permits or Special Use permits will automatically expire if at any time after the issuance, State or Federal permits are revoked.

5.20.2.2 A Type “D” buffer which conforms to the requirements of Article 7, shall be required around all sides of a solid waste facility and shall be established along road frontages and property boundaries that border residential zoning districts and residential uses.

5.20.2.3 Pursuant to NCGS § 143-215.54, new sanitary landfill facilities, are prohibited in the 100-year floodplain except as authorized under NCGS § 143-215.54A(b), as amended.

5.20.2.4 Ingress to and egress from sanitary landfill facilities shall be permitted by roads to serve only the solid waste facilities. Within the unincorporated areas of the County, such roads shall be designed and constructed to North Carolina Secondary Road Standards. Within the incorporated areas of the County, roads shall conform to the respective design standards of the City of Sanford Engineering Department or Town of Broadway Public Works Department. Roadway shall intersect directly with a State-maintained road. Approach and departure traffic routes for a sanitary

landfill facility shall not be permitted through streets primarily intended to provide access for a residential neighborhood.

5.20.2.5 Exterior lighting shall not cause illumination in excess of one (1) foot-candle at any property line; except that internally illuminated signs at the entrance to the landfill may exceed this standard where necessary.

5.20.2.6 The hours of operation for a sanitary landfill shall be limited to between the hours of 6:00 a.m. to 8:00 p.m.

5.20.3 ADDITIONAL STANDARDS FOR SOLID WASTE LANDFILLS.

5.20.3.1 A non-climbable security fence at least six (6) feet in height shall be installed around all portions of solid waste facilities directly involved in the storage, handling, and disposal of solid waste.

5.20.3.2 All buildings or structures used for the storage, treatment, processing, recycling, collection, recovery, or disposal of solid waste shall be located at least five hundred (500) feet from any exterior property line when such property line abuts a Residential Zoning District.

5.20.4 SUBMITTAL REQUIREMENTS.

5.20.4.1 An application for development approval shall include the information submitted to the Department of Environment and Natural Resources for the permitting of a solid waste management facility.

**5.21 MANUFACTURED
HOME AND/OR STORAGE
BUILDING SALES**

5.21.1 APPLICABILITY

This section applies to any establishments principally devoted to the retail sales of new or used mobile homes, manufactured homes, storage buildings, including establishments that also provide repair services and sell replacement parts and accessories.

5.21.2 STANDARDS

5.21.2.1 Such facilities shall not be allowed within any floodway fringe.

5.21.2.2 All travel lanes and parking spaces shall be paved or graveled. Display areas for homes may be a natural grass area and shall be regularly maintained.

5.21.2.3 The maximum lot coverage allowed is 80%.

5.21.2.4 The display area shall be set back a minimum of 25 feet from the street right-of-way and 10 feet from all other property lines and shall be defined on the site plan.

5.21.2.5 Storage and repair of damaged homes or vehicles on site is prohibited.

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5.21.2.6 Signs are prohibited on the homes or vehicles on the site, with the exception of 1 sign per home or vehicle, not to exceed 3 square feet in size, stating the price of that home or vehicle.

5.21.2.7 Within six (6) months after the cessation of production, all manufactured homes and /or storage buildings and related appurtenances incidental to such operation shall be dismantled and removed by and at the expense of the owner.

5.22 MINI-WAREHOUSE

This section applies to buildings that are composed of contiguous individual rooms that are rented to the public for the storage of personal property and which have independent access and locks under the control of the tenant.

5.22.2 STANDARDS

5.22.2.1 The total area covered by buildings shall not exceed fifty percent (50%) of the site.

5.22.2.2 The maximum height of building (s) shall be twenty (20) feet and shall not exceed one (1) story.

5.22.2.3 No outside storage shall be permitted, however the storage of RV's, campers, boats, and vehicles shall be allowed in areas designated on the site plan.

5.22.2.4 The storage of hazardous, toxic, or explosive substances, including but not limited to ; but excluding the storage of hazardous waste, industrial solid waste, medical waste, municipal solid waste, septage, or used oil as defined in NCGS § 130A-290, is prohibited.

5.22.2.5 No business activity shall be conducted in the individual storage units.

5.22.2.6 One (1) dwelling unit shall be allowed on the same lot for use as a caretaker dwelling.

5.23 MINING & QUARRIES

5.23.1 APPLICABILITY

This section applies to any area as defined in the land use categories: *Mining and Quarrying (Unincorporated Lee County only)* and *Mining and Quarrying (City of Sanford and Town of Broadway only)* as set forth in Table 4.6-1 Permitted Use Matrix of this Ordinance. This Section 5.23 establishes additional design criteria that shall be required for Mining and Quarrying operations as defined in Appendix A of this Ordinance.

5.23.2 STANDARDS

5.23.2.1 Minimum lot area - five (5) acres.

5.23.2.2 Buffer Yard – In accordance with Section 7.5.4.5 of this Ordinance, complete visual separation is required along the exterior of this affected land.

5.23.2.3 The site may have one (1) ground sign at each entrance. Such sign shall not exceed fifty (50) square feet in area. If lighted, such sign may include indirect lighting or non-flashing illumination. Such sign shall be located on the same lot or parcel as the mining or quarrying operation.

5.23.2.4 Any excavated area shall be surrounded with a six (6) foot high security fence.

5.23.3 ROAD AND TRAFFIC STANDARDS

5.23.3.1 ACCESS. Mining and quarrying operations shall be located such that public roads which will provide access to said operations are constructed to NCDOT (or other controlling public agency) standards for the width and rated tonnage of the trucks that will be using the operation. Ingress to and egress from the site shall be along a road or driveway that intersects directly with a publicly maintained road. Traffic to and from such mining and quarrying operations may not be through a residential subdivision where the streets are primarily intended to provide access to adjacent residences.

5.23.3.2 LEVEL OF SERVICE. The additional truck traffic to the site may not cause roads providing access to the site to drop to a level of service below “D” as defined by NCDOT standards.

5.23.3.3 PERMANENT ROADS. Permanent roads, defined as those to be used in excess of one year, within the site shall be surfaced with a dust free material such as bituminous asphalt, concrete, or other similar impervious material. 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.

5.23.4 NOISE LIMITATIONS.

5.23.4.1 Activities, such as blasting, drilling, or crushing, may only be conducted on weekdays between the hours of 8:00 AM and 6:00 PM.

5.23.4.2 All other activities shall be subject to the applicable noise ordinance standards of the governmental agency having jurisdiction.

**5.24 MOTOR VEHICLE/
BOAT SALES OR RENTAL
LOTS**

5.24.1 APPLICABILITY

This section applies to any:

5.24.1.1 Car dealer, which means an establishment engaging in the retail sales of new or used compact automobiles and light trucks (such as sport utility vehicles, and passenger and cargo vans). This includes establishments where vehicles are sold in combination with related activities, such as repair services, sales of replacement parts and accessories.

5.24.1.2 Boat or marine craft dealer, which means any establishment engaged in the retail sale of new or used boats, personal watercraft, or new or used outboard motors, boat trailers, and may also provide repair services, sell replacement parts and accessories for such craft, and offer other related marine equipment supplies.

5.24.1.3 Large vehicle dealer, which means any establishment that sells or rents or large vehicles, such as buses, recreational vehicles (RVs), mobile homes, and trucks.

5.24.1.4 Car rental establishment, which means an establishment that rents or leases passenger cars without drivers.

5.24.2 STANDARDS

5.24.2.1 Customer and employee parking and vehicles or equipment on display shall not be parked on federal, state, or local public rights-of-way, including streets and sidewalks.

5.24.2.2 Junked or inoperable vehicles or equipment are not permitted on the premises unless such vehicle is within a completely enclosed building. A vehicle covered with a car cover does not constitute an enclosure.

5.24.2.3 Vehicle or equipment repairs made on-site shall be subject to the same restrictions as § 5.94 (Vehicle Repair).

5.24.2.4 Nothing in this subsection shall be construed as allowing properties designated as motor Vehicles, Boat Sales Or Rental Lots to be involved in disassembling, tearing down, or scrapping of a vehicle or to permit one vehicle to be scavenged or stripped for parts for use on another vehicle.

**5.25 NURSERIES AND
GREENHOUSES,
COMMERCIAL**

(RA Zoning District only)

5.25.1. USE SEPARATION

All structures, buildings, or enclosed areas used for the operation shall be a minimum of 100 feet from any residentially-used or zoned property.

