CITY OF SANFORD
LEE COUNTY
TOWN OF BROADWAY

UNIFIED DEVELOPMENT ORDINANCE

EFFECTIVE JANUARY 2006
AMENDED THROUGH NOVEMBER, 2025

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SANFORD-BROADWAY-LEE COUNTY UNIFIED DEVELOPMENT ORDINANCE

ARTICLE 1. GENERAL PROVISIONS

Summary: This Article provides an introduction to the structure and the legal framework of the Unified Development Ordinance (the "UDO"). The UDO combines the zoning and subdivision authority of the County of Lee into one document. This Section recites applicable statutory authority, the applicability of the UDO to various uses of the County of Lee, consistency with the Comprehensive Plan, coordination with other regulations, the effective date, violations, and related matters.

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1.1 GENERAL PROVISIONS

1.1.1 TITLE.

Pursuant to the authority in NCGS 160D-103 this Ordinance shall be known and may be cited as the Unified Development Ordinance (hereinafter "the Ordinance"). This Ordinance may also be known and may be referred to as the "UDO."

1.1.2 PURPOSE.

In accordance with NCGS 160D-701; -702 , the County of Lee (refers collectively to Lee County, City of Sanford, and Town of Broadway) hereby enact this Ordinance to promote the public health, safety and general welfare of its citizens. To that end, these regulations are intended to respond uniformly and consistently to development proposals. This Ordinance also attempts to provide flexibility in dealing with situations that may fall outside typical processes and requirements. The elements that make up the Ordinance are interrelated and cannot be taken in isolation; they must be taken within the context and intent of the entire Ordinance. Specifically, the purposes of this Ordinance are described in §§ 1.1.3 and 1.1.4, below.

1.1.3 ZONING REGULATIONS.

Zoning regulations are included in Articles 3 and 4 of this Ordinance. Pursuant to NCGS § 160D-701, the power of zoning is exercised in order to implement the Comprehensive Plan, and:

- to lessen congestion in the streets;
- to secure safety from fire, panic, and other dangers;
- to promote health and the general welfare;
- to provide adequate light and air;
- to prevent the overcrowding of land;
- to avoid undue concentration of population;
- to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
- to protect and/or to enhance the character of each zoning district and its peculiar suitability for particular uses;
- to conserve the value of buildings; and
- to encourage the most appropriate use of land throughout the planning areas.

1.1.4 SUBDIVISION REGULATIONS.

Subdivision regulations are included in Article 6. Pursuant to NCGS §§ 160D-804, the power of subdivision control is exercised in order to:

- implement the goals of the Comprehensive Plan;
- provide for the orderly growth and development of the County of Lee and for the efficient use of our resources (land, water, roads, etc.);
- provide for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision or, alternatively, for provision of funds to be used to acquire recreation areas serving residents of the neighborhood and/or for residents within the immediate area;
- provide for the dedication or reservation of and rights-of-way or easements for street and utility purposes including the dedication of rights-of-way pursuant to NCGS §§ 136- 66.10 or G.S. 136-66.11;
- provide for the distribution of population and traffic in a manner that will avoid congestion and overcrowding;
- provide for the distribution of population and traffic that will enhance public health, safety, and the general welfare;
- provide that sufficient data is presented accurately by subdividers to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement boundary line, and other property boundaries, including the radius and other data for curved property lines;
- provide for the more orderly development of subdivisions by requiring the construction of community service facilities in accordance with municipal or county policies and standards and, to assure compliance with these requirements, by requiring the posting of bonds or any other method that will offer guarantee of compliance;
- provide for the reservation of school sites in accordance with comprehensive land use plans approved by the County of Lee School Board.

- require the preparation and recording of a plat whenever any subdivision of land takes place;
- provide that a developer may offer funds for the County of Lee to acquire recreational land to serve the development or subdivision, including the purchase of land which may be used to serve more than one subdivision or development within the immediate area; and
- to provide that, in lieu of required street construction, a developer may be required to provide funds for the County of Lee to construct roads that serve the neighborhood and these funds may be used for roads which serve more than one subdivision or development within the immediate area.

1.1.5 AUTHORITY.

The City of Sanford, Town of Broadway, and Lee County are authorized by the North Carolina General Statutes ("NCGS") to exercise broad powers in the regulation of zoning, planning, subdivision of land, and building. The County of Lee through the UDO intends to use all powers provided by virtue of Chapter 160D of the NCGS. The UDO also uses specific powers granted in other Sections of the NCGS relating to particular types of development or particular development issues, including but not limited to right-of-way preservation, sedimentation control, watershed protection, historic preservation, and beautification and urban design.

1.1.6 APPLICABILITY.

1.1.6.1 GENERALLY

The Ordinance shall apply to all public buildings and private land(s), and use(s) thereon over which the County of Lee has jurisdiction under the constitution(s) and law(s) of the State of North Carolina and of the United States, including any areas within the jurisdiction of a municipality or county pursuant to NCGS § 160D-201; -202; -903. Pursuant to NCGS §§ 160D-913, each provision of this UDO is applicable to the erection, construction, and use of buildings by the State of North Carolina and its political subdivisions.

1.1.7 PERMITS AND CERTIFICATES.

No development activity shall occur on any property within the jurisdiction of this Ordinance until all applicable permits, approvals and certificates have been issued and approved by the appropriate officials.

1.1.8 SEVERABILITY.

It is hereby declared to be the intent of the City of Sanford, Town of Broadway, and Lee County Governing Bodies that the provisions of this Ordinance shall be severable. If any provision is declared invalid by a court of competent jurisdiction, it is hereby declared to be the legislative intent that the effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid; and such decision shall not affect, impair or nullify this Ordinance as a whole or any other part thereof, but the rest of the Ordinance shall continue in full force and effect.

1.1.9 FEES.

The Governing Bodies of the County of Lee may establish any administrative fees necessary to enforce the zoning ordinance. Such fees shall be limited to the reasonable costs of administering and processing applications for development approval. No permit shall be processed, and no permit shall be considered to be submitted, until all applicable administrative fees have been paid.

1.1.10 COORDINATION WITH OTHER REGULATIONS

The use of buildings and land within the County of Lee shall be subject to all other regulations as well as this Ordinance, whether or not such other provisions are specifically referenced in this Ordinance. References to other regulations or provisions of the Ordinance are for the convenience of the reader; lack of a cross reference should not be construed as an indication that other regulations do not apply.

1.2 EXEMPTIONS AND SPECIAL CONSIDERATIONS

1.2.1 VESTED RIGHTS

The provisions of this UDO shall not apply to any development or aspect of development with vested rights or nonconforming uses, subject to the provisions of Article 12 of the UDO. The provisions of this UDO shall not apply to:

(1) a validly approved statutory vested right (including a currently effective site specific vesting plan (formerly known as a site specific development plan) or preliminary plat approved pursuant to NCGS §§ 160D- 108 prior to the effective date of this Ordinance provided); or

(2) a judicially established common law vested right where (1) the owner has made substantial expenditures; (2) the expenditures were made in good faith; (3) the expenditures were made in reliance on valid government approval, if such was required; and (4) the owner would be harmed with a vested right. [ref. *Browning-Ferris Indus. of S. Atl., Inc. v. Guilford County Bd. of Adjustment*, 126 N.C. App. 168, 171-72, 484 S.E. 2d 411, 414 (1997)]

1.2.2 SUBDIVISIONS

The provisions of this Ordinance apply to any subdivision of land as defined pursuant to NCGS §§ 160D-802. The provisions of this Ordinance do not apply to any subdivision of land exempt pursuant to NCGS § 160D-802within the incorporated areas of the County or extraterritorial jurisdiction or within the unincorporated areas of the County). The Department of Community Development (hereinafter known as the "Department") of the County of Lee can be contacted for further information about the use of this Ordinance.

1.2.3 FARMS

Within the unincorporated areas of Lee County that are not within the extraterritorial jurisdiction of the City of Sanford or the Town of Broadway, the provisions of this Ordinance do not apply to any property used for bona fide farm purposes except where permitted by NCGS § 160D-903.

1.2.4 PUBLIC LANDS AND PUBLIC ENTERPRISES.

Pursuant to NCGS § 160D-913, no land owned by the State of North Carolina may be included within an overlay district or a Conditional Use District without approval of the Council of State.

1.2.5 DEVELOPMENT UNDER PRIOR REGULATIONS

1.2.5.1 VIOLATIONS CONTINUE.

See § 1.6.4, below.

1.2.5.2 NONCONFORMITIES UNDER PRIOR ORDINANCE.

Any legal nonconformity under a previous zoning or subdivision ordinance also will be a legal nonconformity under this Ordinance, so long as the situation that resulted in the legal nonconforming status under the previous Ordinance or under this Ordinance continues to exist. If a legal nonconformity under the previous Ordinance becomes conforming because of the adoption of this Ordinance, then said use or structure will no longer be considered a nonconformity.

1.2.5.3 CONDITIONAL REZONING.

The classification of a parcel pursuant to the Official Zoning Map of this Ordinance shall not constitute an amendment or variation of any conditions created pursuant to a conditional rezoning approved prior to the effective date of this Ordinance. The landowner or applicant for development approval shall remain subject to all such conditions unless amended.

1.3 COMPREHENSIVE PLAN

Pursuant to NCGS § 160D-701, this Ordinance is intended to implement the goals, objectives, and policies of the Comprehensive Plan. Any amendments to, or actions pursuant to the Ordinance should be consistent with the applicable Comprehensive Plan. The Comprehensive Plan may be amended, and the UDO will reflect those amendments. Any amendment to the UDO should conform to the goals of the Comprehensive Plan.

Any amendment to the zoning map should be consistent with the future land use map contained in the Comprehensive Plan. However, the Governing Bodies shall have the discretionary authority to approve amendments to the UDO text or zoning map that may not be consistent with the Comprehensive Plan if extraordinary circumstances exist.

The PlanSanLeeland use plan, adopted, as amended, by Lee County on November 19, 2018, City of Sanford on October 2, 2018, and Town of Broadway on October 22, 2018, and all future amendments, is hereby designated the "Comprehensive Plan" for purposes of this Ordinance.

1.4 INTERPRETATION OF THE PROVISIONS OF THIS ORDINANCE

1.4.1 INTERPRETATION AND APPLICATION OF PROVISIONS.

The provisions of this Ordinance are the basic and minimum requirements for the protection of public health, safety, and welfare. As provided by NCGS § 160D-110, this Ordinance shall be broadly construed in order to further its underlying purposes. In all cases,

the highest standards will be applied. The meaning of any and all words, terms or phrases in this Ordinance may be found in Appendix A.

1.4.2 TEXT CONTROLS OVER GRAPHICS.

This Ordinance contains numerous graphics, pictures, illustrations, and drawings. However, text of this Ordinance shall control unless otherwise provided in the specific section.

1.5 EFFECTIVE DATE

This Ordinance shall become enforceable and shall take effect when it is codified, filed and indexed in accordance with NCGS §§ 160A-77 or 160A-78 and 160 A-79(d) within the incorporated area of the County, the ETJ, and §§ 153A-49 and 153A-50 within the unincorporated area of the County. Unless clearly subordinated to another ordinance, regulation, resolution, or express policy, this Ordinance shall, on the effective date, prevail over any such conflicting or inconsistent ordinance, regulation, resolution, or express policy to the extent necessary to give this Ordinance full force and effect. The prior zoning and subdivision ordinances or regulations of Lee County, the City of Sanford, and the Town of Broadway are hereby repealed except to the extent whereby continuing activities or violations regulated by previous ordinances are being administered (see § 1.6.4, below).

1.6 VIOLATIONS OF THIS ORDINANCE

1.6.1 APPLICABILITY.

Unless otherwise specified in other sections of this Ordinance, this Section shall set forth penalties and remedies for violations of this Ordinance.

1.6.2 APPEAL.

An appeal of a violation or decision of the Department of Community Development, shall be to the Board of Adjustment in accordance with § of this Ordinance.

1.6.3 TYPES OF VIOLATIONS.

Any of the following is a violation of this Ordinance and shall be subject to the remedies and penalties provided for in this Ordinance:

1.6.3.1 To place any use, structure, or sign upon land that is subject to this Ordinance without all of the approvals required by this Ordinance.

1.6.3.2 It is a violation of this Ordinance to subdivide land in violation of this Ordinance or transfer or sell land by reference to, exhibition of, or any other used of an unapproved plat. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from this penalty. The County of Lee may bring an action for injunction of any illegal:

- Subdivision
- Transfer of land
- Conveyance of land
- Sale of land

1.6.3.3 To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure or sign, or to engage in development or subdivision of any land in contravention of any zoning, subdivision, sign or other regulation of this Ordinance. This section is not intended to address legal nonconforming uses or structures. Article 12 of this Ordinance shall regulate expansions or other alterations to legal nonconforming uses or structures.

1.6.3.4 To engage in any subdividing, development, construction, remodeling or other activity of any nature upon land that is subject to this Ordinance without all of the approvals required by this Ordinance.

1.6.3.5 To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate or other form of authorization required in order to engage in such activity.

1.6.3.6 To violate, by act or omission, any term, condition, or qualification placed by a decision-making body upon any permit or other form of authorization.

1.6.3.7 To reduce or diminish any lot area so that the setbacks or open spaces shall be smaller than prescribed by this Ordinance.

1.6.3.8 To increase the intensity of use of any land or structure, except in accordance with the procedural requirements and substantive standards of this Ordinance.

1.6.3.9 To remove, deface, obscure or otherwise interfere with any notice required by this Ordinance.

1.6.3.10 To fail to remove any sign or other improvement installed, created, erected, or maintained in violation of this Ordinance, or for which the permit, approval, permission, or other authorization has lapsed. This section is not intended to address legal nonconforming uses or structures. Article 12 of this Ordinance shall regulate expansions or other alterations to legal nonconforming uses or structures.

1.6.3.11 To otherwise undertake any development or to establish any use in a manner which does not comply with this Ordinance.

1.6.4 CONTINUING VIOLATIONS.

1.6.4.1 Each day that a violation remains uncorrected after receiving proper notice shall constitute a separate violation of this Ordinance.

1.6.4.2 Any violation of the zoning, subdivision, flood prevention, sedimentation and erosion control ordinances in effect prior to the adoption of this Ordinance shall continue to be a violation under this Ordinance, and is subject to penalties and enforcement under this Section unless the use, development, construction, or other activity complies with the provisions of this Ordinance.

1.6.4.3 Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions, undertaken by the County of Lee pursuant to previous and valid ordinances and laws.

1.6.5 CIVIL REMEDIES AND ENFORCEMENT POWERS.

Failure to comply with any provision of this Ordinance is hereby declared unlawful. The following remedies and enforcement powers may be used to administer and enforce this Ordinance:

1.6.5.1 WITHHOLD PERMIT.

The Department of Community Development may deny or withhold all permits, certificates, or other forms of authorization on any land or structure or improvement owned or being developed by a person if there is:

(a) an uncorrected repeat violation of this Ordinance; or

(b) there is a condition or qualification of approval granted by the decision-maker that has not been met.

(c) The provisions of this section shall apply only to violations or unmet conditions that occur on the same property for which the permit or other approval is sought.

1.6.5.2 REVOKE PERMITS.

Any Development Permit or other form of authorization required under this Ordinance may be revoked for any reason set forth in § 1.6.3, and in NCGS §§ 160D-403; -1113-1115. The revocation hearing shall be conducted in accordance with § 1.6.5.4 of this Ordinance.

1.6.5.3 STOP WORK.

With or without revoking permits, the Department of Community Development may stop work on any land or structure on any land on which there is an uncorrected violation of a provision of this Ordinance or of a permit or other form of authorization issued hereunder, in accordance with the power to stop work pursuant to NCGS § 160D-404; -1113-1115. The stop order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons therefore, and the conditions under which the work may be resumed.

1.6.5.4 REVOKE PLAN OR OTHER APPROVAL.

Where a violation of this Ordinance involves a failure to comply with approved plans or conditions to which the approval of such plans was made subject, the Department of Community Development may, upon notice to the applicant and other known parties in interest (including any holders of building permits affected), revoke the plan approval pursuant to NCGS §§ 160D-403; -1115. Any permit mistakenly issued in violation of an applicable State or local law may also be revoked.

(a) GROUNDS FOR REVOCATION. The following shall be considered grounds for revocation of a permit:

- The applicant intentionally supplies misleading information. The provision of information is considered "intentional" when the applicant was aware of the inaccuracies or could have discovered the inaccuracies with reasonable diligence.
- The failure to comply with any condition of a development order or development permit.

(b) DECISION AND NOTICE. The Department of Community Development shall render a decision to revoke the permit, to allow the applicant to retain the development permit, or to reconsider the permit. The Department of Community Development shall notify the holder of the permit in the manner provided in NCGS § 160D-404, as appropriate. If the Department of Community Development finds that any portion of this chapter is being violated, it shall deliver the notice of violation to the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval (the initial written notice may be the final notice) requesting correction of the violation within ten days of the date of receipt of the notice by one or more of the following methods:

- Notice may be delivered by personal delivery, electronic delivery, or first class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity. The notice of violation may be posted on the property.