5.25.2 ACCESS

Principal access shall be from a collector or higher capacity road.

5.25.3 SCREENING

All off-street parking lots and outside storage areas shall be screened from all adjoining single-family residential uses or residentially-zoned lots as described in Article 7.

5.26 ENTERTAINMENT ESTABLISHMENTS.

5.26.1 APPLICABILITY

This section applies to any premises entertainment establishments, such as lounges, discos, nightclubs, pool halls and private clubs and as similarly classified in Table 4.6-1 of this Ordinance.

5.26.2 STANDARDS

5.26.2.1 Regardless of zoning district, entertainment establishments, such as lounges, discos, nightclubs, pool halls and private clubs, shall not be permitted within the boundaries of the special tax district for the downtown area of the City of Sanford.

5.26.2.2 No entertainment establishment shall be located within a 1000-feet of a parcel or tract of land that contains a detached single-family dwelling structure.

5.26.2.3 No outdoor loudspeaker or public address systems is permitted.

5.27 RACETRACKS (MOTORIZED VEHICLES)

5.27.1 APPLICABILITY

This section applies to any measured "Racetrack" means a course designed for contests of speed between automobiles, motorcycles, ATVs, tractors or any other forms of motorized vehicle.

5.27.1 STANDARDS

5.27.2.1 The minimum lot area shall be 10 acres.

5.27.2.2 The use shall have direct access to an arterial or higher capacity road.

5.27.2.3 All racing facilities, including buildings, structures and/or tracks/competition areas shall be a minimum of 500 feet from any residentially-zoned or used lot.

5.27.2.4 All off-street parking lots shall be screened from all adjoining single-family residential uses or residentially-zoned in conformance with the requirements established in Article 7.

5.27.2.5 The hours of operation for a raceway or drag strip that adjoins residentially used or zoned property shall be between 8:00 a.m. and 10:00 p.m.

5.27.2.6 Security fencing, a minimum of 6 feet in height, shall be provided along the entire boundary of the raceway.

5.28 RECREATION ACTIVITIES, COMMERCIAL OUTDOOR

5.28.1 APPLICABILITY

This section applies to any of the following permanent uses: shooting ranges, fairgrounds, race tracks (non-motorized), miniature golf, carnivals, circuses, rides, slides, and any other use not excluded by this section that is designed to provide recreational activities on a commercial basis in an outdoor setting. This section does not apply to raceways or drag strips (motorized vehicles) and Drive-in Theaters, which are addressed by other sections of this Article.

5.28.2 STANDARDS

5.28.2.1 Minimum lot size shall be two (2) acres

5.28.2.2 All uses, buildings and structures shall be at least 50 feet from any adjoining detached single-family dwelling structures.

5.28.2.3 Such uses shall have direct access to a paved Public Street.

5.29 CAMPGROUNDS

5.29.1 APPLICABILITY

This section applies to any “Campground”, which means any area that is occupied or designed for occupancy by transient persons using recreational vehicles, motor homes, mobile trailers, tents or other such material for the purpose of dwelling, lodging, or sleeping and is held out as such to the public. A “campground” does not include a Manufactured Housing Community.

5.29.2 STANDARDS

5.29.2.1 Minimum lot area is five (5) acres with a front yard depth of fifty (50) feet in the RA district.

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

5.29.2.3 Space shall conform to minimum size requirements designated by the Lee County Health Department.

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

5.29.2.5 Roadways, proposed points of ingress and egress, and proposed pattern of internal circulation shall be constructed of asphalt paving and of adequate width to accommodate anticipated traffic and in any case shall meet the following minimum requirements:

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

5.29.2.6 No roadway parking shall be permitted.

5.29.2.7 The water supply, the sewerage system service buildings, sanitation requirements, and solid waste disposal shall be

reasonably accommodated and shall meet the requirements of the appropriate state and county regulatory agency and shall be shown on the required site plan.

5.29.2.8 In the RA district, a twenty-five (25) foot wide natural foliage greenbelt shall be placed along the street side(s) of the property and along interior lot lines adjacent to a Residential Zoning District. The plantings shall be of sufficient opacity to screen the use from view along interior lot lines.

**5.30 RURAL FAMILY
OCCUPATIONS OF A
COMMERCIAL OR
INDUSTRIAL NATURE.
(unincorporated area only)**

5.30.1 APPLICABILITY

5.30.1.1 This section shall apply only to county-zoned areas as set forth in the Permitted Use Matrix of Table 4.6-1 of this UDO. Any commercial or industrial activity may be applied for under this approach, however, such use shall be required to conform to the standards of this §5.30.

5.30.1.2 Other Standards. Rural family occupations of a commercial or industrial nature shall not be required to conform to any other design standards of this UDO unless noted below.

5.30.2 STANDARDS

5.30.2.1 Owner/operator of the business must also reside on the same property on which the business is to be located.

5.30.2.2 The minimum land area shall be 40,000 square feet.

5.30.2.3 No more than five (5) nonresident employees shall work in the rural family occupation.

5.30.2.4 Accessory Buildings may be used for a rural family occupation. All buildings to be used for a rural family occupation shall be located a minimum fifty (50) feet from any public street right-of-way. All other setbacks shall conform to the requirements of § 5.1 and/or § 4.7 of this Ordinance.

5.30.2.5 The rural home occupation shall not create any noxious fumes, smoke, odors, dust, noise, or any other effect that results in a nuisance to adjoining properties.

5.30.2.6 Outdoor operations and/or storage areas shall be permitted provided such activities do not produce any noxious impacts as prohibited in § 5.30.2.5, above. A Type B

buffer yard (as described in Article 7 of this Ordinance) shall be required to be located around the perimeter of all outdoor storage yards.

5.30.2.7 Permitted Signage. One ground mounted sign or one wall mounted sign shall be permitted on the site. Ground mounted signs are permitted at a maximum of nine (9) square feet, while wall mounted signs are permitted as a maximum of twelve (12) square feet. Such signs may not be illuminated.

5.31 STORAGE OF FLAMMABLE LIQUIDS (IN BULK) ABOVE GROUND

5.31.1 APPLICABILITY

This section applies to any building or structure used for bulk storage of flammable liquids above ground.

5.31.2 STANDARDS

Pursuant to NCGS § 143-215.54, chemical storage facilities are prohibited in the 100-year floodplain except as authorized under NCGS § 143-215.54A(b), as amended.

5.31.3 SUBMITTAL REQUIREMENTS

Applications for development approval shall include the following information in addition to the information required by Appendix B:

- location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto;
- storage capacity of all storage units;
- proposed layout of pipelines.
- Written comments and the approval of the Fire Marshall and Building Inspector for the appropriate jurisdiction.

5.32 RESERVED.

5.33 TELE-COMMUNICATIONS TOWERS

It is the intent of the County of Lee to allow telecommunication towers for mobile telephone services and other radio and television information services which provide for the needs of its citizens while minimizing adverse visual and operational effects of such towers through careful design, placement, and screening; to avoid potential damage to adjacent properties from tower failure and falling ice; and to maximize the use of any existing towers and to reduce the number of new towers which are needed. Additionally, it is the intent of this subsection to encourage the co-location of antennas on existing towers in the County of Lee's planning jurisdiction where possible in order to reduce the amount of visual clutter created by new towers in the community.

The purpose of this Section is to provide a uniform procedure for the prompt issuance of permits to place, construct, or modify personal wireless service facilities which comply with Article 4 (Zoning) of this Ordinance, in order to ensure compliance with the Telecommunications Act of 1996 ("TCA"), 47 U.S.C. § 151 et seq.

5.33.1 APPLICABILITY

5.33.1.1 This section applies to any structure designed to support antennas used for transmitting or receiving commercial telephone communications and/or commercial telecommunications, except for the following:

- (a) Amateur or ham radio towers; and
- (b) wireless broadband or other fixed-wireless systems operating at frequencies that require line of sight (i.e., antennae that are visible to each other), including microwave links, spread spectrum, 38-GHz carrier services, local multipoint distribution service (LMDS), multi-channel multipoint distribution service (MMDS), satellite systems, laser, Unlicensed National Information Infrastructure (UNII Band), or high-altitude long endurance systems.