(c) The person providing the notice shall certify to the affected local government that the notice was provided and the certificate shall be deemed conclusive in the absence of fraud.EFFECT AND APPEALS. The decision of the Department of Community Development may be appealed as set forth in §1.6 of this Ordinance. Unless appealed, a decision to revoke a development permit shall become final thirty (30) days after the date the decision is rendered. After that, any further activities based on the permit shall be deemed to be in violation of this Ordinance and shall be subject to the remedies as prescribed in §1.6 of this Ordinance.

(d) RIGHT CUMULATIVE. The right to revoke a development permit, as provided in this Section, shall be cumulative to any other remedy allowed by law.

1.6.5.5 INJUNCTION AND ABATEMENT.

This Ordinance may be enforced by any means or any remedy provided for in NCGS §§ 160A- 175, 160D-404, and 153A-123. An action for injunction of any illegal subdivision, transfer, conveyance, or sale of land may be prosecuted by the Department of Community Development or their designee pursuant to NCGS § 160D-807.

1.6.5.6 OTHER REMEDIES.

The Department of Community Development, County of Lee, Planning Commission and the Board of Adjustment shall have such other remedies as are, and as may be from time to time, provided by North Carolina law for the violation of zoning, subdivision, sign or related Ordinance provisions.

1.6.6 PENALTIES FOR VIOLATION.

1.6.6.1 FIRST OFFENSE.

Any violation occurring once within a 12- month period shall be considered a first offense. An appeal of the Department of Community Development's decision shall be allowed as prescribed under § 1.6.2. A notice shall be sent to the violater indicating that the violation exists and that the violation shall be remedied within 10 days without penalty. The notice shall also indicate that upon the expiration of the 10-day warning period, the violator shall be subject to a civil penalty of $100.00 for each day that the violation remains on the property. Should a violation continue to exist by the thirtieth (30^{th}) day of the original notification, the County of Lee shall seek to recover the penalty together with all costs by filing a civil action in the District Court in the nature of a suit to collect a debt. The collection of a penalty pursuant hereto shall not foreclose further proceedings for penalties coming due subsequent to the date of the filing of a prior proceeding. The provisions of this section may also be enforced through any other appropriate remedies as prescribed in § 1.6.5 of this Section.

1.6.6.2 REPEAT OFFENSE.

Any violation reoccurring on the same property by the same violator more than once within a 12- month period shall be considered a repeat offense provided the reoccurrence is a violation of the same Article of this Ordinance. A notice shall be sent to the violator indicating that the violation exists and that the violation shall be remedied within two (2) days without penalty. The notice shall also indicate that upon the expiration of the 2-day warning period,, a notice of violation shall be issued by the Department of Community Development and shall have an immediate civil penalty of $100.00. For each day the repeat violation remains, the violator shall be subject to a civil penalty of $100.00. Should a violation continue to exist by the thirtieth (30th) day of the original notification, the County of Lee shall seek to recover the penalty together with all costs by filing a

civil action in the General Court of Justice in the nature of a suit to collect a debt. The collection of a penalty pursuant hereto shall not foreclose further proceedings for penalties coming due subsequent to the date of the filing of a prior proceeding. The provisions of this section may also be enforced through any other appropriate remedies as prescribed in § 1.6.5, above.

1.6.7 OTHER POWERS.

In addition to the enforcement powers specified in this Section, the County of Lee may exercise any and all enforcement powers granted by North Carolina law.

1.6.8 REMEDIES CUMULATIVE.

The remedies and enforcement powers established in this Article shall be cumulative, and the County of Lee may exercise them in any order.

1.6.9 ENFORCEMENT PROCEDURES.

The purpose of this section is to provide procedures for enforcing this Ordinance pursuant to city and county zoning and police power authority including, but not limited to, NCGS §§ 160A-175, 153A-123, 160D-106, 160D-403, 160D-404, 160D-1112, 160D-1113, and 160D-1123.

1.6.9.1 NON-EMERGENCY MATTERS.

In the case of violations of this Ordinance that do not constitute an emergency or require immediate attention, the Department of Community Development shall deliver notices in accordance with the provisions of NCGS 160D-404 and Section 1.6.5.4(b) of this Ordinance. Notices of violation shall state the nature of the violation and the time period for compliance and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected.

1.6.9.2 EMERGENCY MATTERS.

In the case of violations of this Ordinance that constitute an emergency situation resulting in an immediate threat to the health, or safety of the public, or violations that will create increased problems or costs to the public for the provision of County of Lee services if not remedied immediately, the Department of Community Development may use the enforcement powers available under this Article by giving notice by personal delivery, electronic delivery, or posting on the property as provided in NCGS 160D-404.

SANFORD-BROADWAY-LEE COUNTY
UNIFIED DEVELOPMENT ORDINANCE

ARTICLE 2. ADMINISTRATIVE AGENCIES

Summary: This Article describes the various agencies involved in administration of the UDO. The jurisdiction, powers, and duties of each agency are described. These agencies include: the Department of Community Development, the local Boards of Adjustment, the Governing Bodies of the City of Sanford, Town of Broadway, and Lee County, the Joint Planning Commission, the local Planning Boards and the Historic Preservation Commission. The procedures outlined in this Article are applicable to all portions of this Ordinance.

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2.1 DEPARTMENT OF COMMUNITY DEVELOPMENT

2.1.1 ESTABLISHMENT. DEPARTMENT OF COMMUNITY DEVELOPMENT

Pursuant to NCGS § 160D-301, the County of Lee hereby establishes the Sanford/Lee County Community Development Department. The Department shall perform the following functions:

2.1.1.1 enforce this Ordinance;

2.1.1.2 provide technical support and guidance for action on all plan and ordinance amendments and on applications for development approval;

2.1.1.3 establish Department standards of operation and procedures consistent with the intent of this Ordinance;

2.1.1.4 delegate the duties and powers granted to, and imposed upon, the Department of Community Development by this Ordinance;

2.1.1.5 consult with other officials, boards or agencies with technical expertise (such as the Department of Public Works or the Fire Chief) as may be provided by this Ordinance; and

2.1.1.6 perform such other functions as may be requested by the County of Lee or authorized by this Ordinance.

2.1.2 INSPECTION

Pursuant to NCGS §§ 160D-402; -404, the staff of the Department of Community Development is hereby designated the Zoning and Subdivision Inspector for the County of Lee. The Inspector is empowered to enter or inspect any building, structure, premises, or real property in the County of Lee upon which, or in connection with which, a development or land use is located or proposed for the purpose of inspection to ensure compliance with the provisions of this Ordinance. Such inspections shall be carried out during business hours unless the Department of Community Development determines that an emergency exists. An inspector shall have the authority to enter private property for the purpose of inspection unless such permission has been refused. If refused, the inspector shall obtain an appropriate administrative search warrant to secure permission to inspect any portion of the property not open to the public. Failing permission, no inspection shall be undertaken without an order from a court of competent jurisdiction.

2.1.3 ENFORCEMENT.

The Department of Community Development is hereby authorized and is hereby delegated the authority to commence an action to enforce the provisions of this Ordinance pursuant to NCGS § 160D-404, and § 1.6 of this Ordinance.

2.1.4 INTERPRETATION.

In the case of a dispute pertaining to the boundary of a land use category or zoning district, the Department of Community Development shall have jurisdiction and authority to render interpretations of the Official Zoning Map, or disputes pertaining to lot lines, district boundary lines, or questions arising from the administration of this Ordinance.

2.1.5 CONFLICTS OF INTEREST. No staff member shall make a final decision on an administrative decision under the UDO if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship as defined in NCGS 160D-109. If a staff member has a conflict of interest under this Section the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by Director of the Department of Community Development.

2.2 BOARDS OF ADJUSTMENT

2.2.1 ESTABLISHMENT.

Lee County, the Town of Broadway and the City of Sanford shall each maintain a separate Board of Adjustment. Within each jurisdiction, each respective Board shall execute all powers and duties as set forth in NCGS §§ 160D-302; -405; -

406; and -705 and as set forth herein. All members appointed to a Board of Adjustment shall, before entering their duties, qualify by taking an oath of office as required by NCGS 160D-309.

2.2.2 APPOINTMENT & MEMBERSHIP FOR LEE COUNTY.

2.2.2.1 The Lee County Board of Commissioners hereby appoints the Lee County Planning Board to serve as the Board of Adjustment. Five Planning Board members shall serve as regular members and two shall serve as alternate members. Each alternate member, while attending any regular or special meeting of the Board of Adjustment and serving in the absence of any regular member, shall have and may exercise all of the powers and duties of a regular member.

2.2.2.2 Vacancies. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term.

2.2.2.3 Officers, Rules, and Regulations. The Board shall elect such officers and adopt such rules and regulations for its own government as it deems necessary to carry out the provisions of this article. A copy of such rules and regulations shall be maintained by the Clerk to the Board of Adjustment and posted on the County website.

2.2.2.4 QUORUM. A quorum shall consist of four members in attendance. No case shall be heard unless a quorum is present.

2.2.3 APPOINTMENT & MEMBERSHIP FOR THE TOWN OF BROADWAY.

2.2.3.1 The Broadway Board of Commissioners hereby appoints the Broadway Planning Board to serve as the Board of Adjustment. Seven Planning Board members shall serve as regular members and two shall serve as alternatemembers.

2.2.3.2 Each alternate member, while attending any regular or special meeting of the Board of Adjustment and serving in the absence of any regular member, shall have and may exercise all of the powers and duties of a regular member.

2.2.3.3 The Board shall adopt rules governing its organization and for all proceedings before it.. A copy of such rules and regulations shall be maintained by the Clerk to the Board of Adjustment and posted on the Town website. Such rules shall provide and require the following in addition to such other rules or regulations that the Board shall adopt:

- The Board shall elect a chairman, vice-chairman, and secretary on an annual basis.
- The secretary shall keep detailed minutes of the proceedings., including relevant facts and testimony of each appeal, the vote of each member on each appeal, abstention from voting, and attendance. The minutes shall contain the signature of the chairman and the secretary.

2.2.3.4 QUORUM. A quorum shall consist of six members in attendance. No case shall be heard unless a quorum is present.

2.2.4 APPOINTMENT & MEMBERSHIP FOR THE CITY OF SANFORD.

2.2.4.1 The City of Sanford Board of Adjustment shall consist of six regular members and two alternates. Appointment and membership within the City of Sanford Board of Adjustment shall be in accordance with Sections 2-272 and 2-273 of the City of Sanford *Code of Ordinances*.

The Board of Adjustment shall elect one of its members as chairperson and another as vice-chairperson, who shall serve for one year. The Board shall adopt from time to time such rules as it may deem necessary to carry into effect the provisions of this division. A copy of such rules and regulations shall be maintained by the Clerk to the Board of Adjustment and posted on the City website. The Chairperson of the Board of adjustment is authorized in his official capacity to administer oaths to witnesses in any matter coming before the Board. Any member of the Board, while temporarily acting as chairperson, shall have and may exercise like authority.

2.2.4.2 QUORUM. A quorum shall consist of four members in attendance. However, no action may be taken on any application unless five members are present.

2.2.4.3 All meetings of the Board of adjustment shall be held at a regular place and shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member on each question, or, if absent or failing to vote, an indication of such fact, and final disposition of appeals shall be by recorded resolution indicating the reasons of the Board therefore, all of which shall be a public record.

2.2.5 POWERS AND DUTIES.

GENERALLY. Pursuant to NCGS §§ 160D- 302; -405; -406 and -705, each of the respective Boards of Adjustment shall have the following powers, duties and authority:

(a) The Board of Adjustment shall hear and decide appeals from the decisions of the Department of Community Development in which it is alleged there is an error in an order, requirement, decision or determination made by the Department of Community Development in the enforcement of a zoning ordinance adopted pursuant to this Ordinance (NCGS § 160D-405).

(b) The Board of Adjustment shall hear and decide appeals for variances from the terms of the zoning ordinance pursuant to § 3.7 of this Ordinance and NCGS § 160D-406.

(c) The Board of Adjustment shall interpret the Official Zoning Map and shall pass upon disputed questions of lot lines or district boundary lines and similar questions that may arise in the administration of this Ordinance (NCGS § 160D-302).

The Board of Adjustment shall adopt all rules and procedures necessary or convenient for the conduct of its business, consistent with the North Carolina General Statutes.

(d) The Board of Adjustment shall exercise such other powers as may be granted by this Ordinance.

2.2.6 QUASI-JUDICIAL PROCEDURES

The consideration of any appeal, variance, or interpretation, as provided above, shall be in accordance with the quasi-judicial procedures as set forth in NCGS 160D-406 and

§§ 3.1.5.3, 3.5, 3.7 and 3.8 of this Ordinance.

2.2.7 CONFLICTS OF INTEREST.

A member of the board or any other body exercising quasi-judicial functions pursuant to this Ordinance shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial (as defined in NCGS 160D-109(f)), business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

2.2.8 RECORDING SECRETARY.

The Board shall appoint a recording clerk to serve all three of the Boards of Adjustment. The Department of Community Development is hereby designated as the office of the Board for purposes of this section. The clerk shall keep minutes of all proceedings of the Board of Adjustment, which minutes shall be a summary of all proceedings before the Board of Adjustment, attested to by a majority of the members of the Board of Adjustment voting. Minutes of the proceedings of the Board of Adjustment showing the vote of each member and records of its examinations and other official actions shall be filed in the office of the board as a public record. In addition, the clerk shall maintain all records of Board of Adjustment meetings, hearings and proceedings, the correspondence of the Board of Adjustment.

2.2.9 STAFF.

The Department of Community Development shall be the professional staff of all three Boards of Adjustment.

2.3 LOCAL PLANNING BOARDS

2.3.1 ESTABLISHMENT.

Pursuant to NCGS § 160D-301, Lee County, the Town of Broadway and the City of Sanford shall each maintain a separate Planning Board. Within each jurisdiction, each respective Board shall execute all powers and duties as set forth in NCGS § 160D-301 and herein. All members appointed to a Planning Board shall, before entering their duties, qualify by taking an oath of office as required by NCGS 160D-309.

2.3.1.1 CONFLICTS OF INTEREST.

An appointed board member shall not vote on any legislative or advisory decision regarding a development regulation where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

2.3.2 POWERS AND DUTIES (City of Sanford)

Each Planning Board shall provide an advisory function to their respective Governing Body and assist in making decisions pertaining to amendments to the Comprehensive Plan and this Ordinance, and applications for development approval. In no event is the Board authorized to render a final decision approving, denying or conditionally approving a change in the zoning ordinance, or to render a final decision on an application for development approval. The Board shall have the following powers and duties:

- the preparation of a comprehensive plan or other long-range planning document for the respective jurisdiction;
- To prepare or cause to be prepared amendments to such plan and elements thereof and to submit the amendments for the respective jurisdiction;
- To initiate, hear, review and make recommendations to the respective governing body on applications for amendments to the text of this Ordinance or the Official Zoning Map;
- To adopt bylaws, policies, procedures and regulations for the conduct of its meetings, the consideration of applications for development approval, and for any other purposes deemed necessary for the functioning of the Board provided, however, that bylaws, policies, procedures and regulations shall be consistent with this Ordinance before taking effect.

2.3.2 POWERS AND DUTIES. (Unincorporated Lee County and Town of Broadway)

Each Planning Board shall provide an advisory function to their respective Governing Body and assist in making decisions pertaining to amendments to the Comprehensive Plan and this Ordinance, and applications for development approval. In no event is the Board authorized to render a final decision approving, denying or conditionally approving a change in the zoning ordinance, or to render a final decision on an application for development approval. The Board shall have the following powers and duties:

- the preparation of a comprehensive plan or other long-range planning document for the respective jurisdiction;
- To prepare or cause to be prepared amendments to such plan and elements thereof and to submit the amendments for the respective jurisdiction;
- To initiate, hear, review and make recommendations to the respective governing body on applications for amendments to the text of this Ordinance or the Official Zoning Map;
- To hear, review and recommend approval or disapproval of applications for preliminary subdivision plat approval, in accordance with the rules and regulations established herein; and
- To adopt bylaws, policies, procedures and regulations for the conduct of its meetings, the consideration of applications for development approval, and for any other purposes deemed necessary for the functioning of the Board provided,

however, that bylaws, policies, procedures and regulations shall be consistent with this Ordinance before taking effect.

2.3.3 MEMBERSHIP AND APPOINTMENTS FOR LEE COUNTY.

2.3.3.1 The Lee County Planning Board shall consist of seven regular members and two alternate members who shall be appointed by the Board of Commissioners to serve three-year terms. Each member shall be eligible to serve two consecutive terms.

2.3.3.2 Alternate members shall serve in the absence of a regular member and shall have the same powers and duties as a regular member while serving in this capacity. Alternate members shall be designated as either "first alternate" or "second alternate" with the first alternate always being the first candidate to step in for an absent regular member.

2.3.3.3 The Board shall annually elect a Chair and a Vice-Chair by a majority vote of the Board. The Chairperson shall preside at all meetings and hearings of the Planning Board and the duties normally conferred by parliamentary usage on such officers. The Vice-Chairperson shall preside in the absence of the Chairperson and shall have the same powers and duties as that of the Chair.