5.33.1.2 MINOR AND SUBSTANTIAL MODIFICATIONS.

A request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment or replacement of transmission equipment shall be considered a minor modification so long as it does not include a substantial modification as defined §5.33.1.2.1 below.

5.33.1.2.1 A "Substantial Modification" shall be defined as the mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the criteria listed below.

- (a) Increasing the existing vertical height of the structure by the greater of (i) more than ten percent (10%) or (ii) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet.
- (b) Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (i) more than 20 feet or (ii) more than the width of the wireless support structure at the level of the appurtenance.
- (c) Increasing the square footage of the existing equipment compound by more than 2,500 square feet.

5.33.1.2.2 Minor modifications shall be reviewed and approved administratively subject to the submittal and review procedures as set forth in this Ordinance. Applications for new towers or those deemed as substantial modifications shall require approval via a Special Use Permit as set forth in this Ordinance.

5.33.2 STANDARDS

5.33.2.1 GENERALLY

- (a) Towers shall not interfere with normal radio and television reception in the vicinity. No tower shall display any sign, banner or any message. Violations shall be

considered zoning violations and shall be corrected under the enforcement provisions of § 1.6 of this ordinance.

(b) Telecommunication antennas may be permitted in any zoning district as a use by right when co-located on existing towers or public elevated water supply storage tanks.

(c) Towers shall be constructed and maintained in conformance with all applicable building code requirements.

(d) Towers greater than 75 feet in height shall be located a minimum distance of 1000 feet from another tower greater than 75 feet in height measured in a straight line between tower centers.

(e) The tower shall be designed and constructed to accommodate one additional user if the tower is between 125 feet and 180 feet from the finished grade elevation. If the height of the tower exceeds 180 feet in height the tower shall be designed and constructed to accommodate a minimum of two additional users.

(f) The tower site shall include adequate area to accommodate the accessory buildings and equipment of all intended users.

5.33.2.2 MINIMUM LOT AREA.

Minimum Lot size shall comply with the minimum requirements of the zoning regulations, Article 4, § 4.7 of this Ordinance. This provision is not intended to apply to ground leases or licenses solely for the use of telecommunication towers, antennas, or equipment.

5.33.2.3 MINIMUM SETBACK REQUIREMENTS.

Towers shall conform to the following dimensional requirements:

(a) For towers located on the roof of a Structures, other than the base or supporting elements of the tower, the tower shall not be more than 30% of the building height above the building, or 75 feet above the building, whichever is less. The building or structure shall maintain the normal setbacks of the zoning district.

(b) For towers mounted on the ground surface:

- The minimum setback from all property boundaries shall be equal to the maximum height of the proposed tower.
- A fall zone shall also be established for each tower. The fall zone is defined as an area within the subject property, which shall be maintained so as to be clear of any buildings within an area equal to the maximum height of the proposed tower as measured by a circle around the base of the tower. Buildings that are constructed for the purpose of housing equipment in support of the communications equipment as located on the tower shall be permitted within the fall zone.

5.33.2.4 LIGHTING REQUIREMENT.

Lighting shall not be permitted unless required by the Federal Aviation Administration (FAA). If lighting is required it shall not exceed the FAA minimum. Strobes shall not be used for nighttime lighting unless required by the FAA. The lights shall be oriented so as not to project directly onto surrounding residential property, consistent with FAA requirements. Prior to issuance of a building permit, the applicant shall be required to submit documentation from the FAA that the lighting is the minimum lighting required by the FAA.

5.33.2.5 FENCING AND LANDSCAPING REQUIREMENTS.

(a) Fencing shall be required for each site around the base of the tower, any structures or guy wires. The composition of the fencing shall consist of durable materials including wood, brick, or metal or other similar material as may be determined by the Planning Board.

(b) The base of the tower, any guy wires, and any structures, walls, or fences shall be surrounded by a single row of large evergreen shrubs spaced at an interval of 5 feet on center. The minimum height of shrubs at the time of planting shall be 3 feet.

(c) The site developer may have the option of:

(1) providing the landscape buffer around the tower base, guy wires and accessory structures; or

(2) providing a buffer around the perimeter of the entire site.

5.33.3 CO-LOCATION REQUIREMENTS.

5.33.3.1 To encourage shared use of towers, applicants may apply for reduction in setbacks. Applications for towers, which will operate with more than one user immediately upon completion, may reduce setbacks from adjacent nonresidential property. The approving authority may reduce the setback from adjacent nonresidential property by 25% when two users commit to occupy the tower immediately upon its completion or may reduce the setback by 50% when three or more users commit to occupy the tower immediately upon its completion. However, the setback distance may not be reduced to less than 50 feet.

5.33.3.2 To further encourage co-location, additional antennas and associated equipment, which do not add to the tower height, may be added to existing towers with administrative approval by the Community Development Department. Applicants need only provide the information required by §§ 5.33.6.2, 5.33.6.4, 5.33.6.5, 5.33.6.6, 5.33.6.8, 5.33.6.10, and construction drawings.

5.33.4 CONCEALED TOWERS.

Concealed towers are permitted in all zoning districts, subject to the issuance of a permit by the Community Development Department. For additions to existing structures and for architectural features that are exempt from the height requirements of this ordinance, the Community Development Department shall consider whether the addition or feature containing the antenna is architecturally harmonious in such aspects as material, height, bulk, scale, and design with the building or complex of which it is a part, and if it is a stand-alone structure, whether or not such structure is harmonious with the surrounding area. If the Community Development Department denies approval of the concealed tower, the applicant may appeal the decision to the Board of Adjustment as an appeal of an

administrative decision. A Board of Adjustment review shall only consider the architectural aspects of the Community Development Department's decision listed above. In addition, such structures associated with the communication antenna and equipment shall:

(a) Meet all other applicable requirements of this Ordinance.

(b) Not interfere with normal radio and television reception in the vicinity.

(c) Be constructed and maintained in conformance with all applicable building requirements.

5.33.5 ABANDONMENT, OBSOLESCENCE, AND FINANCIAL RESPONSIBILITY REQUIREMENTS.

5.33.5.1 A tower that is not used for a period of at least six (6) months shall be determined to be abandoned and shall be removed, by the owner, within 90 days after notice by the Community Development Department.

5.33.5.2 The owner of the tower shall remove any abandoned, obsolete, unused, or structurally unsound tower within 90 days after notice by the Community Development Department or Building Inspector when said tower is detrimental to the health and safety of the public. When said tower is structurally unsound, the Building Inspector may establish a shorter period of time for the removal of a tower.

5.33.5.3 To assure the removal of towers which do not meet requirements for use or maintenance:

5.33.5.4 A statement of financial responsibility, meeting the standards of the County, shall be submitted for each tower over 100 feet.

5.33.5.5. A performance bond in an amount fixed by the Planning Board equal to 110% of the cost for removal of the tower shall be posted for each tower. The bond shall be renewed annually and a certificate of renewal submitted for as long as the tower remains in place.

5.33.5.6 Removal costs shall be charged to the tower owner. In the instance of the financial insolvency of the tower owner, removal cost shall be assessed as a lien and collected as unpaid taxes.

5.33.5.7 Government-owned wireless communication facilities shall be exempt from Sections 5.33.5.3 through 5.33.5. of this Ordinance. Such government-owned wireless towers shall not be required to submit a performance bond as specified in the aforementioned subsections.

5.33.5.6. Such government-owned wireless towers shall not be required to submit a performance bond as specified in the aforementioned subsections.

5.33.6 SUBMITTAL REQUIREMENTS

The following information must be supplied with any application for development approval for all telecommunication towers as defined by this Section, in addition to any information required for the applicable permit by Appendix B.

5.33.6.1 Site, elevation, and landscape plans drawn to scale showing all setbacks, buffers, easements, buildings, fences, height of the tower (including antennas, lightning rods and paraphernalia), and accessory structures as well as any additional information deemed appropriate by the Community Development Department or Planning Board.

5.33.6.2 Identification, address, and telephone number of the intended user(s) of the tower.

5.33.6.3 Proof of ownership and/or easement agreement(s) for the land where the tower is located, including means of ingress and egress.

5.33.6.4 Proof of authorization to use the site if the land is not owned.

5.33.6.5 A report including a description of the tower with technical reasons for its design.

5.33.6.6 Documentation provided by a registered engineer indicating the number of additional users that the tower has sufficient structural integrity to accommodate.

5.33.6.7 Documentation by the applicant that demonstrates the reasonable feasibility (or unfeasibility) of collocating new antennas and equipment on existing wireless support structure or other structures. For proposed new towers, such documentation shall demonstrate the feasibility of collocating is unreasonable.

5.33.6.8 Documentation that the tower lighting will not exceed the Federal Aviation Administration’s (FAA) minimum standards and the standards of this ordinance.

5.33.6.9 Copy of completed FAA Form 7460-1, Notice of Proposed Construction or Alteration and any FAA responses thereto. Failure on the part of the applicant to ultimately obtain a finding by the FAA that the tower will not pose a hazard to air navigation shall result in revocation of the Special Use Permit.

5.33.6.10 Evidence that the Sanford-Lee County Regional Airport Authority has been notified of the proposed tower, that the tower will not exceed the standards of the Sanford-Lee County Airport Hazard Ordinance, and that the tower will not pose a hazard to any private airport.

5.33.6.11 Evidence that owners of residentially zoned or used property located within 300 feet of the base of the tower have been notified of the proposal.

5.33.6.12 A statement indicating the owner’s intent to allow shared use of the tower and how many additional users may be accommodated.

5.33.6.13 An analysis of the area containing existing topographical contours. Include a copy of the USGS topographic quadrangle with the tower site identified including latitudinal and longitudinal coordinates.

5.33.6.14 A visual depiction and summary of locations within a three mile radius where any portion of the proposed tower is visible.

5.33.6.15 A computer simulation or an artist’s rendering of the proposed tower and site or a photograph of a tethered balloon floated to the height of the proposed tower in order to assess potential safety and visual impacts. The applicant shall take the photograph or view from one (1) of the following locations:

- any point along the boundary of the nearest residential zoning district to the proposed tower lying within a three mile radius, or
- any point along the boundary of a three mile radius from the proposed tower.

5.33.7 APPROVAL PROCEDURES

Approval of a telecommunications towers shall be in accordance with the review and approval procedures as set forth in Article 3 of this Ordinance for Administrative Permits and/or Special Use Permits (as applicable).

5.33.8 RETENTION OF CONSULTANTS

The County shall retain a consultant or professional services to review applications for new towers. The consultant will review all such applications and make determinations and recommendations on relevant issues including, but not limited to, verification of the applicant's due diligence, analysis of alternatives, and compliance with state and federal rules and regulations. The applicant shall pay a fee as part of the special use permit application for the costs of the consulting services as incurred by the County. The County shall require any consultants to disclose any potential conflicts of interest and to hold confidential any proprietary information supplied by the applicant. At the request of the applicant, the Department of Community Development shall arrange an informal consultation with the applicant to review the consultant's report prior to any public hearing on the application.

5.34 TEMPORARY USES

5.34.1 PURPOSE.

5.34.1.1 This section establishes criteria for particular temporary uses in order to ensure that their operation will not be detrimental to the public health, safety and general welfare, that the use is consistent with the purpose and intent of this Ordinance and the specific zoning district in which it will be located, that the use is compatible in intensity, characteristics and appearance with existing land uses in the immediate vicinity of the temporary use, and that the use, value and qualities of the neighborhood surrounding the Temporary use will not be adversely affected by the use or activities associated with it.

5.34.1.2 This Section permits uses on a short-term basis and certain seasonal or transient uses not otherwise allowed in the applicable zoning district. Prior to conducting or establishing a temporary use, approval of a Temporary Use Permit by the Community Development Department is required pursuant to this Section. The Administrator shall review all applications for a temporary use permit and shall make a determination as to whether the proposed temporary use event conforms to the standards as set forth in this Section 5.34.

5.34.2 STANDARDS.

5.34.2.1 GENERAL STANDARDS FOR ALL TEMPORARY USES. The following standards shall be required for all manner of temporary uses or events.

- There shall be only one temporary use event held at any one time on a given tax parcel.
- The operator of the temporary event shall obtain written permission from the owner of the property onto which the proposed temporary event is planned.
- For any temporary use event, all sale and display items shall not be located within any public street right-of-way, sight triangle or required landscaping

planting yard as set forth in Article 7 of this Ordinance.

- No event shall locate in any off-street parking area if such spaces are necessary to meet the minimum number of off-street parking spaces as required by this Ordinance.
- The operator of the temporary use event is responsible for the removal of all equipment, trash or other debris upon cessation of the event.
- No recreational vehicles shall be permitted to be used in conjunction with a temporary use event (except as associated with carnivals or amusement events as set forth under 5.34.2.7, below).

5.34.2.2 TEMPORARY RETAIL SALES (excluding agri-tourism sales). Any person or persons, corporation, or agent who engages in the business of periodic outdoor sales (and/or exhibiting for sale) of retail goods and/or merchandise who in furtherance of such purpose leases, uses or occupies any lot, tract or space shall conform to the following requirements:

- Temporary retail sales may only be permitted only within non-residential zoning districts (NC, O&I, CBD, C-1, C-2, LI, and HI).
- No more than six (6) periodic retail sales events shall be permitted per tax parcel within a given calendar year.
- A periodic retail sales event shall be permitted to operate up to a maximum of ten (10) consecutive days, except that concessionaire vendors (see Appendix A for definition) are exempt from this time limit. A minimum thirty (30) day separation shall be required between periodic retail sales events that are to be conducted on the same parcel.
- A single temporary sign (size permitted as set forth in Section 11.10.4 of this Ordinance) shall be allowed for the duration of the temporary sales event.

5.34.2.3 AGRI-TOURISM/SEASONAL SALES. This category is intended to cover the spectrum of all temporary uses or events that are related to agricultural products, including but not limited to seasonal fresh produce stands,

seasonal sales of holiday related product, and/or temporary events related to farms and/or farming operations.

- **OUTDOOR SEASONAL FRESH PRODUCE STANDS (LEE COUNTY AND ETJ AREAS)** - The outdoor sale of fresh agricultural produce (commonly know as a “produce stand”) shall be permitted as a temporary use in all zoning districts within the zoning jurisdiction of Lee County and within the extraterritorial jurisdiction of Sanford and Broadway. There shall be no time limit for seasonal produce stands within the zoning jurisdiction of Lee County or the ETJ areas.
- **OUTDOOR SEASONAL FRESH PRODUCE STANDS (CITY OF SANFORD)** - The outdoor sale of fresh agricultural produce (commonly known as a “produce stand”) shall be permitted as a temporary use in all non-residential zoning districts within the municipal limits of the City of Sanford. Said produce stands shall be permitted up to ten (10) consecutive days within on calendar year.
- **OUTDOOR SEASONAL FRESH PRODUCE STANDS (TOWN OF BROADWAY)** - The outdoor sale of fresh agricultural produce (commonly known as a “produce stand”) shall be permitted as a temporary use in all non-residential zoning districts within the zoning jurisdiction of the Town of Broadway. Said produce stands shall be permitted up to thirty (30) consecutive days within one calendar year.
- **SEASONAL HOLIDAY SALES** – The outdoor sale of Christmas trees, pumpkins or other agricultural products customarily associated with a specific holiday shall be permitted as a temporary use in all non-residential zoning districts and in the RA District. Seasonal holiday sales shall be permitted up to forty-five (45) consecutive days during the respective holiday season.
- **AGRI-TOURISM (LEE COUNTY AND ETJ AREAS)** - Agri-tourism events in support of any existing bona fide farming operation are permitted as

a temporary use in all zoning districts within the zoning jurisdiction of Lee County and extraterritorial jurisdiction of Sanford and Broadway. Agri-tourism uses may include, but not limited to, the sale of agricultural products as produced from the farm, corn mazes, petting zoos related to customary farm animals, hay rides, and agriculture related educational programs. An agri-tourism event shall be permitted to operate up to a maximum of sixty (60) consecutive days. Such events may include concessions. A single temporary sign shall be allowed in accordance with Section 11.10.2. Agri-tourism events are not recognized within the municipal limits of the City of Sanford and/or the Town of Broadway and any such event must conform to one of the other temporary events as defined in this Section 5.34.