2.3.4 MEMBERSHIP AND APPOINTMENTS FOR THE TOWN OF BROADWAY.

2.3.4.1 Appointment and membership within the Town of Broadway Planning Board shall be in accordance with Sections 151.01-151.03 of the Town of Broadway *Code of Ordinances*.

2.3.4.2 The Board shall annually elect one of its members as chairperson and another as vice-chairperson. Election of officers shall be in accordance with Section 151.04 of the Town of Broadway *Code of Ordinances*.

2.3.4.3 The conduct of meetings of the Planning Board shall be in accordance with Section 151.05 of the Town of Broadway *Code of Ordinances*.

2.3.5 MEMBERSHIP AND APPOINTMENTS FOR THE CITY OF SANFORD.

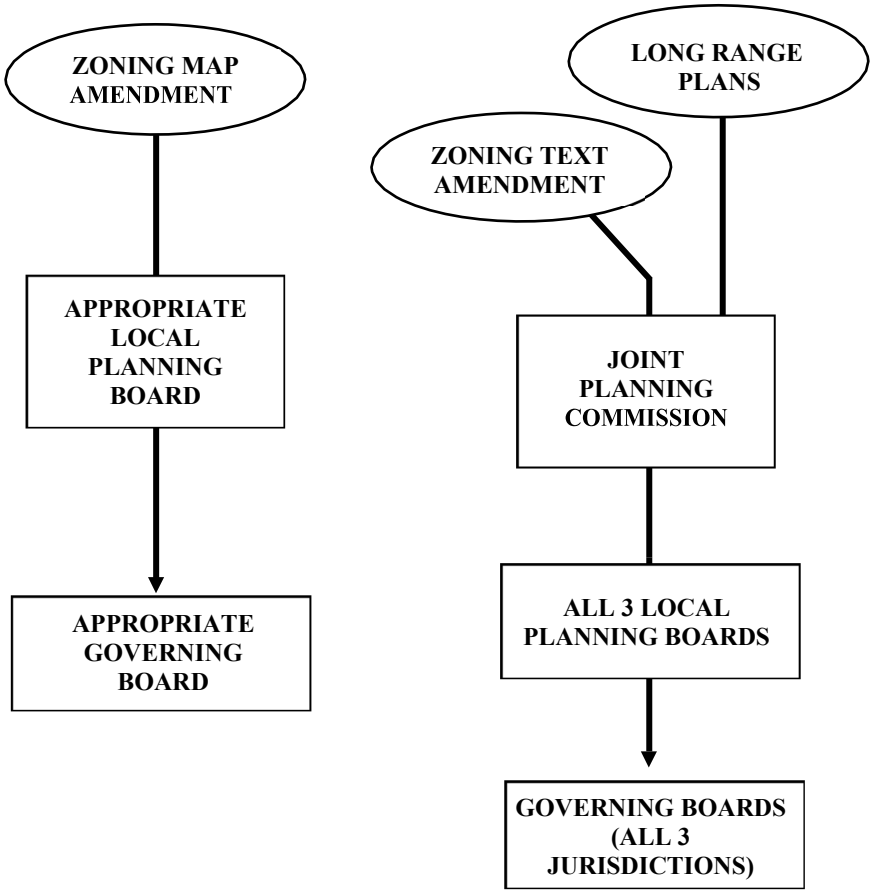
2.3.5.1 Appointment and membership within the City of Sanford Planning Board shall be in accordance with Sections 2-232 and 2-233 of the City of Sanford *Code of Ordinances*.

2.3.5.2 The Board shall annually elect one of its members as chairperson and another as vice-chairperson. Election of officers shall be in accordance with Section 2-234 of the City of Sanford *Code of Ordinances*.

2.3.6 STAFF.

2.3.6.1 The Department of Community Development shall serve as the professional staff for each of the Boards. The Department of Community Development shall appoint a recording secretary to serve the Boards. The secretary shall keep minutes of all proceedings of the commission, which minutes shall be a summary of all proceedings before the boards, attested to by a majority of the members of the commission voting. In addition, the secretary shall maintain all records of the meetings, hearings and proceedings, the correspondence of the boards.

Figure 2.3 Relationship between the Local Planning Boards, the Joint Planning Commission, and the Governing Boards.



2.4 JOINT PLANNING COMMISSION

2.4.1 ESTABLISHMENT AND PURPOSE.

In addition to the individual, local planning boards as established in Section 2.3 of this Ordinance, Lee County e, Town of Broadway and City of Sanford shall establish and maintain a joint Planning Commission. All members appointed to a Planning Board shall, before entering their duties, qualify by taking an oath of office as required by NCGS 160D-309.

An appointed board member shall not vote on any legislative or advisory decision regarding a development regulation where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

The purpose of this joint planning commission is to provide additional guidance to the all three governing bodies regarding certain matters of land use administration. More specifically, this joint Commission will review and provide recommendations to the local Planning Boards and Governing Bodies regarding:

- Any and all proposed amendments to this Unified Development Ordinance;
- Multi-jurisdictional land use plans or other similar long-range planning documents

2.4.1.1 SCOPE OF APPROVAL. As an advisory board, the decisions of the Joint Planning Commission are recommendations that shall be transmitted to all three local Planning Boards and to the Governing Bodies for their review and final decision. Pursuant to the same authority as set forth in NCGS §160D-301 the Joint Planning Commission shall serve in the same advisory capacity as the Local Planning Boards, except that the Joint Planning Commission will review only multi-jurisdictional issues. The Joint Planning Commission shall not review site specific requests, such as individual requests for rezoning or preliminary subdivision plat reviews (see Figure 2.3).

2.4.2 MEMBERSHIP AND APPOINTMENT.

2.4.2.1 The Joint Planning Commission shall be composed of nine regular (9) members as follows:

- *(2) Lee County Commissioners* (Chairman and one additional member)
- *(2) City of Sanford Council members* (Mayor and one additional member)
- *(2) Town of Broadway Commissioners* (Mayor and one additional member)
- *(3) Chairman of each Local Planning* Board

Note: The additional member from each Council or Commission shall be appointed by that respective Governing Body.

2.4.2.2 The Manager for each of the three jurisdictions shall serve as ex-officio members of the joint planning commission.

2.4.2.3 At an annual organizational meeting, the members of the Joint Planning Commission shall elect one (1) of their members as chair and one (1) as vice-chair. In the absence of the chair, the vice-chair shall act as chair and shall have all powers of the chair. In the absence of both, the Commission shall elect a temporary chair to conduct the meeting. The chairperson shall be in charge of all proceedings before the commission, and may take such action as shall be necessary to preserve order and the integrity of all proceedings before the commission.

2.4.3 MEETINGS, HEARINGS AND PROCEDURE:

2.4.3.1 No meeting of the Joint Planning Commission may be called to order, nor may any business be transacted by the Commission, without a quorum consisting of a majority of the appointed membership of the Commission. The chair shall be considered for purposes of establishing a quorum and shall act as a voting member. All actions shall require the concurring vote of a majority of the members of the Commission.

2.4.3.2 The Commission shall establish a regular meeting schedule by rule. Special meetings may be requested by any of the three Governing Bodies, the chair of the Commission, a majority of the members of the Commission or the Department of Community Development.

2.4.3.3 If a matter is postponed due to lack of a quorum, the chair of the Commission shall continue the meeting to the next commission meeting. The recording secretary shall notify all members of the date of the continued meeting and also shall notify all parties.

2.4.4 STAFF.

The Department of Community Development shall serve as the professional staff of the Commission. The Department of Community Development shall appoint a recording secretary to serve the Commission. The secretary shall keep minutes of all proceedings of the commission, which minutes shall be a summary of all proceedings before the commission, attested to by a majority of the members of the commission voting. In addition, the secretary shall maintain all records of commission meetings, hearings and proceedings, the correspondence of the commission.

2.5 <u>GOVERNING BODIES</u>

The County Commissioners of Lee County, the City Council of the City of Sanford, and the Board of Commissioners of the Town of Broadway shall have the following powers and duties:

- To initiate, adopt, and amend a Comprehensive Plan.

To initiate amendments to the text and map of this Ordinance and the Comprehensive Plan;

To review recommendations of the Planning Commission, and make final decisions on applications for amendments to the text of this Ordinance.

To hear, review, and approve, conditionally approve, or deny amendments to the Official Zoning Map after a recommendation of the Planning Commission has been submitted pursuant to NCGS § 160D-604.

To render final decisions pertaining to applications for development approval where such authority is assigned pursuant to this Ordinance.

To take such other action not otherwise delegated, as the County Commissioners of Lee County, City Council of the City of Sanford, and the Board of Commissioners of the Town of Broadway may deem desirable and necessary to implement the provisions of this Ordinance and the Comprehensive Plan.

2.6 HISTORIC PRESERVATION COMMISSION (CITY OF SANFORD ONLY)

2.6.1 ESTABLISHMENT OF HISTORIC PRESERVATION COMMISSION

2.6.1.1 There is hereby established a City of Sanford Historic Preservation Commission ("commission") under the authority of Chapter 160D, Article 9, Part 4 of the North Carolina General Statutes.

2.6.1.2 The commission shall consist of at least seven members appointed by the City Council of the City of Sanford. All members shall reside within the territorial jurisdiction of the city. All members of the commission shall have demonstrated special interest, experience or education in history, architecture, archaeology or related fields. The commission may appoint advisory bodies and committees as appropriate. All members appointed to the Historic Preservation Commission shall, before entering their duties, qualify by taking an oath of office as required by NCGS 160D-309.

2.6.1.3 Members of the commission shall serve terms of three years. Terms shall be staggered. A member may be reappointed by the City Council for no more than two consecutive full terms, unless such limit is waived by the City Council.. The duties of the commission shall be as follows:

- Undertake an inventory of properties of historic, pre-historic, architectural and/or cultural significance.
- Recommend to the City Council areas to be designated by ordinance as "historical districts" and individual structures, buildings, sites, areas or objects to be designated by ordinance as "landmarks".
- Recommend to the City Council that designation of any area as an historic district, or part thereof, or designation of any building, structure, site area or object as a landmark, be revoked or removed for cause.
- Conduct an educational program with respect to historic districts and landmarks within its jurisdiction.
- Cooperate with the state, federal, and local government in pursuance of the purposes of this division: to offer or request assistance, aid, guidance, or advice concerning matters under its purview or of mutual interest. The City Council, or the commission when authorized by the Council, may contract with the state or the United States, or any agency of either, or with any other organization provided the terms are not inconsistent with state or federal law.
- Enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee or agent of the commission may enter any private building or structure without express consent of the owner or occupant thereof.
- Prepare and recommend the official adoption of an historic preservation element as part of the city comprehensive plan.
- Acquire by any lawful means the fee or any lien including interest, including options to purchase, to properties within established districts or to any such properties designated as landmarks, to hold, manage, preserve, restore and improve the same, and to exchange or

dispose of the property by public or private sale, and to recommend to the City Council alternatives related to the same, lease or otherwise, subject to covenants or other legally binding restrictions which will secure appropriate rights of public access and promote the preservation of the property.

- Restore, preserve, and operate historic properties.
- Negotiate at any time with the owner of a building, structure, site, area, or object for its acquisition or its preservation, when such action is reasonably necessary or appropriate.

2.6.1.4 Review and act on proposals for (1) exterior alteration, relocation, demolition of landmarks or (2) exterior alteration, relocation, demolition, or new construction of properties within historic districts. Historic preservation districts shall be governed in accordance with the standards of Section 4.12 of this Ordinance prior to any official action, the Historic Preservation Commission shall adopt rules of procedure governing its meetings and the conduct of official business and bylaws governing the appointment of members, terms of office, the election of officers and related matters. A public record shall be kept of the commission's resolutions, proceedings and actions. The commission shall also prepare and adopt principles and standards related to preservation for altering, restoring, constructing, moving, or demolishing properties designated as landmarks or within historic districts. A Commission member shall not vote on any legislative or advisory decision regarding a development regulation where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A Commission member shall not vote on any matter if the landowner of the property or the applicant for a decision is a person with whom the member has a close familial, business, or other associational relationship.

2.6.1.5 2.6.5 In ruling on any applications for preservation certificates of appropriateness the Historic Preservation Commission shall follow standard procedures for quasi-judicial proceedings.

2.6.1.6 Appeals of administrative decisions regarding historic preservation may be made to the Historic Preservation Commission. Decisions of the Commission shall be appealed to the City of Sanford Board of Adjustment, and then to superior court pursuant to NCGS 160D-1402.

SANFORD-BROADWAY-LEE COUNTY UNIFIED DEVELOPMENT ORDINANCE

ARTICLE 3. ZONING AND PERMITTING PROCEDURES

Summary: This Article describes how to obtain a permit under the Unified Development Ordinance. It establishes the rules for submitting a complete application, the agencies responsible for processing and rendering a decision, and the general criteria for approval. Each section describes the rights granted by the application under "Scope of Approval." Subsections relating to "recording" this application set forth record keeping procedures.

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3.1 GENERAL PROCEDURES

3.1.1 APPLICATION PROCESS AND OFFICIAL FILING DATE.

The specific procedures followed in reviewing various Applications for Development Approval may vary. Generally, the procedures for all applications have four common elements: (1) submittal of a complete application, including required fee payment and appropriate information; (2) review of the submittal by appropriate staff and boards; (3) action to approve, approve with conditions, or deny the application; and (4) issuance of a permit, based on complete and approved plans.

3.1.1.1 PRE-APPLICATION CONFERENCE.

The applicant should meet with the Department of Community Development to discuss the nature of the proposed application, application submittal requirements, the procedure for action, and the standards for evaluation of the application.

3.1.2 COMPLETENESS REVIEW

3.1.2.1 The Department of Community Development shall review any application required by this Article for completeness. No Application shall be deemed complete unless all of the information required by Appendix B is included, and all filing fees required by this Ordinance have been paid. Current application materials shall be made available in the Department of Community Development Offices. Such applications shall be filed in advance of any public hearing or public meeting required pursuant to this Article or statute.

3.1.3 LOCAL PLANNING BOARD.

3.1.3.1 Each local planning board shall hold regularly scheduled hearings to receive and review public input on those items required by this Ordinance and the NCGS. On those items where it has review authority, the Board shall recommend to the appropriate Governing Body approve, approve with conditions, or deny applications. The Department of Community Development will submit the proposed item to the Governing Body for its consideration.

3.1.3.2 The Department of Community Development shall provide for minutes to be written and retained, shall record the evidence submitted within the allotted hearing time, and shall include a summary of the considerations and the action of the Board.

3.1.4 CITY COUNCIL, COUNTY COMMISSION, AND TOWN BOARD OF COMMISSIONERS.

3.1.4.1 The Governing Bodies of the City of Sanford, Town of Broadway, and Lee County shall hold regularly scheduled hearings to act upon all items required by this Ordinance and the NCGS to be considered by them. The Governing Bodies shall decide whether or not to approve, approve with conditions (if applicable), or deny such applications.

3.1.4.2 The Clerk to the Board shall provide for minutes to be written and retained, shall record the evidence submitted within the allotted hearing time, and shall include a summary of the considerations and the action of the respective Governing Body.

3.1.5 HEARINGS AND DECISION MAKING PROCEDURES.

3.1.5.1 SCOPE OF ACTION.

The reviewing body may take any action on the application that is consistent with the notice given, including approval of the application, conditional approval (if applicable), or denial. The reviewing body may allow minor amendments to the application which: (1) proposes fewer dwelling units, floor area or impervious surface than that requested on the original application; (2) reduces the impact of the development; or (3) reduces the amount of land involved from that indicated in the notices of the hearing. The reviewing body shall not, in any case, permit: a greater amount of development, a use falling in a different general use category, a larger land area than indicated in the original application, or a greater variance than was indicated in the notice. In addition, the reviewing body shall not reduce or eliminate conditions for a Conditional District unless a new notice is provided prior to the meeting at which a final decision is to be made.

3.1.5.2 LEGISLATIVE AND ADVISORY PUBLIC HEARINGS PROCEDURES.

3.1.5.2.1 Purpose. The purpose of a legislative or advisory review hearing is to provide the public an opportunity to be heard. Unlike quasi-judicial hearings, a legislative proceeding does not require procedural due process protections, such as right of the parties to offer evidence, sworn testimony, or findings

of fact. Like quasi- judicial hearings, legislative hearings are public hearings preceded by notice to interested parties. Legislative hearings are required for legislative review hearings, such as amendments to the Comprehensive Plan, amendments to this Ordinance (including Zoning provisions of this Ordinance and the Zoning Map), and applications for a Planned Unit Development.

3.1.5.2.2 Conduct of Hearing. Testimony may be presented by any member of the public, but need not be submitted under oath or affirmation. The decision-making body may establish a time limit for testimony.

3.1.5.2.3 Record of Proceedings. The body conducting the hearing shall record the minutes of the proceedings by any appropriate means as prescribed by rule and consistent with NCGS Chapter 132. The Department of Community Development will provide the record upon request by application and payment of a fee set by the County of Lee (to cover duplication costs.)