5.34.2.4 SPECIAL EVENTS OF A RELIGIOUS, CHARITABLE OR CIVIC NATURE. Any person or organization that desires to conduct a temporary event that is of a religious, charitable or civic nature shall conform to the following requirements:

- A temporary event of a religious, charitable or civic nature shall be permitted only within:
 - Non-residential zoning districts; or
 - Within any residential zoning district wherein such lot is developed as a religious complex or other non-residential use. Vacant lots and/or lots containing existing single-family dwellings shall not be permitted to conduct such temporary use events.
- A temporary event of a religious, charitable or civic nature shall be permitted to operate up to a maximum of thirty (30) consecutive days.
- A single temporary sign (size permitted as set forth in Section 11.10.2 of this Ordinance) shall be allowed for the duration of the temporary event.

5.34.2.5 TEMPORARY CONSTRUCTION USES. Contractors' offices and/or equipment/storage sheds that are a customary accessory to a construction project (residential or non-residential) may be allowed under a temporary use permit.

- Placement of such a temporary construction units is limited to a period of time determined by an estimated project completion date and as approved by the Community Development Department.
- All temporary buildings shall be completely removed from the site within ten (10) days of issuance of a Certificate of *Occupancy*.
- Modular office trailers are permitted as a temporary construction use.
- Such a temporary use may be allowed in all zoning districts.

5.34.2.6 TEMPORARY REAL ESTATE USES. Any developer, real estate professional or other similar organization that desires to establish a temporary sales/leasing office within a new residential development shall be permitted one (1) temporary structure under the following conditions:

- A construction trailer, temporary manufactured unit or "model" home may be used as a temporary real estate office in any new construction project for the sale or lease of units within that specific development project only.
- A temporary real estate use may exist until such time that the project is completely sold off or leased out.
- Such a temporary use may be allowed in all zoning districts.
- MODEL HOME. A temporary real estate office within a "model home" within a new residential development shall be permitted provided that such home conforms to all applicable building codes.

5.34.2.7 CARNIVALS AND OTHER AMUSEMENT EVENTS – Carnivals, amusement rides or other similar events that are not associated with a religious, charitable, or civic organization as set forth under Section 5.34.2.4 shall be permitted as a temporary use in the C-2, HC, LI and/or HI zoning districts. Such temporary events shall be limited to a

maximum operating time of ten (10) consecutive days.

5.34.2.8 SIMILAR AND COMPATIBLE TEMPORARY USES NOT SPECIFIED. If a particular temporary use is not listed in the Ordinance, the Administrator shall have the authority to grant a temporary use permit for uses that are similar and compatible to those allowed as temporary uses in this Section. Determination of what constitutes similar and compatible shall be made by the Administrator. In such instances, the applicant shall provide the following information: type of use; number of employees; parking/circulation needs; hours of operation; and duration of operation; and any other information as requested by the Administrator.

5.34.2.9 TEMPORARY RESIDENCE USE (TRAVEL TRAILERS/RECREATIONAL VEHICLES/MOTOR HOMES/CAMPERS)

The purpose of this Section is to provide a permit process for the temporary occupancy of travel trailers, recreational vehicles, motor homes and campers to ensure compliance with applicable zoning, building and environmental health regulations. Travel Trailers/Recreational Vehicles, Motor Homes/Campers shall be permitted as a temporary residence during the construction of a property owner's new single-family dwelling, major remodeling to the owner's existing single-family dwelling or under certain unforeseen circumstances subject to the following requirements and conditions:

- Issuance of a Building Permit for a new single-family dwelling or for major remodeling to an existing single-family dwelling.
- Issuance of a Temporary Use Permit (TUP) for a period not to exceed twelve (12) months. The Temporary Use Permit may be renewed two times for six (6) months and in no case shall it be valid for more than two (2) years from the date of its original issuance.
- The Temporary Use Permit shall become invalid upon completion, expiration or cancellation of the building permit. The TUP may

- be cancelled for non-compliance with the conditions as specified in this section.
- The property owner shall connect the temporary unit to an approved septic system, public sewer system or dispose of the wastewater in a lawfully approved way.
 - The temporary unit shall comply with the minimum building setbacks as set forth in Table 4.7-1: Density and Dimensional Standards.
 - After construction is completed and upon issuance of a Certificate of Occupancy, the temporary unit shall be disconnected from all utilities and or/sewage disposal systems within 60-days and can no longer be occupied as a permanent residence.

**5.35 MIXED USE,
CENTRAL BUSINESS
DISTRICT**

pets in conjunction with a commercial establishment on the first floor.

The purpose of this section is to establish standards for “mixed use” residential units in the existing central business district. It is envisioned that the mixed use of structures within the CBD district will assist in promoting the long-term vitality of the central business districts.

5.35.1 STANDARDS.

As set forth in Table 4.6-1 of this Ordinance, mixed use occupancy of a structure may occur within the Central Business District use where commercial use(s) is primary on the first floor, with dwelling occupancy allowed on all other floors. The residential dwelling units shall be subject to the following standards:

- (a) Each dwelling unit will require at least one off-street parking space. The off-street parking requirements may be met on-site or off-site at a distance of up to one thousand (1,000) feet from the permitted use. Off-street parking spaces to be used to satisfy this requirement must be such that the same parking space cannot already be in use for another dwelling or land use. A copy of a lease agreement for the off-street parking shall be submitted to the planning staff providing evidence that the required off-street parking has been satisfied.
- (b) Building owners will be responsible for trash disposal of all dwelling units in conjunction with the commercial establishments on the first floor.
- (c) No clotheslines on the outside of the building shall be permitted.
- (d) No outside storage for the dwelling unit shall be permitted.
- (e) No pets shall be allowed to reside within any of the dwelling units, except service animals as required for disabled residents. This provision shall not prohibit the retail sale of

5.36 TRAVEL TRAILER PARKS

5.36.1 STANDARDS.

Travel Trailer Parks shall be permitted in accordance with Table 4.6-1 of this Ordinance and provided that the following standards are achieved.

5.36.1.1 The site shall include a minimum of five (5) acres with a front yard depth of fifty (50) feet.

5.36.1.2 Trailers shall maintain a minimum separation of fifteen (15) feet between one another and all other structures. Any accessory structure (such as awnings, carports, or storage facilities) shall be considered as part of the trailer.

5.36.1.3 The minimum size of space for a travel trailer shall be that as required by the Lee County Health Department.

5.36.1.4 There shall be at least one recreation area which shall be accessible from all trailer spaces. The recreation area shall consist of not less than eight percent (8%) of the gross site area.

5.36.1.5 All vehicular driveways shall consist of stabilized gravel or crushed rock and of adequate width to accommodate anticipated traffic levels. Driveways shall maintain a minimum width of 12 feet for one way and 24 feet for two-way traffic. This minimum width shall not include parking area.

5.36.1.7 The water supply, the sewerage system service buildings, sanitation requirements, and solid waste disposal shall be reasonably accommodated and shall meet the requirements of the appropriate state and county regulatory agency.

5.36.1.8 A class "C" buffer as set in forth Article 7 of this Ordinance shall be required along the perimeter of the park where abutting other residentially zoned or developed properties.

5.37 FREE-STANDING ICE VENDING UNITS

5.37.1 APPLICABILITY.

5.37.1.1 This section applies to any person, corporation or other organization desiring to operate a free-standing ice vending unit within the zoning jurisdiction of the County. Free-standing ice vending units or “ice houses” shall be defined as self-contained ice vending units that are typically placed in commercial zones for the purpose of dispensing on-demand bags of ice. *Freestanding Ice Vending Machine up to 7’W X10’D in size are not required to meet the regulations of this Section and shall be permitted as an accessory use to all non-residential uses in the NC, C-1, C-2, HC, LI and HI zoning districts subject to the supplemental development regulations as set forth in Section 5.1 Accessory Uses and Structures.*

5.37.2 LOCATION.

5.37.2.1 Free-standing ice vending units shall be permitted by right in the C-2, HC, LI and HI zoning districts subject to the design standards as set forth within this section.

5.37.3 STANDARDS.

5.37.3.1 Written approval from the property owner indicating permission to locate vending unit on-site.

5.37.3.2 Vending units shall conform to the minimum setbacks as set forth in Table 4.7-1 of this Ordinance.

5.37.3.3 Each vending unit shall be limited to the amount of wall signage as set forth in Article 11, except however, in no case shall such vending unit be allowed to have more than two (2) wall signs.

5.37.3.4 Vending units shall not be required any landscaping or vegetative screening unless such unit is to be placed within 100 feet of a residentially zoned or developed lot. If such unit is located within 100 feet, a class “C” buffer as set forth in Article 7 of this Ordinance shall be required.