3.1.5.2.4 Notice Provisions. The notice requirements for legislative and advisory proceedings, including amendments to this Ordinance, or the Official Zoning Map, shall be that as provided in NCGS §§ 160D-601; -602. More specifically, a notice of the hearing shall be published once a week for two successive calendar weeks. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included. Notice of rezoning hearings conducted pursuant to this section shall be mailed to the person or entity whose application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the zoning or unified development ordinance. In the absence of evidence to the contrary, the County of Lee may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the County of Lee shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

3.1.5.3 QUASI-JUDICIAL HEARING PROCEDURES.

3.1.5.3.1 Applicability. The provisions of this section apply to any application for a special use permit, variance, appeal, or any other quasi- judicial action. The board deciding such action(s) shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the board of adjustment. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board.. The decision of the board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made and the certificate shall be deemed conclusive in the absence of fraud. Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160D-1402.. A petition for review shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance of this subsection. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

3.1.5.3.2 Rulemaking Authority. The Planning Boards and the County of Lee may adopt general rules which apply to quasi-judicial hearings. These hearings may relate to a Special Use permit or to a proceeding before the Board of Adjustment.

3.1.5.3.3 Conduct of Hearing. Any person or persons with standing may appear as a Party at a quasi-judicial hearing and submit evidence, either individually or as a representative. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board. Each person who appears at a hearing shall state, for the record, his or her name, address, and if appearing on behalf of an organization or group, its name and mailing address. The hearing shall be conducted in accordance with the procedures set forth in NCGS § 160D-406.

3.1.5.3.4 Notice Provisions. Notice of hearings conducted pursuant to this section shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the

owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the zoning or unified development ordinance. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the city shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

3.1.5.4 ADMINISTRATIVE DECISIONS.

3.1.5.4.1 Administrative decisions are zoning ordinance implementation matters carried out by the staff, including issuance of permits for permitted uses. In general, the Department of Community Development is a purely administrative agent following the literal provisions of this Ordinance. The Department of Community Development may engage in some fact finding, (for example, as in making an initial determination as to whether a nonconforming use was in existence at the time a zoning provision was adopted). In contrast to quasi- judicial hearings, administrative decisions are made without a hearing at all, with the staff member reviewing an application to determine if it is complete and compliant with objective standards set forth in this Ordinance. *Lancaster County v. Mecklenburg County*, 334 N.C. 496, 434 S.E.2d 604 (1993).

3.1.5.4.2 The procedures for processing administrative permits, such as Zoning Clearance Permit, are set forth in the sections of this Ordinance pertaining to such permits.

3.1.5.4.3 No notice shall be required for an administrative permit issued pursuant to §3.2 of this Ordinance unless otherwise provided by this Ordinance or by law.

3.2 ADMINISTRATIVE PERMITS

3.2.1 PURPOSE.

The purpose of this Section is to prescribe procedures for permits which do not require quasi-judicial or legislative notice or a hearing. A hearing is not required for permits set forth in this Section for one or more of the following reasons:

3.2.1.1 If required, hearings have already been conducted relating to the permit application. The permit application procedure was designed to ensure that the proposed use complies with a previously approved subdivision plat, site plan, specific plan, comprehensive plan amendment, or conditional rezoning (e.g., zoning clearing, certificate of occupancy).

3.2.1.2 The proposed use is permitted by right in the applicable zoning district (e.g., zoning clearance, certificate of occupancy).

3.2.1.3 The permit is subject to unique provisions of state or federal law which restrict the County of Lee's discretion and which require expedited review.

3.2.2 APPLICABILITY.

3.2.2.1 The provisions of this Section shall apply subsequent to approval of any site plan or final site plan as set forth in § 3.6 of this Ordinance. Administrative permits include:

- a Zoning Clearance Permit (§ 3.2.3, below)
- a building permit (§ 3.2.4, below)
- a sedimentation and pollution control permit (§ 3.2.5, below)
- a sign permit (§ 3.2.6 , below)
- temporary use permit (§ 3.2.7, below)

3.2.2.2 All development permits applicable to a proposed development must be issued in accordance with the provisions of this Ordinance, prior to any development activity. Permits are required for all development, unless otherwise excepted, to ensure compliance with the various adopted codes, standards, and laws and to ensure consistency with the Comprehensive Plan and policies of the County of Lee.

3.2.3 ZONING CLEARANCE PERMIT.

3.2.3.1 APPLICATION.

Upon adoption of this Ordinance, buildings or structures shall be erected or constructed, and uses shall be established, only on parcels of land that have been created in conformance with this Ordinance. To construct any structure, use any land, or change the use of any structure or land, a zoning clearance permit must be obtained from the Department of Community

Development and a building permit obtained from the appropriate Building Inspections Department.

3.2.3.2 RESTRICTION ON SINGLE- FAMILY DETACHED DWELLING LOTS.

In any zoning district which permits single- family detached dwellings, no Zoning Clearance Permit shall be issued for a use or dwelling on the same lot as an existing detached single-family dwelling except as provided for in this Ordinance.

3.2.3.3 ADDITIONS TO EXISTING STRUCTURES.

3.2.3.3.1 The provisions of this section apply to any expansion or addition to an existing conforming structure or building. This Ordinance classifies additions or expansions of existing structures into three categories for the purposes of identifying what design standards shall apply. Expansion of nonconforming structures is regulated in Article 13 of this Ordinance.

(a) Low Impact Additions/Expansions shall be defined as an addition that equates to less than 25% to the total Gross Floor Area (GFA) of a site and requires less than 10 additional off-street parking spaces. Low Impact (Type 1) expansions shall be exempt from most UDO design improvements, except:

- the building expansion shall conform to the UDO standards for building setbacks
- new or expanded off-street parking areas shall be paved in accordance with section 8.2.6.1
- if fronting on a corridor as defined in Section 10.7 of the UDO, the building(s) shall be retrofitted to conform to all design standards of that section
- all outdoor solid waste disposal areas shall be screened in accordance with Section 10.1 of the UDO

(b) Moderate Additions/Expansions shall be defined as:

- a proposed addition that is greater than 25% but less than 50% total of the total GFA of a site, and/or
- a proposed addition that requires 10 or more additional off-street parking spaces.

Moderate Additions/Expansion shall provide the following site improvements from this Ordinance:

- Street Yard buffer as set forth in Section 7.7 of this Ordinance. The Street Yard buffer shall not be required where existing buildings encroach into the area that would be required to provide such a buffer. This exemption does not include existing parking areas.
- Parking area landscaping as set forth in Section 7.6 of this Ordinance.
- If abutting single-family residential developed properties, a Buffer (screening) Yard as set forth in Section 7.5 of this Ordinance.
- Conformity to the standards for Article in terms of off-street parking and driveway design.
- new or expanded off-street parking areas shall be paved in accordance with Section 8.2.6.1
- if fronting on a corridor as defined in Section 10.7 of the UDO, the building(s) shall be retrofitted to conform to all design standards of that section all outdoor solid waste disposal areas shall be screened in accordance with Section 10.1 of the UDO

(c) Substantial Additions/Expansions shall be defined as proposed additions that equate to 50% or more of total GFA of a site. Construction of a "Substantial Addition/Expansion" shall require compliance with the full design and dimensional requirements of the UDO.

3.2.3.3.2 Required improvements for additions or expansion to existing structures as identified in this § 3.2.3.2 shall be applied to the portion of a development site where the addition is being constructed. The area to be included for improvements shall be determined by the Administrator.

3.2.3.3.3 In situations where compliance with Section 3.2.3.3.1 of this Ordinance could only be achieved through the removal of an existing building space, the Administrator shall have the authority to reduce or eliminate these requirements where (and only where) such requirements are in conflict with an existing building(s).

3.2.3.4 CHANGES OF USE

3.2.3.4.1 A Change of Use shall require a Zoning Compliance Permit only when the change of use would otherwise require a building permit. A "Change of Use" shall be further defined as "a change from one principal use of a building or land to another principal use of the building or land whether or not there is an increase in the size of the existing building or extent of the use of land". Furthermore, for the purposes of zoning, a change of use shall be determined based on the more broad land use groupings of Table 4.6-1 of this UDO (i.e. "Institutional and Civic" vs. "Retail Trade"). If it is determined that no change of use has occurred, no design standards of this UDO shall be required.

3.2.3.4.2 If it is determined that a change of use has occurred, the Administrator must then determine what design standards should apply.

(a) Minor Change of Use. This group includes the following:

- a change of use has occurred, but no additional parking is required
- a change of use has occurred and additional parking is required but is less than 10 total spaces

When a Minor Change of Use is determined, no additional UDO design or dimensional standards shall be applied except that:

- uses abutting single-family residential developed properties must provide a Buffer (screening) Yard as set forth in Section 7.5 of this Ordinance.
- off-street areas that will be used for the new land use shall be paved in accordance with Section 8.2.6.1
- if fronting on a corridor as defined in Section 10.7 of the UDO, the building(s) shall be retrofitted to conform to all design standards of that section
- all outdoor solid waste disposal areas shall be screened in accordance with Section 10.1 of the UDO

(b) Major Change of Use. For a change of use that provides 10 or more additional total parking spaces, the following UDO site improvements shall be required:

- street Yard buffer as set forth in Section 7.7 of the UDO. The Street Yard buffer shall not be required where existing buildings encroach into the area that would be required to provide such a buffer. This exemption does not include existing parking areas.
- parking area landscaping as set forth in Section 7.6 of the UDO.
- if abutting single-family residential developed properties, a Buffer (screening) Yard as set forth in Section 7.5 of the UDO.
- off-street parking areas that will be used for the new land use shall be paved in accordance Section 8.2.6.1
- if fronting on a corridor as defined Section 10.7 of the UDO, the building(s) shall be retrofitted to conform to all design standards of that section
- all outdoor solid waste disposal areas shall be screened in accordance with Section 10.1 of the UDO.

3.2.3.5 EXCEPTIONS.

The provisions of the Section 3.2 shall not apply to any legal nonconforming use established in accordance with provisions of Article 13 of this Ordinance.

3.2.3.6 PROCEDURES.

The Applicant shall file a complete application on the prescribed form for a Zoning Clearance Permit with the Administrator. If Site Plan Review is required in accordance with § 3.6 of this Ordinance, the approved site plan must be submitted with application for a zoning clearance. If the proposed development or development activity is not subject to site plan review pursuant to § 3.6, a plot plan must be filed for review as set forth in Figure 3.2-1. The requirements for a plot plan are:

- Location of structure(s), including but not limited to all proposed decks, steps, or other similar structural improvements
- Building Setbacks
- Location of off-street parking
- Location of 100-year floodplain

Following review, the Administrator shall approve, approve with conditions, or deny the application for a zoning clearance permit. Applications that are denied shall have the reasons for denial, in writing, attached to the application. An appeal of the decision of the

Administrator is allowed as provided for in § 3.7 (see also Figure 3.2-1).

3.2.3.7 APPROVAL CRITERIA**.**

The zoning clearance permit shall be issued by the Administrator only if the application complies with all pertinent provisions of this Ordinance, and any approved Special Use permit, conditional rezoning, or site plan.

3.2.3.8 VALIDITY.

The zoning clearance permit shall be valid for its established use if:

- The use is in compliance with applicable codes.
- A building permit has been obtained by the applicant within six (6) months of issuance of the zoning clearance permit.

If twelve (12) months elapse without the issuance of a building permit, the zoning clearance permit shall expire. Resubmission of plans and materials and an application for a new zoning clearance permit, including applicable fee(s), shall be required for any approved project that did not commence construction within that 12 (twelve)-month period.

3.2.3.9 REQUEST FOR EXTENSION TO INSTALL IMPROVEMENTS.

3.2.3.10 The applicant may submit a written request for extension to the Administrator when an application for a certificate of compliance cannot be approved because certain improvements cannot be completed or installed due to adverse weather conditions or other reasonable factors. The applicant shall submit to the Administrator the following information:

(1) a specific description of the factor(s) hindering completion or installation of the required improvement(s); and (2) a self- imposed deadline for completion of the unfinished improvement(s). In no event shall the timeline for completion of said improvements extend for more the one (1) year beyond the date of the request. Failure to complete improvements within stated timeline may result in a violation of this Ordinance and shall be prosecuted in accordance with § 1.6.

3.2.4 BUILDING PERMITS AND/OR CERTIFICATES OF OCCUPANCY

3.2.4.1 Issuance of all building permits and/or certificates of occupancy shall come under the authority of the Inspections Division of the Sanford/Lee Community Development Department. Authority to issue such permits and/or certificates shall be based on the most recently adopted version of the North Carolina State Building Codes.

3.2.4.2 New construction projects which shall require a Building Permit and/or certificate of occupancy shall also require a Zoning Clearance Permit as set forth in this § 3.2.

3.2.5 SEDIMENTATION AND EROSION CONTROL PERMIT.

The applicant shall obtain a Sedimentation and Erosion Control Permit from the State of North Carolina for any land-disturbing activity subject to the Sedimentation and Pollution Control Act of 1973 (NCGS §§ 113A-50 to 113A-67), as may be amended from time to time.

3.2.6 SIGN PERMIT.

See § 11.3 of this Ordinance.

3.2.7 TEMPORARY USE PERMIT.

No Temporary Use subject to the Temporary Use Regulations (§ 5.34) of this Ordinance shall be established unless and until a Zoning Clearance Permit has been issued by the Department of Community Development.

Figure 3.2-1 - ADMINISTRATIVE PERMIT REVIEW PROCESS*
****Includes only administrative permit applications that are not required to obtain site plan approval as set forth in § 3.7 of this Ordinance.***

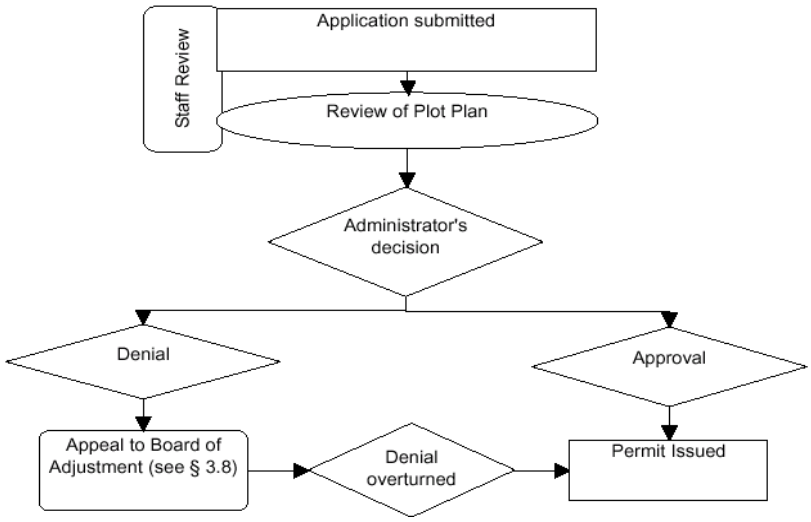

Figure 3.2-1

3.3 ZONING MAP AND TEXT AMENDMENTS

3.3.1 PURPOSE & APPLICABILITY.

(a) The purpose of this Section is to establish uniform procedures for processing changes to the Official Zoning Map ("rezonings") or for amendments to the text of this Ordinance

(b) The provisions of this Section apply to any application for an amendment to the text of this Ordinance, or for an amendment to the Official Zoning Map. An amendment to the Official Zoning Map which reclassifies property from one zoning district to another is known as a "rezoning."

3.3.2 INITIATION OF A ZONING MAP AMENDMENT (REZONING).

Any person, board, department or commission may apply for a change in zoning district boundaries (rezoning)except that third party applications for downzoning are prohibited. The prohibition on third party downzoning applications does not apply to local government initiated downzonings. §3.4. An amendment to the Official Zoning Map (a "Rezoning") may be initiated by filing an application with the Department of Community Development. Before any application is accepted by the Department of Community Development, the applicant should meet with the Department of Community Development. The purpose of the pre-application meeting is to discuss, in general, the procedures and requirements for a zoning amendment request. During the conference, the Department of Community Development will identify the submittal requirements.

3.3.3 DECISION.

3.3.3.1 The Department of Community Development shall transmit the application to the respective Local Planning Board (see § 2.3) for consideration at its next available meeting. In the case of a "small-scale" or a conditional zoning petition as cited in NCGS 160D-703, the Community Development staff shall also transmit a statement analyzing the "reasonableness" of the proposed rezoning (as required in NCGS 160D-605). Notice of the public hearing shall be provided as set forth in § 3.1.5 of this Ordinance. The Planning Board shall consider the request and act to recommend approval or denial of the zoning amendment in accordance with the procedures for a legislative hearing as set forth in § 3.1.5.2 of this Ordinance and in accordance with NGGS §160D-604. A majority vote is required for the Planning Board to recommend approval or denial of a zoning map amendment. The Planning Board shall transmit its recommendation to the Governing Body for consideration. In accordance with NCGS 160D-604(d), this recommendation shall include a statement that addresses: (a) the consistency/inconsistency of the petition with the Sanford/Lee County 2020 Land Use Plan, (b) why the Board considers the petition to be reasonable/unreasonable, and (c) why the Board

considers the petition to be in the public interest/not in the public interest.

3.3.3.2 Upon the recommendation of the Planning Board, the Department of Community Development shall then transmit the application to the appropriate Governing Body. The Governing Body shall consider the request and act to approve or deny the zoning map amendment by a majority vote , including cases in which the vote is taken on first reading.. The Governing Body shall approve or deny the zoning map amendment in accordance with the procedures for a legislative hearing as set forth in § 3.1.5.2 of this Ordinance. The Governing Body is not bound by the recommendation of the Planning Board. In accordance with NCGS 160D-605, the decision of the Governing Body shall include a statement that addresses: (a) the consistency/inconsistency of the petition with the Sanford/Lee County 2020 Land Use Plan, (b) why the Board considers the petition to be reasonable/unreasonable, and (c) why the Board considers the petition to be in the public interest/not in the public interest.

3.3.4 APPROVAL CRITERIA.

Whenever the public necessity, safety, or general welfare justifies such action, and after obtaining the recommendation by the Planning Board, the Governing Body may change zoning district boundaries. The Planning Board and the Governing Body should consider the following factors in reviewing an application for a rezoning:

- The size, physical conditions, and other attributes of the tract in question.
- Whether the proposal conforms with and furthers the goals of the Comprehensive Plan, other adopted plans, and the goals, objectives, and policies of this Ordinance.
- Any changed conditions in the area warranting the amendment, including the installation of public facilities, other zone changes, new growth trends, deterioration, and development.
- The benefits and detriments to the landowners, the neighbors, and the surrounding community.
- Why the action taken is in the public interest.
- The relationship between the current actual and permissible development and the development permissible under the proposed amendment.

3.3.5 INITIATION OF A ZONING TEXT AMENDMENT.

3.3.5.1 Any person, board, department, or commission may apply for a change in the text of this Unified Development Ordinance. An amendment to the text of this Ordinance may be initiated by filing an application with the Department of Community Development.

3.3.6 DECISION.

3.3.6.1 The Department of Community Development shall transmit the application to the Joint Planning Commission (see § 2.4) for consideration at its next available meeting. Notice of the public hearing shall be provided as set forth in § 3.1.5.2.4 of this Ordinance. The Joint Planning Commission shall consider the request and act to recommend approval or denial of the zoning text amendment in accordance with the procedures for a legislative hearing as set forth in § 3.1.5.2 of this Ordinance. A majority vote is required for the Joint Planning Commission to recommend approval or denial of a text amendment.

3.3.6.2 Upon the recommendation of the Joint Planning Commission, the Department of Community Development shall then transmit the application to the respective Local Planning Board (see § 2.3) for consideration at its next available meeting. Notice of the hearing shall be provided as set forth in § 3.1.5 of this Ordinance. The Local Planning Board shall consider the request and act to recommend approval or denial of the zoning text amendment in accordance with the procedures for a legislative hearing as set forth in § 3.1.7.4 of this Ordinance and in accordance with NCGS §160D-604. A majority vote is required for the Local Planning Board to recommend approval or denial of the text amendment. Upon the recommendation of the Local Planning Board, the Department of Community Development shall then transmit the application to the appropriate Governing Body. The Governing Body shall consider the request and act to approve or deny the text amendment by a majority vote. The Governing Body shall approve or deny the zoning amendment in accordance with the procedures for a legislative hearing as set forth in § 3.1.5.2 of this Ordinance. In accordance with NCGS 160D-605, the decision of the Governing Body shall include a statement that addresses: (a) the consistency/inconsistency of the petition with the Comprehensive Plan , (b) why the Board considers the petition to be reasonable/unreasonable, and (c) why the Board considers the petition to be in the public interest/not in the public interest.

3.3.7 RE-APPLICATION FOR A DENIED AMENDMENT.

3.3.7.1 In the event that an application for a rezoning or text amendment is denied by the Governing Body, the Department of Community Development shall refuse to accept another application for the same amendment within one year of the original hearing. For denied zoning map amendments, this rule shall apply to any attempt to rezone to a district that was denied on the same property or any portion of the same property within one year of the original hearing.

3.3.7.2 Reapplication from a denied general use district to a conditional zoning district shall constitute a different request and shall not be subject to the one-year prohibition as set forth in this § 3.3.7 if it can be demonstrated that the proposed conditional zoning district provides new substantive elements that could not be addressed via the denied attempt to obtain a general use zoning change. This determination shall be under the authority of the Administrator.

3.3.8 SCOPE OF APPROVAL

The approval of a zoning map or text amendment does not authorize any development activity. Application for a Zoning Clearance Permit and any other administrative permits required by § 3.2 of this Ordinance shall be required. If an amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land use map in the approved plan and no additional request or application for a plan amendment shall be required.

3.4 CONDITIONAL ZONING

3.4.1 PURPOSE.

3.4.1.1 Conditional Zoning Districts are zoning districts in which the development and use of the property is subject to site-specific conditions incorporated as part of the legislative decision creating the district and applying it to the particular property. A conditional zoning district allows particular uses to be established only in accordance with specific standards and conditions pertaining to each individual development project. Some land uses are of such a nature or scale that they have significant impacts on both the immediate surrounding area and on the entire community, which cannot be predetermined and controlled by general district standards. There are also circumstances in which a general district designation allowing such a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of these regulations, the adopted comprehensive plan, and adopted district and area plans.

3.4.1.2 There are two types of Conditional Zoning Districts available:

- Conditional Zoning District Type 1
- Conditional Zoning District Type 2

3.4.2 CONDITIONAL ZONING DISTRICT TYPE 1.

3.4.2.1 The Conditional Zoning District Type 1 is defined as a conditional zoning district created as a stand-alone district with its own unique conditions. Under a Conditional Zoning District Type 1, an owner would have the freedom to develop his/her own unique list of permitted uses and design standards. It is also understood that such a district would need to be designed so as to maintain the integrity and characteristics of the surrounding community as well as conform to the spirit and intent of the Zoning Ordinance. A Conditional Zoning District Type 1 would be most suitable in situations where none of the current conventional Zoning Districts accommodate the desired use(s), such as a large mixed-use planned development in which the owner/developer has a clear vision as to how the property is to be developed.

3.4.2.2 Only the property owner(s) of a proposed Conditional Zoning District Type 1 shall be eligible to apply for rezoning to a Conditional Zoning District, and all owners of property proposed for inclusion in the conditional zoning must petition for the rezoning.

3.4.2.3 The owner shall specify the use(s) of the property and shall propose additional conditions to ensure compatibility between the development and the surrounding neighborhood. The conditions shall include all of the following (as applicable):

- The location on the property of the proposed use(s);
- The number of dwelling units;
- The location and extent of supporting facilities such as parking lots, driveways, and access streets;
- The location and extent of buffer areas and other special purpose areas;

- The timing of development;
- The location and extent of rights-of- way and other areas to be dedicated for public purposes;
- And any other such conditions the applicant may wish to propose.

The application shall include a Site Plan and detailed narrative text that specifies the conditions that will govern the development and use of the property,

3.4.2.4 It is required that applicants consult with the Community Development staff prior to submission of an application for a Conditional Zoning District. The Community Development staff can assist the applicant in determining preliminary assessments regarding the appropriateness of the proposed conditions with respect to existing zoning and surrounding land use.

3.4.2.5 Applications for Conditional Zoning Districts shall be submitted and reviewed in the same procedural manner as set forth in Sections 3.3.2 through 3.3.4 of this Ordinance.

3.4.3 CONDITIONAL ZONING DISTRICT TYPE 2.

3.4.3.1 The Conditional Zoning District Type 2 is defined as a conditional zoning district created for the purpose of allowing a property owner to place additional conditions upon an existing, equivalent conventional, general use zoning district. Conditional Zoning District Type 2 would be the preferred zoning approach if a petitioner desired to (a) to reduce or narrow the number of permitted uses and/or (b) impose higher level design standards than that which exists within an equivalent general use zoning district. Conditional Zoning District Type 2 would also be practical in situations where a petitioner desires to install or construct additional buffers or other physical features that would serve to increase the protection afforded neighboring properties and/or the appearance of the proposed development.

Only the property owner(s) of a proposed Conditional Zoning District Type 2 shall be eligible to apply for rezoning to a Conditional Zoning District, and all owners of property proposed for inclusion in the conditional zoning must petition for the rezoning.

3.4.3.2 The owner shall specify the use(s) of the property and shall propose additional conditions to ensure compatibility between the development and the surrounding neighborhood. The conditions shall include all of the following (as applicable):

- The location on the property of the proposed use(s);
- The number of dwelling units;
- The location and extent of supporting facilities such as parking lots, driveways, and access streets;
- The location and extent of buffer areas and other special purpose areas;
- The timing of development;
- The location and extent of rights-of- way and other areas to be dedicated for public purposes;
- And any other such conditions the applicant may wish to propose.

3.4.3.3 The application shall include a site plan and detailed narrative text that specifies the conditions that will govern the development and use of the property.

3.4.3.4 It is required that applicants consult with the Community Development staff prior to submission of an application for a Conditional Zoning District. The Community Development staff can assist the applicant in determining preliminary assessments regarding the appropriateness of the proposed conditions with respect to existing zoning and surrounding land use.

3.4.3.5 Applications for Conditional Zoning Districts shall be submitted and reviewed in the same procedural manner as set forth in Sections 3.3.2 through 3.3.4 of this Ordinance.

3.4.4 SCOPE OF APPROVAL.

3.4.4.1 Any conditions in association with a Conditional Zoning District and so authorized shall be perpetually binding upon the property included in such Conditional Zoning District unless subsequently changed or amended as provided for in this Article. However, minor modifications that do not involve a change in uses permitted or the density of overall development permitted may be reviewed and approved administratively by the Administrator. Minor modifications may include, but are not limited to, location and orientation of buildings; layout and location of streets, sidewalks, amenities and utilities; changes to lot or parcel lines; plant material in required buffers or islands; and size or location of signage.

3.4.4.2 The applicant shall obtain certification of the approval of the Conditional Use District, and shall record the legal description and accompanying map

exhibit/site plan in the office of the register of deeds of Lee County.

3.4.4.3 If for any reason any condition imposed pursuant to these regulations is found to be illegal or invalid, or if the applicant should fail to accept any of the conditions of approval, the Conditional Zoning District shall be deemed null and void and the governing body shall initiate proceedings to rezone the property to its previous zoning classification. Continued or repeated violation of the conditions in an approved Conditional Zoning District shall constitute an applicant's failure to accept said conditions.

3.4.4.4 Any violation of a condition in an approved Conditional Zoning District shall be treated the same as any other violation of this Ordinance and shall be subject to the same remedies and penalties as any such violation.

3.4.4.5 The approval of a zoning map or text amendment does not authorize any development activity. Application for a Zoning Clearance Permit and any other administrative permits required by § 3.2 of this Ordinance shall be required.

3.4.5 RE-APPLICATION FOR A DENIED AMENDMENT.

Reapplication after denial of an application for a Conditional Zoning District shall be treated in the same manner as set forth in Section 3.3.7 of this Ordinance.

3.5 SPECIAL USE PERMITS

3.5.1 APPLICABILITY.

3.5.1.1 The purpose of this Section is to establish procedures and standards for the processing and approval of Special Use Permits. Special Use permits provide a form of discretionary approval for certain uses which are generally compatible with the land uses permitted by right in a zoning district, but which require individual review of their location, design, and configuration. Special Uses ensure the appropriateness of the use at a particular location within a given zoning district.

3.5.1.2 Only those uses that are enumerated as Special Uses in a zoning district, as set forth in the Use Matrix (§ 4.6, Table 4.6-1 of this Ordinance), shall be authorized by the Board of Adjustment.

3.5.2 APPROVAL PROCEDURE

3.5.2.1 No special use permit shall be authorized, developed, or otherwise carried out until the applicant has secured approval of the special use by the Board of Adjustment and approval of a final site plan by the Administrator.

3.5.2.2 Applications for special use permit approvals shall be filed with the Administrator. Pre-application meetings with the Administrator prior to filing are required.

3.5.2.3 Major site plan applications (see Appendix B) shall be filed concurrently with special use permit applications. The information shall be provided to the Board of Adjustment during their deliberations.

3.5.2.4 The Board of Adjustment shall conduct a quasi-judicial hearing in accordance with the requirements of § 3.1.5.3 of this Ordinance. The Board of Adjustment shall deny the request, approve the request; or approve the request with conditions.

3.5.2.5 The Board of Adjustment may place conditions on the use as part of the approval to assure that adequate mitigation measures are associated with the use. Any conditions proposed by the Board must be agreed to in writing by the applicant. The conditions shall become a part of the special use permit approval and shall be included in the final site plan application.

3.5.2.6 Violations of any of the conditions shall be treated in the manner as set forth in §1.6 of this Ordinance.

3.5.2.7 An application for a special use permit that has been denied may be resubmitted only if there has been a substantial change in circumstances, as determined by the Administrator, or if substantial revisions have been made to the application for development approval (see § 3.5.6 for further restrictions on reapplication).

3.5.2.8 Minor field alterations or minor revisions to approved special uses may be approved by the Administrator if the special use still meets the intent of the standards established with the original approval. Minor alteration/revisions shall be limited to changes that do not increase the intensity, density, or character of the use. If the Administrator determines that the change is not minor, the Applicant shall apply for a revised Special Use Permit. The applicant may appeal

the decision of the Administrator to the Board of Adjustment.

3.5.3 APPROVAL CRITERIA.

Uses permitted subject to Special Use review shall be permitted only if the applicant demonstrates to the Board of Adjustment that:

3.5.3.1 The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved,

3.5.3.2 The use meets all required conditions and specifications,

3.5.3.3 The use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity, and

3.5.3.4 The location and character of the use, if developed according to the plan submitted and approved, will be in harmony with the area in which it is located and in general conformity with all adopted land use plans.

3.5.3.5 The Board may impose additional conditions upon granting the Special Use Permit so long as said conditions are reasonable and appropriate.

3.5.4 ADDITIONAL STUDIES FOR CERTAIN LAND USES.

3.5.4.1 Upon determining that the proposed use will have particular impacts potentially inconsistent with any of the above approval criteria, the County may retain the services of a consultant mutually acceptable to it and the applicant to conduct a study of such impacts as related to the above criteria. The applicant shall pay a fee as part of the special use permit application for the cost of the consulting services incurred by the County, and the report of the study results shall be submitted to and approved by the County prior to issuance of the special use permit.

3.5.4.2 This section 3.5.4 shall apply only to those land uses requiring a Special Use Permit and as listed within the "Industrial and Manufacturing" or "Transportation, Communications and Utilities" land use subcategories as found in the Permitted Use Matrix (§ 4.6, Table 4.6-1 of this Ordinance).

3.5.5 VOTING.

A majority of the members of the Board of Adjustment shall be required to decide on whether or not to grant a Special Use Permit. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

3.5.6 SCOPE OF APPROVAL AND VESTED RIGHT.

3.5.6.1 The approval of a Special Use permit shall authorize the applicant to apply for final site plan approval pursuant to § 3.6 of this Ordinance. All approvals of Special Use permits require approval of the site plan. Any Special Use permit approval shall become null and void if a required site plan is not approved within 24 months after the date of the approval.

No Zoning Clearance Permit may be issued until the final major site plan and Special Use permits are approved. Approval of a Special Use permit does not authorize any development activity.

3.5.6.2 Minor field alterations or minor revisions to approved Special Uses may be approved by the Department of Community Development if the Special Use still meets the intent of the standards established with the original approval. Minor alteration/revisions shall be limited to changes that do not increase the intensity, density, or character of the use. If the Department of Community Development determines that the change is not minor, The Applicant shall apply for a revised Special Use Permit. The applicant may appeal the decision of the Department of Community Development to the Board of Adjustment.

3.5.6.3 Violations of any of the conditions shall be treated in the manner as set forth in §1.6 of this Ordinance.

3.5.7 RECORDATION

The applicant shall obtain certification of the approved Special Use Permit from the Clerk to the Board and shall record this Order in the office of the register of deeds of Lee County. The Applicant must provide the Department of Community Development a copy of the recorded notification, affixed with the Register's seal

and the date, book and page number of recording in order to receive approval of the application for a zoning clearance.

3.5.8 SUBSEQUENT APPLICATIONS

In the event that an application for a Special Use Permit is denied by the Board of Adjustment, the Board of Adjustment shall refuse to accept another application for the same amendment on the same property or any portion of the same property within one (1) year of the original hearing. However, the Board of Adjustment may consider such application within that time if relevant evidence that was not reasonably available at the time of the original hearing is presented.

3.6 SITE PLAN REVIEW

3.6.1 PURPOSE.

The site plan review provisions and regulations of this Section are intended to promote the safe, functional, and aesthetically pleasing development of property and to ensure that new structures, utilities, streets, parking, circulation systems, yards, and open spaces are developed in conformance with the standards of this Ordinance. The site plan review considers the siting of structures and related site improvements to promote harmonious relationships with adjacent development.

3.6.2 MAJOR/MINOR SITE PLAN DEFINED.

No application for development approval in the following categories shall be approved unless a site plan has been approved in accordance with the procedures prescribed in this Section.