5.37.3.5 If a vending unit is to be placed within an existing parking lot serving an existing business(es), then an analysis should be conducted to ensure that the loss of any parking spaces shall not result in the loss of any required minimum parking for the existing business(es). If such placement will result in the loss of (or further reduction of) required parking, then the free-standing vending unit shall not be permitted at that location. In the event that the placement of such a vending unit would be located within an existing parking area that is substandard in terms of not being paved (graveled lots), the placement of such vending unit shall not require the existing lot to be paved.

5.37.3.6 If a vending unit is to be placed on a vacant tract or as a stand alone use on an undeveloped portion of a larger tract, such units shall be required to construct and maintain a paved vehicular access drive and a minimum of two off-street parking spaces, including a minimum of handicap accessible space.

5.37.3.7 Bollards, if used, are to be limited to one (1) per each corner of ice vending unit (maximum of four bollards) and shall be of a color to match the trim color of the vending unit.

5.37.3.8 All vending units, including all signs, awnings and other exterior elements, shall be kept in good condition. Such units and sites shall be maintained in a “like new” condition, free from substantial deterioration.

5.37.4 BUILDING DESIGN STANDARDS

5.37.4.1 Facade colors shall consist of low reflectance, subtle, neutral or Earth Tone colors. Bright colors shall be limited to use as accent elements, such as door and window frames and architectural details. Use of neon tubing and/or fluorescent colors is prohibited.

5.37.4.2 Exterior building facades shall include one or more of the following elements: brick, wood, stucco, sandstone or other native stone. Use of a faux brick veneer is an acceptable option. Use of concrete block, smooth-faced tilt-up, vinyl, or pre-fabricated steel panels shall be avoided.

5.37.4.3 The roof shall be designed such that all above roof mechanical equipment shall be screened as much as possible by use of a wrap or parapet design. However, in no case shall mechanical equipment extend more than six (6) inches above the top of the roof/wrap.

5.37.4.4 Each vending unit shall include, as a minimum, a curtain wall that may be composed of real or faux brick that extends around the entire foundation of the unit.

5.37.4.5 Exterior steps shall be composed of concrete with railings that comply with applicable building code(s).



5.38 ADULT DAY CARE FACILITIES

5.38.1 APPLICABILITY

5.38.1.1 This section applies to Adult Day Care Facilities as set forth in Table 4.6-1 Permitted Use Matrix of this Ordinance. Such establishments are referred to collectively as “Adult Day Care”, “Adult Day Care Centers” or “Adult Day Care Programs”.

5.38.1.2 Adult Day Care facilities shall not be required to conform to any other design standards of the UDO unless noted below.

5.38.1.3 Adult Day Care means the provision of group care and supervision in a place other than the usual place of abode on a less than 24-hour basis to adults who may be physically or mentally disabled. Adult day care facilities are intended for the care of adults eighteen (18) years old or older. (Source: NCGS § 131D-6) The following programs are exempted from the provision of G. S. § 131D-6: and this Section.

- Those that care for three people or less;
- Those that care for two or more persons, all of who are related by blood or marriage to the operator of the facility;
- Those that are required by other statutes to be licensed by the Department of Health and Human Services.

5.38.2 LOCATION

5.38.2.1 Adult Day Care Facilities may be permitted in all residential districts as a Special Use subject to design standards as set forth in this section and provided a Special Use Permit has been granted by the Board of Adjustment per § 3.5 of this Ordinance. Adult Day Care Facilities located in a non-residential district shall be subject to all design standards of the Unified Development Ordinance.

5.38.3 STANDARDS

5.38.3.1 Adult Day Care facilities shall comply with all local, state and federal

regulations that pertain to adult health, safety and welfare.

5.38.3.2 If a center is proposed in an existing residential structure, all building modifications made to the structure to accommodate the use shall preserve the residential character of the neighborhood.

5.38.3.3 If development of a new center is proposed in a residential district, the structure shall be similar in appearance to the character of the neighborhood in terms of architectural style, predominant building materials and building mass.

5.38.3.4 Structures shall conform to Table 4.7-1 for Density and Dimensional Standards.

5.38.3.5 Required off-street parking shall be provided on site and shall meet the standards as set forth in Article 8 of this Ordinance to determine the number of required spaces. The vehicle surface areas shall be similar to neighboring properties in terms of material used to construct the parking spaces and may consist of asphalt, concrete pavers, compacted crush stone or crush and run.

5.38.3.6 A site plan shall be provided pursuant to Section 3.5 that shows the facility, driveway, parking and vehicular circulation design for the site.

5.39 COMMERCIAL SOLAR COLLECTORS

5.39.1 SOLAR COLLECTOR DEFINED

A commercial solar collector is an area of land developed with a solar energy system and includes the components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems.

A commercial solar collector may be designed with solar arrays installed as fixed systems or tracking systems. Fixed systems are mounted on stationary racks and developers set the angle and orientation of the stationary system to maximize sun exposure - through the day and the seasons - while balancing other factors such as density of rows, wind force, and visibility. Tracking systems are equipped with mechanical components so the panels track the sun through the sky on either one or two axes.

5.39.2 APPLICABILITY

This section shall apply to all uses of land that include the development of a ground-mounted commercial solar collector facility and does not include the installation of roof-mounted or building-integrated solar panels on a commercial or residential structure, which is allowed as a component of the structure and/or an accessory use. A commercial solar collector facility legally established prior to the effective date of this ordinance shall remain exempt from these standards. This ordinance does not supersede regulations from local, state, or federal agencies, including, but not limited to, any type of overlay district, glare hazard regulations, aviation notification or military installation notification that may be required.

5.39.3 STANDARDS

A commercial solar collector facility shall be required to conform to the design standards provided below in addition to the general requirements of a Special Use Permit Application and any reasonable standards the Board of Adjustment may impose to insure public health, safety, and general welfare. The information provided to the Board of Adjustment, along with the Special Use Permit Application, must address each of the design standards and explain how the proposed project complies with each standard.

- The facility shall be designed to minimize the impacts of distribution and transmission lines on humans, livestock, wildlife, wildlife habitats, natural resources, forests and environmentally sensitive lands. Specific information shall be provided regarding how the development of the site in the manner proposed will not harm birds that may fly over or near the solar collector facility.
- The minimum amount of acreage required is 5.0 acres.
- The maximum allowed height for a facility is 20ft., as measured from the finished grade at the base of the structure to its highest point. This excludes utility poles, wiring and any antennas constructed for the project.
- All structures and collectors must comply with a minimum 50ft perimeter setback from all property lines and with a 100ft minimum setback from the right-of-way line of any public roadway. The facility equipment shall not impair sight distance for safe access to and from the property or other properties in the vicinity. The minimum required setbacks to ground-mounted facility equipment shall exclude any security fencing, poles and wires necessary to connect to facilities of the electric utility.
- A Type "C", 20ft wide landscape buffer yard consisting of only evergreen plant material that has a
- growth habit which will screen the development (for example, holly trees with foliage that extends from the