(a) The following shall require MINOR SITE PLAN approval:

- An application for development approval requesting a non-residential use or any multi-family dwelling unit, which is permitted by right in the applicable zoning district.
- Any application for approval of a use for which a site plan is required pursuant to Article Five of this Ordinance.

(b) The following applications shall require MAJOR SITE PLAN approval:

- Any application for approval of a Planned Unit Development (PUD), Traditional Neighborhood Development (TND), or Transit- Oriented Development (TOD) district.
- An application for approval of a Special Use permit.

(c) The foregoing approvals shall be referred to in this Section as the "Underlying Zoning Application."

3.6.3 EXEMPTIONS.

Detached single-family dwelling units and duplex developments on individual lots of record shall be exempt from the provisions of this section. Detached single-family dwelling units and duplexes on individual lots of record shall be reviewed in accordance with § 3.2.3.

3.6.4 CONFORMITY WITH APPROVED PLAN.

Development activities subject to the requirements of this Section may be carried out only in substantial conformance with the approved site plan and attached any conditions or restrictions. Any substantial deviation from the approved site plan, unless approved in advance and in writing by the Department of Community Development, shall be deemed a violation of this Ordinance. Further, no certificate of compliance shall be issued if the development activities do not conform to the approved site plan

3.6.5 APPROVAL PROCEDURE FOR MINOR SITE PLANS.

Approval of a Minor Site Plan is a one-step process. The Applicant submits a Minor Site Plan for approval by the Department of Community Development and an application for a Zoning Clearance Permit. If the site plan is complete, but does not conform to the provisions of this Ordinance and/or required conditions (if applicable), the Department of Community Development shall deny the site plan and return to applicant for revision and resubmission

3.6.6 APPROVAL PROCEDURE FOR MAJOR SITE PLANS.

3.6.6.1 GENERALLY.

Approval of a Major Site Plan is a two-step process. As the first step, the Applicant submits a Preliminary

Site Plan for review by the Department of Community Development, which is accompanied by an application for a Special Use permit, conditional zoning, or a rezoning to a zoning district for which a Major Site Plan is required. As the second step, after the decision-making agency renders its decision on the underlying zoning map amendment and/or Special Use permit application, the applicant files a final site plan for approval by the Department of Community Development and an application for a Zoning Clearance Permit.

3.6.6.2 PRELIMINARY SITE PLAN.

(a) The Department of Community Development shall determine whether the application for a preliminary site plan is complete as prescribed in Appendix B.

(b) If the preliminary site plan is complete, the Department of Community Development shall forward the application, along with the zoning amendment or Special Use permit application, to the Planning Commission as prescribed in § 3.4, or the Board of Adjustment as prescribed in § 3.5. If the preliminary site plan is incomplete, the Department of Community Development shall return it to the applicant with a statement of the reasons why the proposed preliminary site plan does not conform to the provisions of Appendix B.

3.6.6.3 FINAL SITE PLAN.

After a final decision to approve, or approve with conditions the zoning map amendment or Special Use permit application and preliminary site plan, , the applicant may file an application for Final Site Plan approval. The final site plan shall be prepared and submitted to the Department of Community Development.

3.6.7 FINAL INSPECTION.

The Department of Community Development shall inspect the site for compliance with the approved site plan before a Zoning Clearance Permit is issued for the project. The Department of Community Development will write a letter to the applicant stating any deficiencies.

3.6.8 SCOPE.

3.6.8.1 The Department of Community Development will sign and date the site plan to indicate approval. Approval shall become effective immediately.

3.6.8.2 The owner of a use or property subject to the site plan will be notified if site plan approval must be suspended. Suspension is caused by 1.) violation of any applicable provision of this section, or 2.) failure to comply with any applicable required conditions.

3.6.8.3 If ownership changes of the site plan or structure in question, the site plan approval remains valid.

3.7 VARIANCES

3.7.1 PURPOSE.

The purpose of this Section is to protect the rights of applicants, landowners, and affected persons by providing procedures for variances from the provisions of this UDO. This Section implements the provisions of NCGS § 160D-705.

3.7.2 APPLICABLITY.

This Section applies to any an application for a variance as prescribed in NCGS § 160D-705.

3.7.3 DECISION.

3.7.3.1 The application shall be considered by the appropriate Board of Adjustment following receipt of a complete application and appropriate notification of meeting. The Board of Adjustment shall conduct a hearing on the appeal pursuant to the procedures established in NCGS § 160D-406 and §3.1.5.3 of this Ordinance.

3.7.3.2 Appeals from the decision of the Board of Adjustment shall be filed with the Clerk of the local government jurisdiction, within 30 days of the final decision of the Board. The Board of Adjustment's decision shall be considered a final decision upon filing of the Board's Order in the Clerk to the Board's office.

3.7.4 APPROVAL CRITERIA.

3.7.4.1 When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

(a) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

(b) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

(c) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

(d) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

3.7.4.2 No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other ordinance that regulates land use or development may provide for variances consistent with the provisions of this subsection.

3.7.4.3 Voting. The concurring vote of four- fifths of the board shall be necessary to grant a variance. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite supermajority if there are no qualified alternates available to take the place of such members.

3.7.5 APPLICATION FOR VARIANCE.

A variance is not a right. It may be granted to an applicant only if the applicant establishes compliance with the criteria established in NCGS § 160D-705.

3.8 APPEALS

3.8.1 PURPOSE.

The purpose of this Section is to protect the rights of applicants, landowners, and affected persons by providing procedures to hear and decide appeals from decisions of administrative officials charged with enforcement of the unified development ordinance and may hear appeals arising out of any other ordinance that regulates land use or development. This Section implements the provisions of NCGS § 160D-405.

3.8.2 APPLICABILITY.

This Section applies to any of the following:

(1) appeals from and review any order, requirement, decision, or determination made by an administrative official charged with enforcing this Ordinance, as prescribed in NCGS §§ 160D-405.

3.8.3 PROCEDURES

3.8.3.1 The board of adjustment shall hear and decide appeals decisions of administrative officials charged with enforcement of the zoning or unified development ordinance and may hear appeals arising out of any other ordinance that regulates land use or development, pursuant to all of the following:

a) Any person who has standing under G.S. 160D-1402 or the local government with jurisdiction over the location of the property at issue may appeal a decision to the board of adjustment. An appeal is taken by filing a notice of appeal with the Clerk to the Board of Adjustment. The notice of appeal shall state the grounds for the appeal.

b) The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.

c) The owner or other party shall have 30 days from receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.

d) It shall be conclusively presumed that all persons with standing to appeal have constructive

notice of the decision from the date a sign containing the words "Zoning Decision" or "Subdivision Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided the sign remains on the property for at least 10 days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision.

e) The official who made the decision shall transmit to the board all documents and exhibits constituting the record upon which the action appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.

f) An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the board of adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board of adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations, the appellant may request and the board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.

g) Subject to the provisions of subsection (f) of this subsection, the board of adjustment shall hear and decide the appeal within a reasonable time. A majority vote of the members shall be required to decide an appeal from a decision of the Administrator or any other quasi-judicial matter (except a Variance) or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

h) The official who made the decision or the person currently occupying that position if the decision-maker is no longer employed by the local government, shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the city would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing. The board of adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision.

i) i) When hearing an appeal pursuant to G.S. 160D-947(e) or any other appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in G.S. 160D-1402.

j) The parties to an appeal that has been made under this subsection may agree to mediation or other forms of alternative dispute resolution. The ordinance may set standards and procedures to facilitate and manage such voluntary alternative dispute resolution.

SANFORD-BROADWAY-LEE COUNTY UNIFIED DEVELOPMENT ORDINANCE

ARTICLE 4. ZONING DISTRICT REGULATIONS

Summary: This Article divides the County of Lee into districts for the purpose of regulating the use of lands within the districts, as well as dimensional requirements and other standards applicable to construction, reconstruction and alterations of such uses. This Article establishes a series of basic zoning districts, overlay districts (Airport Overlay, Floodplain Overlay, Watershed Protection Overlays, Historic Overlays, and Watershed Conservation Overlay(s) within which additional standards may apply, and "floating zones" (PUD, TND, and TOD districts) which may be designated by request of the applicant. Refer to Article 5 for additional regulations applicable to particular uses.

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4.1 PURPOSE

The City of Sanford, Town of Broadway, and Lee County are hereby zoned and divided into districts. The purpose of establishing these districts is:

- To implement the Comprehensive Plan;
- To promote the health, safety, morals, or the general welfare;
- To provide for the orderly growth and development of the County of Lee and for the efficient use of community resources (land, water, roads, etc.);
- To lessen congestion in the streets;
- To secure safety from fire, panic, and other dangers.
- To facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

4.2 PURPOSE AND INTENT

4.2.1 PURPOSE AND INTENT.

This § 4.2 establishes base, overlay, and conditional zoning districts in accordance with the requirement of NCGS § 160D-703 that zoning regulation be by districts.

4.2.2 GENERAL USE ZONING DISTRICTS.

Lee County, within the incorporated area and extraterritorial jurisdiction of the City of Sanford and Town of Broadway, and the unincorporated areas of Lee County, as shown on the Official Zoning Map accompanying this Ordinance and incorporated herein by this reference, is hereby divided into the following general use zoning districts which shall be governed by all of the uniform use and area requirements of this Ordinance, the respective symbol for each type of district being set forth opposite its title:

RA	Residential Agricultural District
RR	Residential Restricted District
R-20	Residential Single-Family District
R-14	Residential Single-Family District
R-12SF	Residential Single-Family District
R-12	Residential Mixed District
R-10	Residential Mixed District
R-6	Residential Mixed District
MF-12	Multifamily District
NC	Neighborhood Commercial District
HC	Highway Commercial District
O&I	Office and Institutional District
C-1	Light commercial and Office District
C-2	General Commercial District
CBD	Central Business District
LI	Light Industrial District
HI	Heavy Industrial District
PUD	Planned Unit Development District
TND	Traditional Neighborhood Development District

4.2.3 OVERLAY DISTRICTS.

In accordance with the authority provided by NCGS § 160D-703, the County of Lee hereby establishes the following overlay districts which shall be governed by all of the uniform use and area requirements of this Ordinance. Within these overlay districts, additional requirements are imposed on certain properties within one or more underlying general or Conditional Use Districts. The symbol for each type of district is as follows:

AO	Airport Overlay District
H	Historic Overlay District
MHP	Manufactured Home Park Overlay District
WCOD	Watershed Conservation Overlay District
RDSOD	Residential Design Standards Overlay District

4.2.4 CONDITIONAL ZONING DISTRICTS (TYPE 1).

Conditional Zoning Districts Type 1 may be established in accordance with § 3.4 of this Ordinance. Conditional Zoning Districts Type 1 are unique, stand-alone zoning districts that have no relationship to the Ordinance's general use zoning districts as listed in § 4.2.2.

4.2.5 CONDITIONAL ZONING DISTRICTS (TYPE 2).

As an alternative to the Type 1 Conditional Zoning District, a property owner may petition for a Conditional Zoning Districts that correspond to the above-referenced base zoning districts, and which are identical to the general use zoning districts with the exception that additional conditions are applied as set forth in § 3.4.3 of this Ordinance. The following is a listing of Conditional Zoning Type 2 Districts and their corresponding symbols.

RA-C	Residential Agricultural Conditional Zoning District
RR-C	Restricted Residential Conditional Zoning District
R-20-C	Residential Single-Family Conditional Zoning District
R-14-C	Residential Single-Family Conditional Zoning District
R-12SF-C	Residential Single-Family Conditional Zoning District
R-12-C	Residential Mixed Conditional Zoning District
R-10-C	Residential Mixed Conditional Zoning District
R-6-C	Residential Mixed Conditional Zoning District
MF-12-C	Multifamily Conditional Zoning District
NC-C	Neighborhood Commercial Conditional Zoning District
HC-C	Highway Commercial Conditional Zoning District
O&I-C	Office and Institutional Conditional Zoning District
C-1-C	Light Commercial and Office Conditional Zoning District
C-2-C	General Commercial Conditional Zoning District
CBD-C	Central Business Conditional Zoning District
LI-C	Light Industrial Conditional Zoning District
HI-C	Heavy Industrial Conditional Zoning District

4.2.6 ADDITIONAL ZONING DISTRICTS.

Additional zoning districts may be added from time to time upon the recommendation of the Planning Commission to the Governing Body pursuant to § 3.3 of this Ordinance. Proposed changes to the zoning district regulations or the Official Zoning Map, including the addition of new zoning districts, may be submitted by the Planning Commission or any other interested party.

4.3 PURPOSE STATEMENTS

The purpose of this Section is to implement the land use policies of the Comprehensive Plan. Pursuant to NCGS §§ 160D-604 and 160D-605, all zoning ordinances or regulations adopted pursuant to this Ordinance shall state whether the the action is consistent or inconsistent with the Comprehensive Plan. If an amendment is adopted which is inconsistent with the adopted plan the amendment shall have the effect of also amending the land use map.. This Section describes the relationship between the various zoning districts and the Comprehensive Plan and a summary of each development district in form. However, to the extent that there is any inconsistency between the tabular summary and the specific provisions of § 4.6 et seq. of this Ordinance, the provisions of § 4.6 et seq. shall prevail.

4.3.1 PURPOSE STATEMENTS FOR GENERAL USE ZONING DISTRICTS.

RA RESIDENTIAL AGRICULTURAL DISTRICT.

The RA (Residential Agricultural) district is established to provide areas for low density single family uses, low intensity agricultural operations as well as agri-business and supportive industrial and commercial uses. Industrial operations are not permitted unless they clearly support an agricultural use. RA zoning protects and preserves valuable agricultural areas, implements agricultural protection zoning, establishes performance standards for rural businesses, preserves rural areas, preserves pasture land and agriculture, sets maximum permissible densities or new zoning districts, defines specific areas for rural commercial uses, and identifies areas appropriate for agricultural preservation.

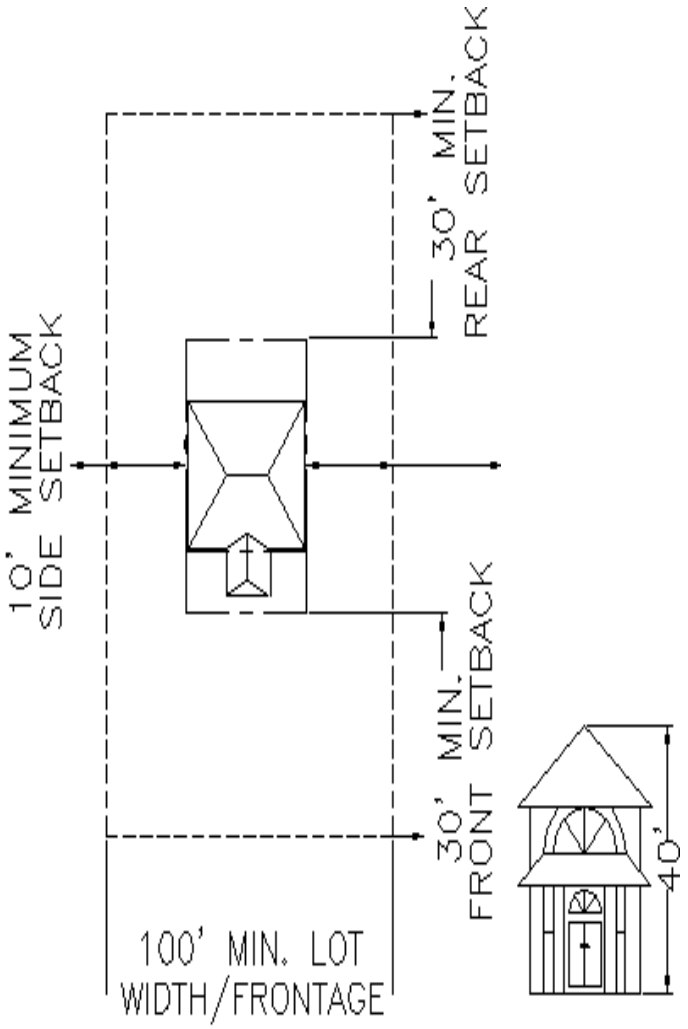


FIGURE 1: RESIDENTIAL AGRICULTURE (RA)
40,000 SQ. FT. MINIMUM LOT SIZE

RR RESTRICTED RESIDENTIAL DISTRICT.

The RR district is established to provide areas for low-density single-family uses, with a maximum of one and one-half (1.5) dwelling units per acre. Property zoned RR should include only those tracts which abut or are in close proximity to existing large-lot single family development, making RR an appropriate transition district between rural, agricultural, and suburban uses.

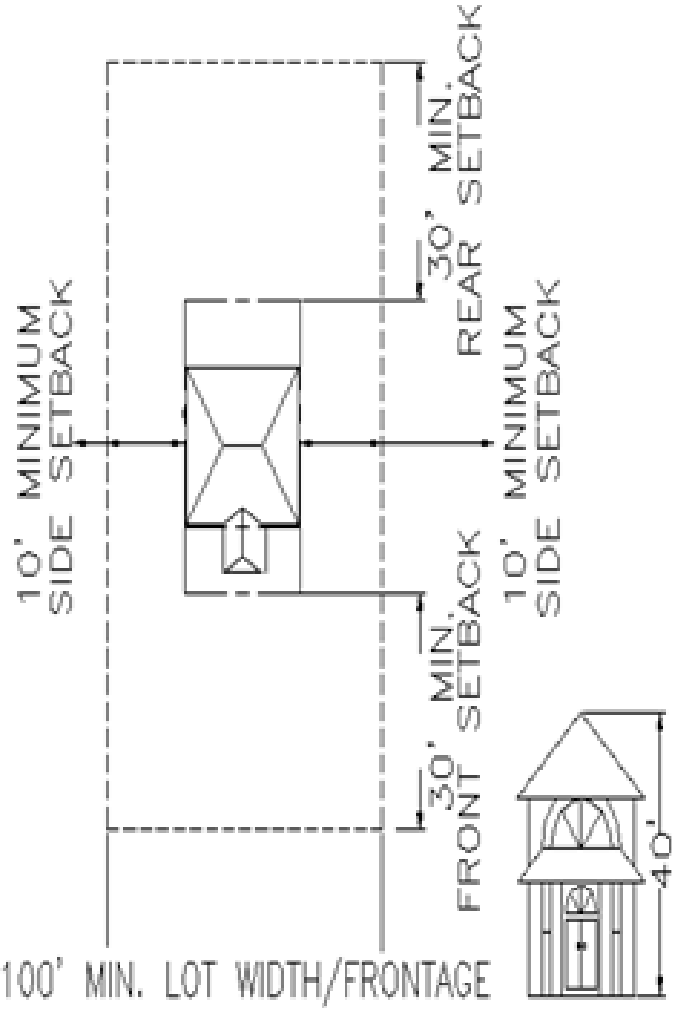


FIGURE 2: RESTRICTED RESIDENTIAL (RR)
30,000 SQ. FT. MINIMUM LOT SIZE

R-20 RESIDENTIAL SINGLE-FAMILY DISTRICT.

The R-20 district is established to provide areas for low-density single-family uses, with a maximum of two (2) dwelling units per acre, which may provide buffers between the agricultural and R-20 classifications and the higher density areas of the County of Lee. It includes density and minimum lot size requirements in order to allow for market and design flexibility while preserving the neighborhood character.

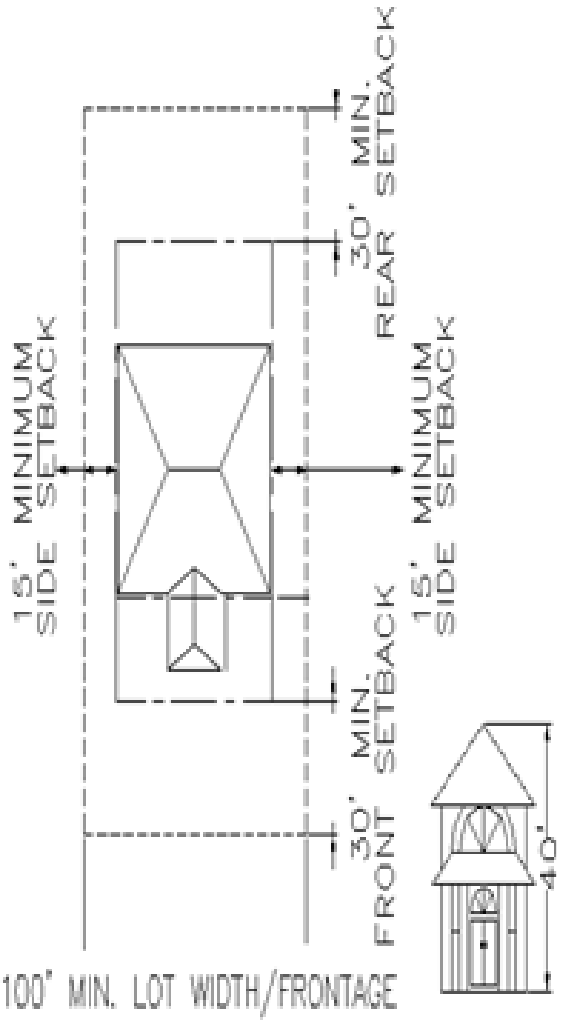


FIGURE 3: RESIDENTIAL SINGLE-FAMILY (R-20)
20,000 SQ. FT. MINIMUM LOT SIZE

R-14 RESIDENTIAL SINGLE-FAMILY DISTRICT.

The R-14 district is established to provide areas for medium density, single-family residential uses, with a maximum of three (3) dwelling units per acre, where adequate public facilities and services exist with capacity to serve development. R-14 provides minimum lot size and density requirements in order to allow for market and design flexibility while preserving the neighborhood character.

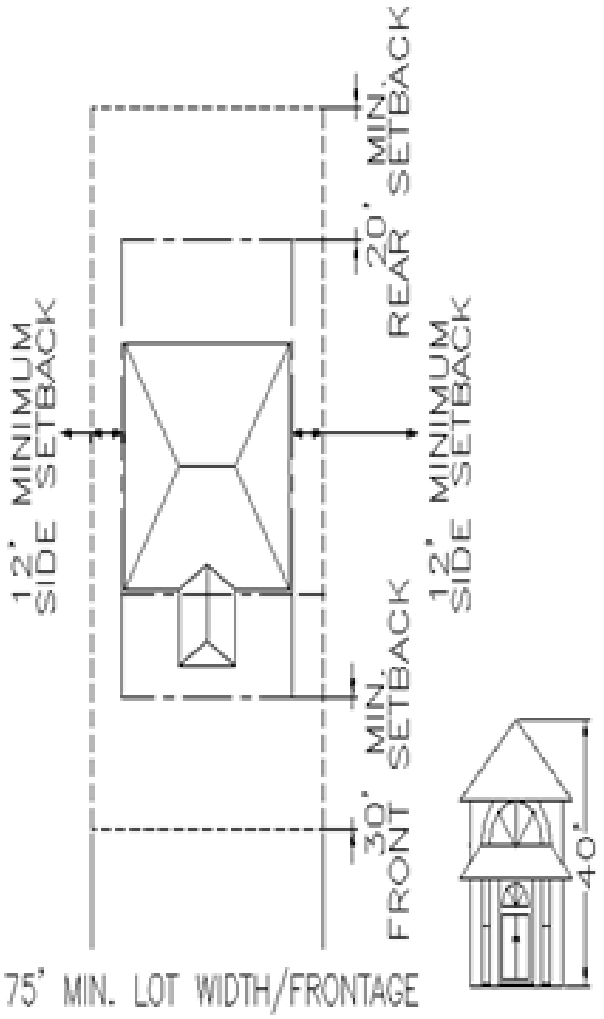


FIGURE 4: RESIDENTIAL SINGLE-FAMILY (R-14)
14,000 SQ. FT. MINIMUM LOT SIZE

R-12SF RESIDENTIAL SINGLE-FAMILY DISTRICT.

The R-12SF district is established to provide areas for detached single-family homes, with a maximum of three and one-half (3.5) dwelling units per acre, in areas where large-lot development is discouraged and adequate public facilities and services are available. This district provides minimum lot size and density requirements in order to allow for market and design flexibility while preserving the neighborhood character.

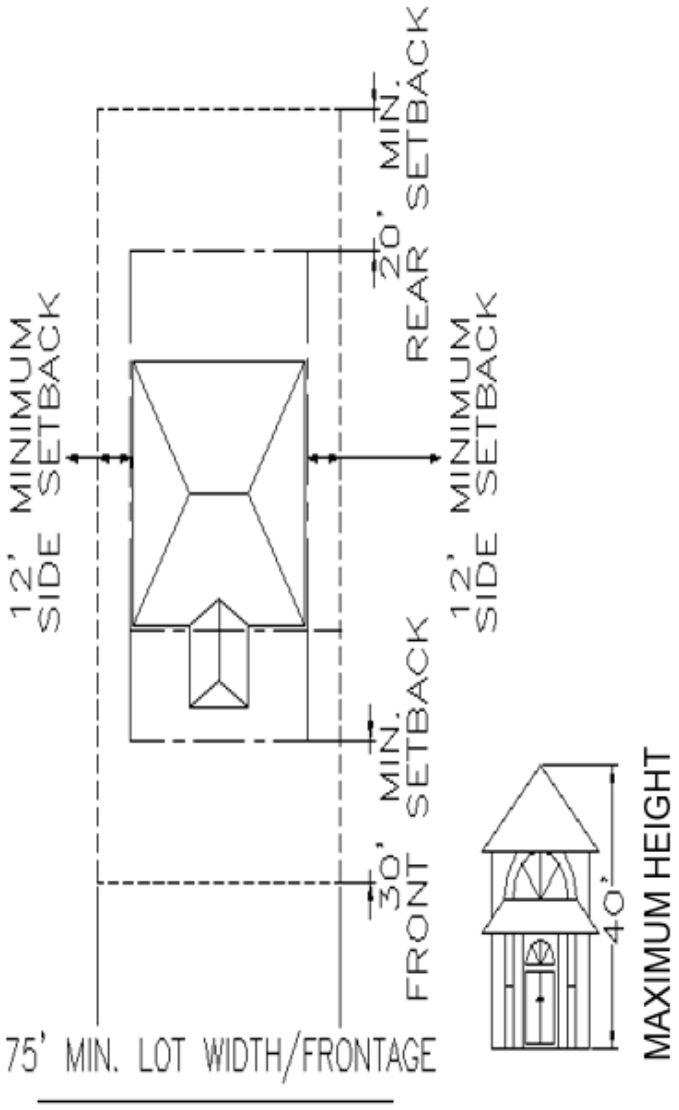


FIGURE 5: RESIDENTIAL SINGLE-FAMILY (R-12SF)
12,000 SQ. FT. MINIMUM LOT SIZE

R-12 RESIDENTIAL MIXED DISTRICT.

The R-12 district is established to provide areas for a mix of residential dwelling types with a maximum of three and one-half (3.5) dwelling units per acre, in areas where large-lot development is discouraged and adequate public facilities and services are available. This district provides minimum lot size and density requirements in order to allow for market and design flexibility while preserving the neighborhood character.

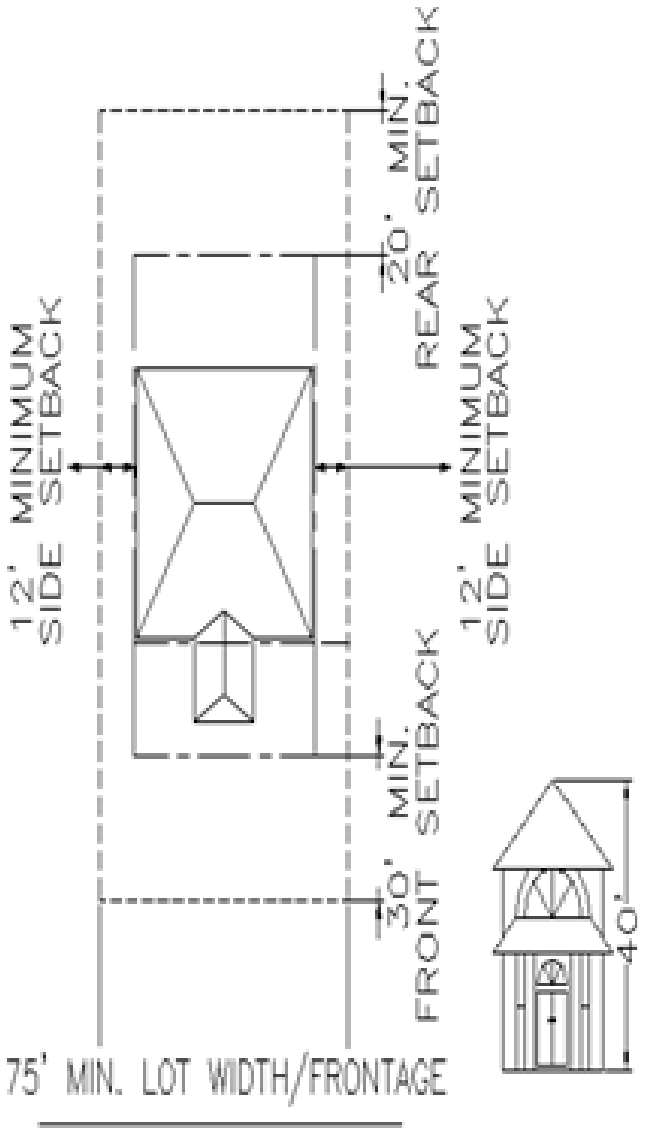


FIGURE 5A: RESIDENTIAL MIXED (R-12)
12,000 SQ. FT. MINIMUM LOT SIZE

R-10 RESIDENTIAL MIXED DISTRICT.

The R-10 district is established to provide areas for a mix of residential styles with a maximum of up to four (4) dwelling units per acre, where adequate public facilities and services exist with capacity to serve development. This district provides a minimum lot size and density requirements in order to allow for market and design flexibility while preserving the neighborhood character.

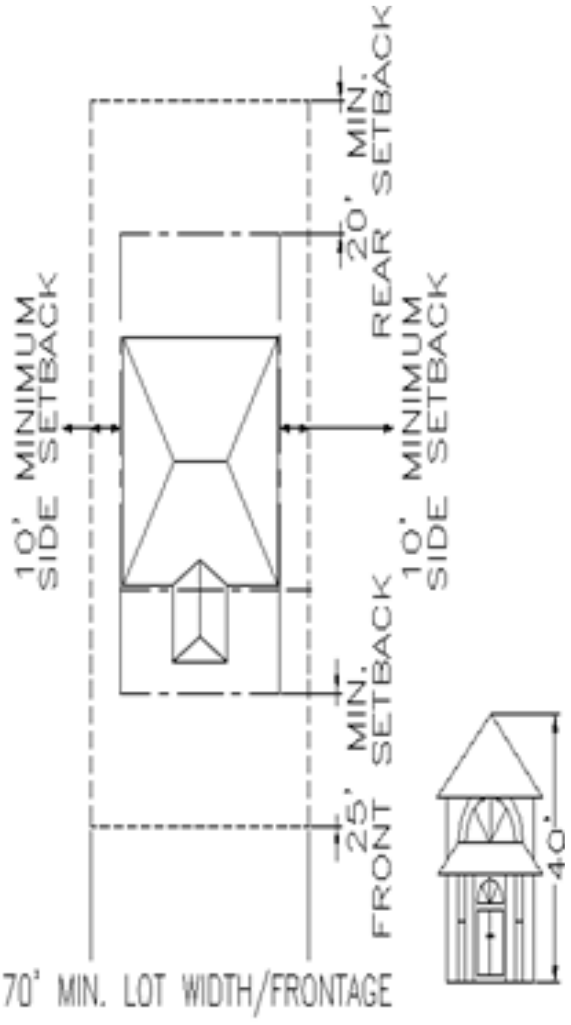


FIGURE 6: RESIDENTIAL SINGLE-FAMILY (R-10)
10,000 SQ. FT. MINIMUM LOT SIZE

R-6 RESIDENTIAL MIXED DISTRICTS.

The R-6 district is established to provide higher density residential living opportunities with compact development consisting of the full spectrum of residential unit types where adequate public facilities and services are available. Unit types may include single family attached dwellings, townhouses, duplexes and apartments, with a maximum of seven (7) dwelling units per acre except as otherwise provided in this Ordinance. R-6 may serve as a transitional district between lower density residential and low intensity commercial uses. This district is intended to allow a mix of residential unit types and densities to provide a balance of housing opportunities while maintaining neighborhood compatibility. R-6 supports the principles of concentrating urban growth and reinforcing existing community centers.