- crown to close proximity to the ground) shall be installed around the perimeter of the facility. Small trees shall measure a minimum of 1.5 to 2-inches in caliper for single stem trees and at least 6 to 8 feet in height at the time of planting. Large trees shall measure a minimum of 1.5 to 2-inches in caliper and 8 to 10 feet in height at the time of planting. This landscape buffer shall comply with Article 7, Landscaping & Buffering Standards and Appendix C Acceptable Plant Species of the UDO and shall be located on the outside of the fenced area. It is encouraged to use existing vegetation to comply with this requirement whenever possible and the Board of Adjustment shall have the authority to approve the substitution of existing vegetation if it feels that the intent to minimize the visual impact of the facility is met and if the developer/applicant proves to the board that the existing vegetation complies with the minimum size requirements.
- The developer is responsible for maintaining the required landscaping and for maintaining (mowing, etc.) the area between the landscape buffer and the 50ft setback from the property line or the 100ft setback from the right-of-way line of a public street in a manner that is conducive to the surroundings.
 - The site must be secured by a fence along all exterior sides of the facility that is a minimum of 6ft in height with a gate and locking mechanism with 24/7 emergency access. The fencing shall consist of durable materials which shall be approved by the Board of Adjustment (for example, chain-link fencing). The fencing must be located between the required landscaping and the structures/solar arrays in order to preserve the intent of the landscape buffer yard.
 - The drives and parking areas for vehicular traffic may be gravel. All parking and vehicular traffic surfaces shall be maintained in sound condition and free of weeds, dust, trash and debris. All parking areas shall meet the minimum requirements of the applicable state and federal ADA accessibility codes.
 - Signage shall comply with Article 11 Sign Regulations, with the exception of required security and safety signage. A warning sign concerning voltage must be placed at the main gate to include the name of the solar farm operator and a local phone number for the solar farm operator in case of emergency.
 - All power transmission lines from the facility shall be located underground to the extent practical, excluding existing utilities. The installation of overhead electric lines may be allowed by the Board of Adjustment if sound rationale is provided.
 - The electrical disconnect switch shall be clearly identified and unobstructed at all times. The owner must file a map with the Lee County Office of Emergency Services and other appropriate parties (based on jurisdiction) depicting where the disconnect switch is located and supply all emergency contact information to emergency personnel to have on file.
 - If lighting is provided on site, it shall be shielded and downcast such that the light does not spill onto the adjacent parcel or the night sky. Motion sensor control is preferred.
 - The developer shall be responsible for managing storm water on the site. The installation of the arrays may impact storm water on the site and may require changes to storm water management or increase maintenance of storm water systems (i.e. erosion control and keeping drainage ditches/pipes free flowing). A solar array is a group of solar panels wired together.
 - The maximum allowed impervious surface for a facility in a residential zoning district is 70%. The maximum allowed impervious surface for a facility in a commercial zoning district shall correspond with the maximum allowed impervious surface ratio listed in Table 4.7-1 Density and Dimensional Standards.

- If an Erosion & Sedimentation Control Plan is required by the State of North Carolina (NCDENR) for any land-disturbing activity, a copy of the approval letter shall be provided to staff prior to the zoning approval being issued.
- If a Driveway Permit is required by the North Carolina Dept. of Transportation (NCDOT), a copy of the approval letter shall be provided to staff prior to the zoning approval being issued.
- The facility shall be designed and sited so that glare does not create a distraction, nuisance or hazard to traffic (air travel, motorist, etc.), adjacent properties and neighbors. Anti-reflective coatings are required.
- The facility shall be designed and sited to reduce or eliminate any noise associated with this use.
- The facility shall be designed and sited to reduce or eliminate traffic levels associated with this use.
- The facility shall be designed and sited so as to require minimal site maintenance.
- All site improvements (landscaping, fencing, etc.) must be maintained in good condition until the facility is dismantled and removed from site.
- Solar components must have a UL listing, or a listing from an alternative testing agency accepted by the local jurisdiction having authority over the project.
- All construction shall comply with all Building and Electrical Codes.
- All construction parking must be located outside of the right-of-ways of the public streets.
- The applicant must provide written authorization from the local utility company acknowledging and approving connection to the local utility company's grid.

5.39.4 DECOMMISSIONING AND ABANDONMENT

In the event a solar collector facility becomes abandoned, the applicant must provide a way of ensuring the remaining solar infrastructure does not create a hazard to the public.

A decommissioning plan provides an overview of all of the activities that will occur during the removal of the facility, as well as all activities related to the restoration of land and water and the management of excess materials and waste. It will typically include the disconnection of the facility from the electrical grid and the removal of all facility components, including the ground-mounted solar panels with any racking & supports, inverter units, substation, transformers and other electrical equipment, access roads, underground cable, communication tower, perimeter fence and any concrete foundations.

A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following items shall be provided to staff as part of the Special Use Permit application submittal:

- The anticipated life span of the solar farm.
- The estimated decommissioning costs in current dollars.
- The method for ensuring that funds will be available for decommissioning & restoration.
- Defined conditions upon when decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, etc.).
- Removal of all non-utility owned equipment, conduit, structures, fencing, and foundations. This includes the removal of solar panels/arrays, buildings, cabling, electrical components, and any other associated facilities above or below grade that were installed as part of the solar collector facility.
- Removal of all graveled areas and access roads unless the landowner requests in writing for it to stay in place.
- Restoration of property to condition prior to development of the solar collection facility, including replacement of top soil removed or eroded and re-vegetation of any cleared areas with warm season grasses that are native to the region, unless requested in writing by the landowner not to re-vegetate due to plans for agricultural planting.

- The timeframe for completion of decommissioning activities.
- Description of any agreement (e.g. lease) with landowner regarding decommissioning.
- The party currently responsible for decommissioning.
- Plans for updating this decommissioning plan.

After approval of the Special Use Permit by the Board of Adjustment, but prior to the issuance of a zoning approval/certification by the Sanford/Lee County Planning & Development Department, the applicant must provide the Sanford/Lee County Planning Department with a certified cost estimate and a performance guarantee for decommissioning. The performance guarantee must be in the form of a surety or performance bond that renews automatically, includes a minimum 60-day notice to the Sanford/Lee County Planning & Development Department prior to cancellation, is approved by the Director of the Sanford/Lee County Planning & Development Department, and is from a company on the U.S. Department of Treasury's Listing of Certified Companies. The amount of the performance guarantee must be one and a quarter times the estimated decommissioning cost, minus the salvageable value or \$50,000.00, whichever is greater. Estimates for decommissioning the site and salvage value shall be determined by a professional engineer or a general contractor licensed to practice in the state of North Carolina. A new estimate and a new bond certificate must be submitted to the Sanford/Lee County Planning & Development Department each year verifying that the bond is still an adequate amount to ensure compliance with the ordinance and to ensure that it has been properly renewed. The full amount of the bond must remain in full force and effect until the solar collector facility is decommissioned and any necessary site restoration is complete.

After approval of the Special Use Permit, but prior to the final electrical inspection, the decommissioning plan shall be recorded at the Lee County Register of Deeds Office and a recorded copy shall be provided to staff. If the decommissioning plans are modified, a copy of the modified decommissioning plan as recorded at the Lee County Register of Deeds Office shall be provided to staff. In the event of a change of ownership of the facility, the new

owner of the facility must provide an updated signed decommissioning plan within 30 days of the change of ownership.

A solar collector facility that ceases to produce energy on a continuous bases for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the facility provides substantial evidence (updated every 6 months after 12 months of no energy production) to the Sanford/Lee County Planning & Development Department of the intent to maintain and reinstate the operation of that facility. It is the responsibility of the responsible party (or parties) to remove all equipment and facilities and restore the land to its prior condition according to the approved decommissioning plan within 90 days of the established date of abandonment or a time period agreed upon by staff.

If the applicant ceases operation of the energy facility or begins, but does not complete, construction of the project, the applicant shall restore the site according to the approved decommissioning plan within 90 days of the established date of abandonment or a time period agreed upon by staff.

The landowner or tenant must notify the Sanford/Lee County Planning & Development Department when the site is abandoned and when the site is properly restored as per the approved decommissioning plan. The performance guarantee shall be released by staff once the site is properly restored as per the approved decommissioning plan and inspected by staff.

5.40 RESIDENTIAL SOLAR COLLECTORS

5.40.1 RESIDENTIAL SOLAR COLLECTOR DEFINED

A residential solar collector is an area of land developed with ground-mounted solar collection panels (one or more) that gather solar radiation as a substitute for traditional energy for water heating, active space heating and cooling, passive heating or generating electricity for residential property.

5.40.2 APPLICABILITY

This section shall apply to uses of land that include the development of ground-mounted residential solar collectors and does not include the installation of roof-mounted or building-integrated solar panels on a residential structure, which is allowed as a component of the structure. This ordinance does not supersede regulations from local, state, or federal agencies.

5.40.3 STANDARDS

A residential solar collector shall be required to conform to the design standards provided below:

- The collector shall be designed to minimize the impacts of distribution and transmission lines on humans, livestock, wildlife, wildlife habitats, natural resources, forests and environmentally sensitive lands.
- The collector shall serve residential development located on the same tract of land as the system and the residential development must be legally permitted.
- The ground-mounted solar panels must meet the building setbacks for an accessory structure for the zoning district and may not project into the setbacks.
- The ground mounted solar panels must be located as close to the ground as practical and shall be a maximum of 20ft in height as measured from the finished grade at the base of the structure to its highest point.

- the collector shall be designed and sited so that glare does not create a distraction, nuisance or hazard to traffic (air travel, motorist, etc.), adjacent properties and neighbors. Anti-reflective coatings are required.

5.41 RESERVED

5.41 Mining & Quarries, Oil & Gas Extraction (Town of Broadway Only) deleted in its entirety in September of 2019.

Reference the “Mining & Quarrying”, “ Oil and Gas Exploration, Development and Production”, and “ Gas Compressor Station” land uses in Table 4.6-1 Permitted Use Matrix added in September of 2019.



5.42 MICROBREWERY

5.42.1 MICROBREWERY DEFINED

A brewery that produces less than 15,000 barrels (465,000 gallons) of beer per year with 75 percent or more of its beer sold off-site. Accessory uses, for a brewery that brews ales, beers, meads, or similar beverages may include retail sales of their product and merchandise, taproom, or brewpub (subject to ABC regulations and permitting). These accessory uses shall be permitted only if they are located within the facility where the brews are produced.

5.42.2 APPLICABILITY

This section shall apply to uses of land for a microbrewery which produces less than 15,000 barrels (465,000 gallons) of beer per year. This ordinance does not supersede regulations from local, state, or federal agencies.

5.42.3 LOCATION

5.42.3.1 Microbreweries shall be permitted by right in the LI and HI zoning districts. Microbreweries may be permitted in the HC, C-1, C-2, CBD, PUD, and TND districts subject to design standards as set forth in section 5.42.4.

5.42.4 STANDARDS

5.42.4.1 A microbrewery in the HC, C-1, C-2, CBD, PUD, and TND districts is required to include at least one (1) accessory uses: either a taproom or brewpub. A taproom associated with a microbrewery shall not be classified as an Entertainment Establishment (see § 5.26 of this Ordinance) and must be accessible to the public.

5.42.4.2 A microbrewery in the HC, C-1, C-2, PUD, and TND districts shall not be located within two hundred (200) linear feet of a parcel or tract of land that contains any church or religious institution, daycare facility, or detached single-family dwelling structure.

5.42.4.3 Outdoor storage of goods and materials used in assembly, fabrication, or processing shall be screened from view.

5.43 WINE SHOPS

5.43.1 WINE SHOP

A wine shop is an establishment conducted pursuant to G.S. 18B-1001 as amended, and operated as a principal or accessory use, which is authorized to sell wine in the manufacture’s original container for consumption off the premises, provided however, the permittee shall be authorized to conduct accessory and incidental wine tasting on the premises and is further authorized to sell wine and malt beverages for on-premises consumption, as an accessory and incidental use to the wine shop, provided the establishment and operation is compliant with the supplemental regulations below.

A “wine shop” that does not meet the requirements of this section shall be deemed an entertainment establishment for the purpose of zoning and land use classification and shall have to comply with the standards of Section 5.26 of this Ordinance.

5.43.2 APPLICABILITY

This section shall apply to any wine shop establishment as defined in Section 5.43.1.

5.43.3 LOCATION

Wine Shops shall be permitted in the HC, C-1, C-2, CBD, LI, HI, PUD and TND zoning districts subject to design standards as set forth in section 5.43.4.

5.43.4 STANDARDS

5.43.4.1 A wine shop may sell wine for consumption on the premises, provided that the on-premises consumption of wine constitutes an accessory and incidental use to the wine shop.

5.43.4.2 A wine shop that also has the requisite state permit(s) that allows retail sales of malt beverages for on-premises consumption, in accordance with G.S.18B-1001 as amended, may sell both wine and malt beverages for consumption on the premises, provided that the combined on-premises consumption of wine and malt beverages constitute an accessory and

incidental use to the primary retail use wine shop.

5.43.4.3 For purposes of this section, on-premises consumption of wine and malt beverages shall be deemed an accessory and incidental use to a wine shop, provided the combined sale of wine and malt beverages for consumption on the premises does not exceed 40% of the wine shop’s total sales of wine and malt beverages including both on-premises and off-premises consumption, for any 30-day period. The term “sale(s)” as used herein shall be the receipt of payment for the wine and malt beverages sold and/or consumed and shall not be a measure of the volume of wine and malt beverages sold and/or consumed.

5.43.4.4 Records related to the wine shop’s total sales of wine and malt beverages for both on-premises and off-premises consumption shall be maintained on the premises for not less than one year and shall be open for inspection and audit at all reasonable hours when the establishment is open for business by the Zoning Enforcement Officer. The Zoning Enforcement Officer may view the records on the premises or may request that copies of the written records be delivered to the city. The requirements of this subsection shall be for the purpose of determining compliance with subsection (S) (3) above.

5.43.4.5 No wine shop that includes the on-premises consumption of wine and malt beverages shall be located within a 200-foot radius, including street rights-of-way, of an existing or approved public or private club, or entertainment establishment, that includes the on-premises consumption of wine and malt beverages. The required measurement shall be from the building or structure containing the wine shop to the nearest property line of the parcel containing the existing or approved public or private club, or entertainment establishment that includes the on-premises consumption of wine and malt beverages.

5.43.4.6 A wine shop shall not operate after 11:00 p.m. on Sunday, Monday, Tuesday, Wednesday, and Thursday or after 12:00 a.m. on Friday and Saturday.

5.43.4.7 A wine shop shall not require a membership, cover or minimum charge for admittance or service during regular or special periods of operation.

5.43.4.8 A wine shop in the HC, C-1, C-2, PUD, and TND districts shall not be located within two hundred (200) linear feet of a parcel or tract of land that contains any church or religious institution, daycare facility, or detached single-family dwelling structure.

5.43.4.9 The provisions of this section shall apply to all wine shops whether operated as a principal or accessory use.

5.44 URBAN BEEKEEPING

5.44 URBAN BEEKEEPING

Urban beekeeping shall be allowed use in accordance with Table 4.6-1 Permitted Use Matrix. Such use shall be permitted subject to the additional requirements set forth below.

5.44.1 BEEHIVE DEFINED

The term “beehive” shall include any receptbal or container which is made or prepared for the use as a dwelling b a colony of bees. A colony shall include a group of worker bees, drones, and a queen living together as one social unit.

5.44.2 STANDARDS

5.44.2.1 Dimensional standards: The maximum height of any beehive shall be four feet above grade (or floor surface of roof). In the case of roof-mounted beehives, base of hive shall be no closer than ten (10) feet from the edge of the building/vertical wall.

5.44.2.2 Lot Size Standards: There is no minimum lot size required for erecting a single beehive provided that no hive shall be established or kept within ten (10) feet of a property line.

Additional hives shall be permitted based on lot size as follows:

<u>Lot Area (square feet)</u>	<u>Maximum Number of Hives Allowed</u>
10,000sf or less	2
10,001 – 20,000	3
20,0001 +	4 (maximum)

5.44.2.3 Water Source: A constant and adequate on-site source of fresh water shall be provided, and shall be located closer to the hive than any water source on adjacent property.

5.44.2.4 Flyway Barriers: For beehives that are to be placed at ground level, a flyway barrier at least six feet in height, but no greater than seven feet in height, shall be erected parallel to the property line between the hive opening and any property line located ten feet or less therefrom. The flyway barrier shall consist of a wall, solid

fence, dense vegetation or a combination thereof extending five feet beyond the hive in each direction. A flyway barrier of dense vegetation shall not be limited to seven feet in height provided that the initial planting is four feet in height and the vegetation normally reaches six feet in height or higher. Barriers shall be maintained in good condition so that all bees are forced to fly at an elevation of at least six feet above ground level. This section shall not be required for beehives that shall be erected on roof tops or similar elevated structures that at least six feet or greater in height above the surrounding grade.

5.44.2.5 Roof Installations: Roof-mounted beehives (or other similar elevated hives) shall be installed and secured in such a manner as to withstand storm events. Installation shall include fasteners, straps or other such devices so as to reasonably ensure that the hive and related structures stays secure to the roof during a significant wind event.

5.44.2.6 Aggressiveness: In any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper to promptly "re-queen" the colony. Queens shall be selected from stock bred for gentleness and non-swarmling characteristics.

5.44.2.7 Zoning Clearance: A zoning clearance permit must be secured in accordance with Section 3.2 of this Ordinance. The permit application must include a plot plan that indicates the number of beehives, shows the location of each beehive and water source(s), and their respective distances from property lines.