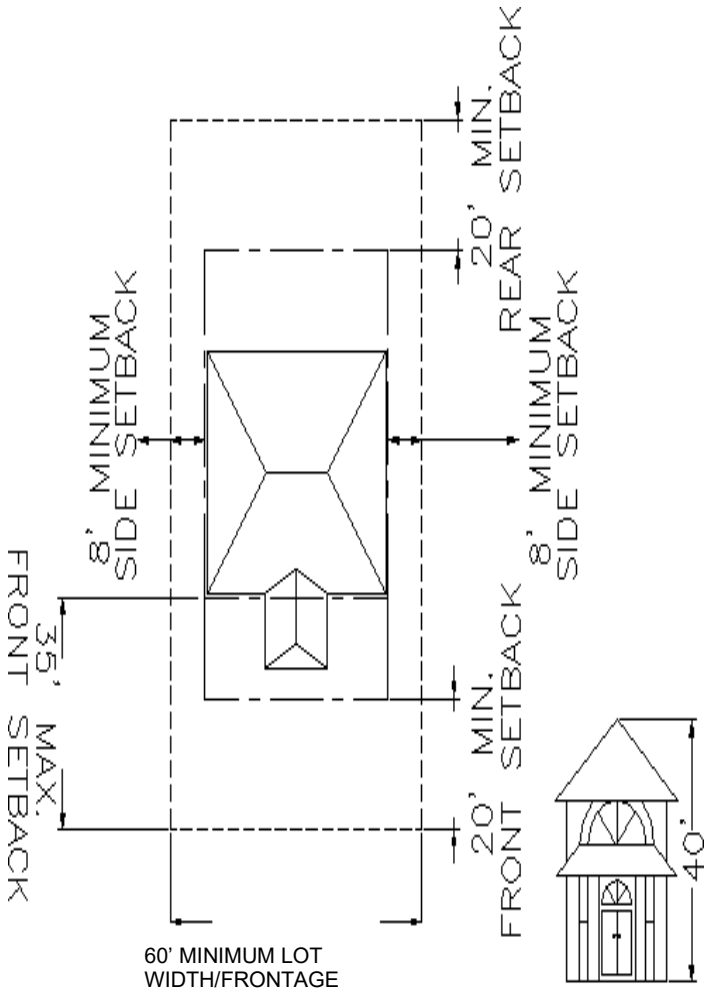


FIGURE 7: RESIDENTIAL MIXED (R-6)
6,000 SQ. FT. MINIMUM LOT SIZE

MF-12 MULTI-FAMILY DISTRICT

A MF-12 Multi-family district permit multi- family uses with a maximum density of up to 12 units per acre, depending on unit size. A MF- 12 district designation may be applied to a use in a residential neighborhood that contains a mixture of single family and multi-family uses or in an area for which limited density multi- family use is appropriate. A MF-12 district may be used as a transition between a single family and higher intensity uses. MF-12 districts are appropriate in areas containing a variety of dwelling types, or in single-family areas at the intersection of Local Roads and Collector or higher order streets. MF-12 districts are appropriate in locations where affordable housing is needed. MF-12 districts shall be designated only in areas with central water and sewer.

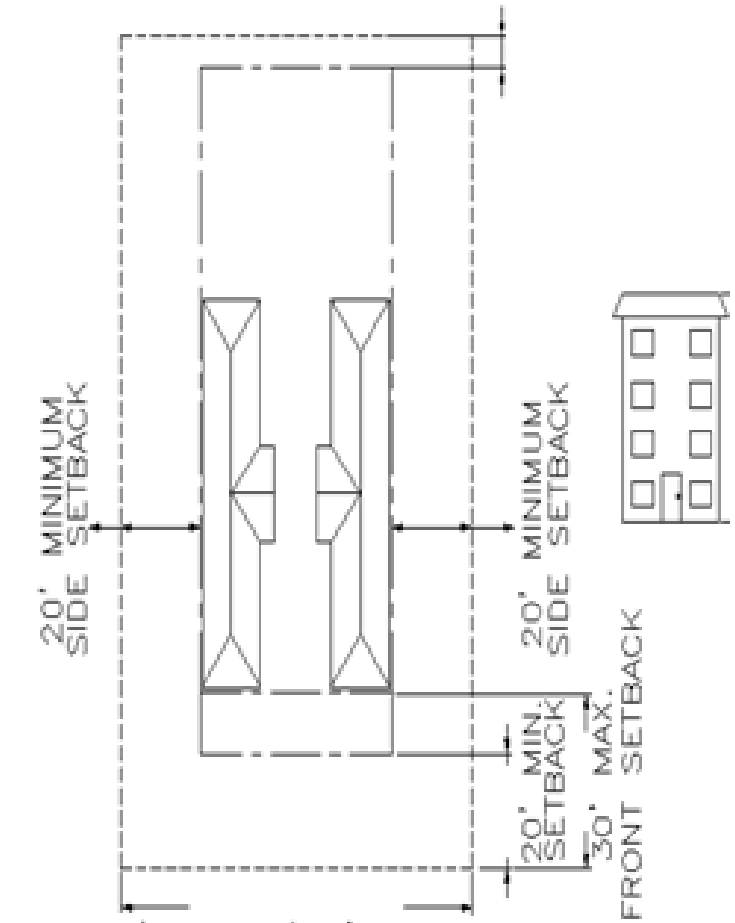
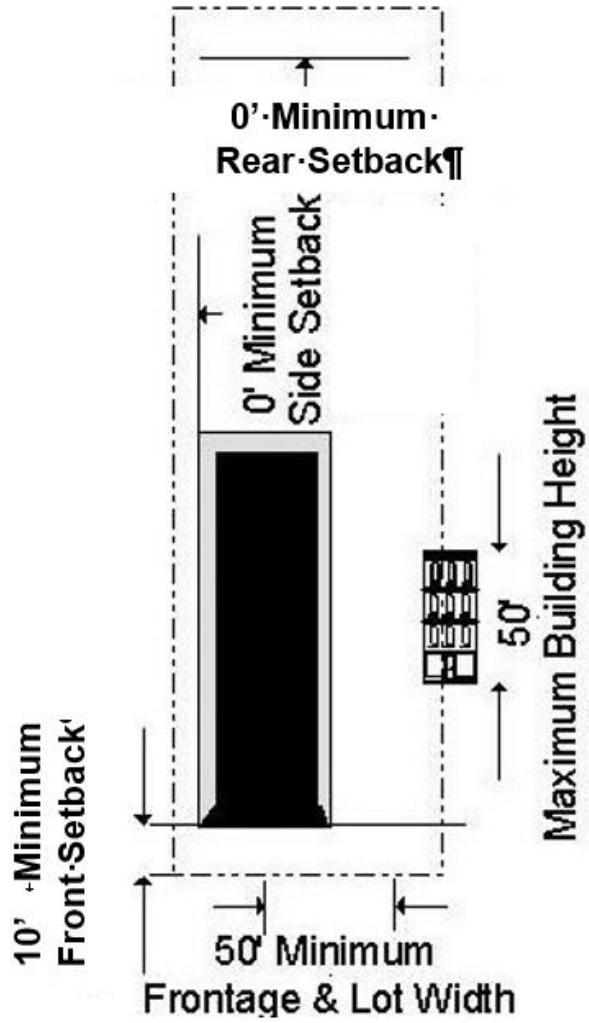


FIGURE 8: MULTIFAMILY (MF-10 & MF-15) DIMENSIONAL STANDARDS

NC NEIGHBORHOOD COMMERCIAL DISTRICT.

The NC district is established to provide small areas for office and professional services combined with shop front retail uses, shops for artisans and craftsmen, designed in scale with surrounding residential uses. This district provides a balance of residential and non- residential land use opportunities reflecting the economic needs of residents and business owners. Location of NC districts should include lots, parcels or tracts located at the intersections of collector streets, including collector/collector and minor thoroughfare/ collector, except where an existing building or structure used as permitted in the NC District has been established prior to the adoption of this Ordinance on a parcel subject to an application for rezoning. The distance shall be measured between the closest boundaries of the two (existing and proposed) districts.



Figure·10:·Neighborhood·Commercial·(NC)·dimensional· standards¶

CBD CENTRAL BUSINESS DISTRICT.

The "CBD" district is established to provide concentrated downtown retail, service, office and mixed uses (including residential uses) in the existing central business districts. Shopping centers are permitted, but design standards are required in order maintain a neighborhood commercial scale, to promote pedestrian activity, and to maintain the unique character of the center. Pedestrian circulation is required as are common parking areas. The "CBD" district promotes the long-term vitality of the central business districts. No rezoning to a "CBD" District is appropriate unless the lot, parcel or tract subject to the application adjoins an existing "CBD" zoning district.

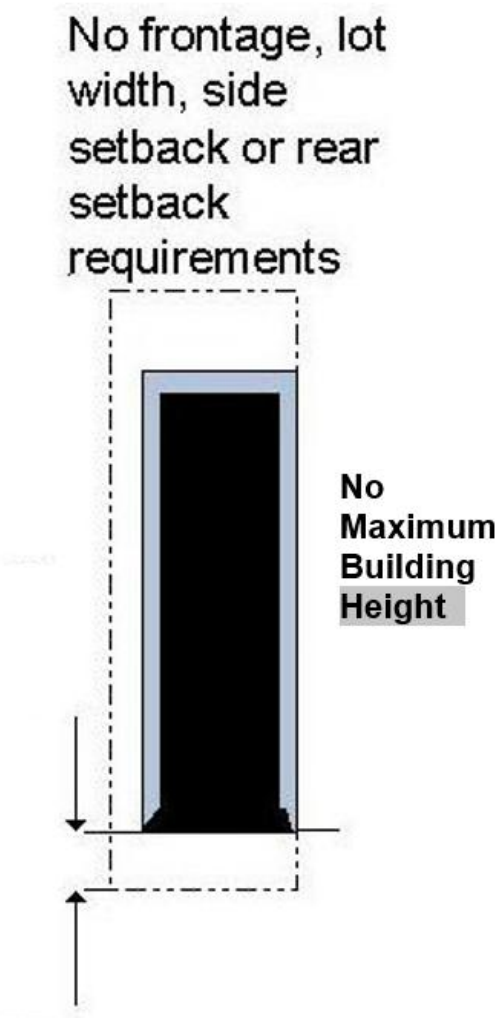


Figure 11: Central Business District (CBD) dimensional standards

O&I OFFICE & INSTITUTIONAL DISTRICT

The Office & Institutional District is established to provide for agencies and offices rendering specialized services and traditional institutional functions (both public and private) including, but not limited to, governmental facilities, cultural and recreational facilities, educational facilities and charitable institutions.

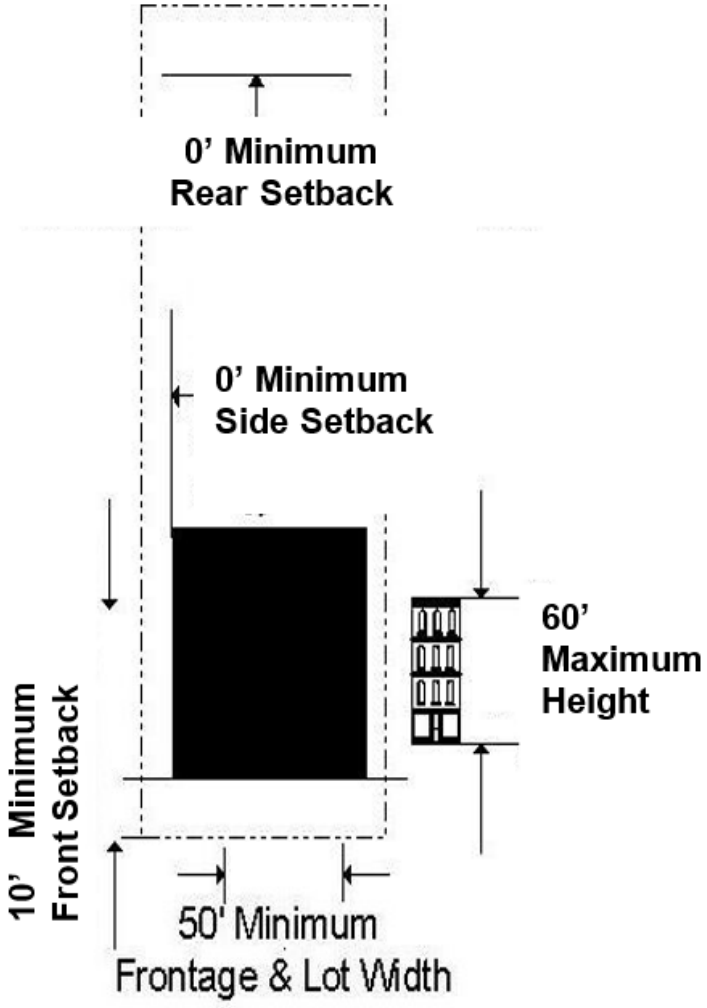


Figure12: Office & Institutional (O&I) dimensional standards

C-1 LIGHT COMMERCIAL & OFFICE DISTRICT

The C-1 district is established to provide areas for indoor retail, service and office uses. The purpose of the C-1 district is to accommodate well-designed development sites that provide excellent transportation access, make the most efficient use of existing infrastructure and provide for an orderly transition between uses. C-1 Zones should be located in areas which continue the orderly development and concentration of moderate commercial uses. C- 1 zones should be located on or within proximity to major and/or minor thoroughfares.

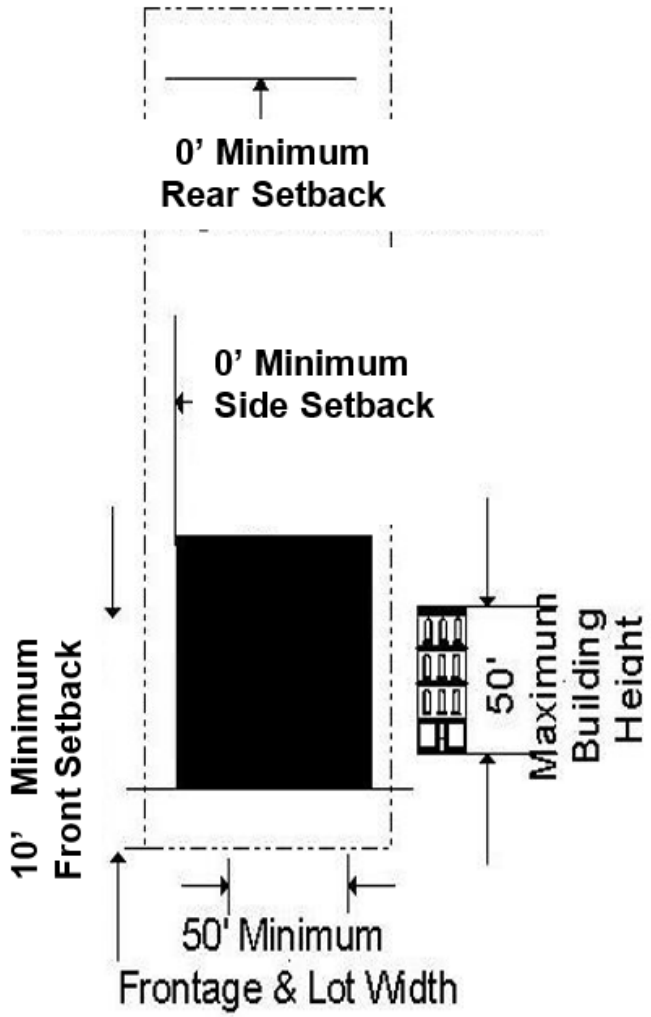


Figure13: Light Commercial & Office (C-1) dimensional standards

C-2 GENERAL COMMERCIAL DISTRICT.

The "C-2" district is established to provide areas for general commercial activities designed to serve the community such as shopping centers, repair shops, wholesale businesses, and retail sales with limited outdoor display of goods and limited outdoor operations. This district promotes a broad range of commercial operations and services necessary for large regions of the County, providing community balance. "C-2" zones should be located on or within proximity to major thoroughfares. This shall not apply where an existing building or structure used as permitted within the "C-2" District has been established prior to the adoption of this Ordinance on a parcel subject to an application for rezoning.

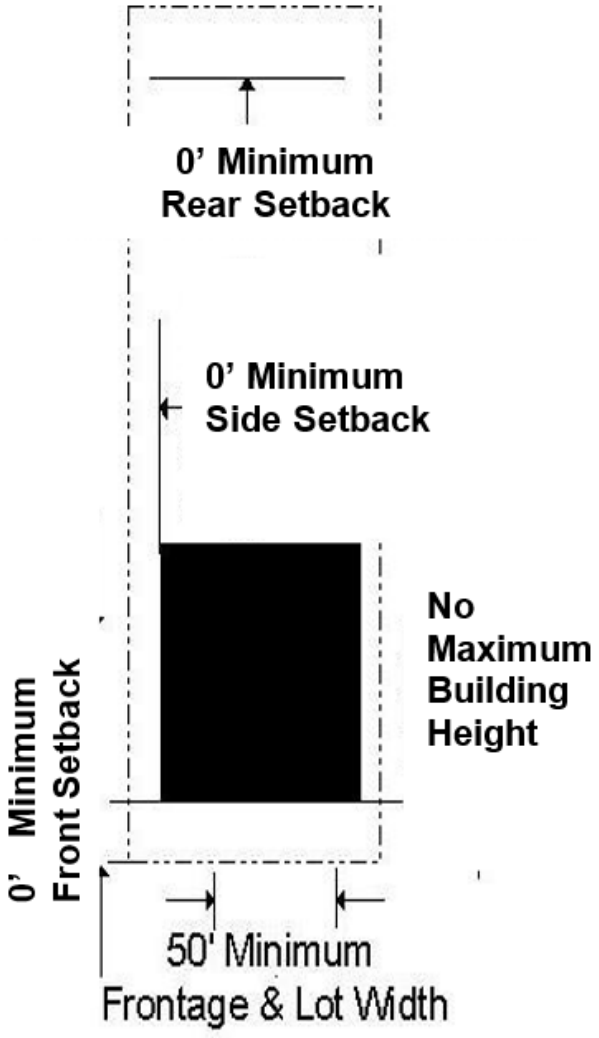


Figure 14: General Commercial (C-2) dimensional standards

HC HIGHWAY COMMERCIAL

The purpose of the highway commercial (HC) is to accommodate uses that depend upon a large flow of traffic and convenient access, such as retailing of durable goods, the provision of commercial services to industrial areas, and the provision of services to tourists.

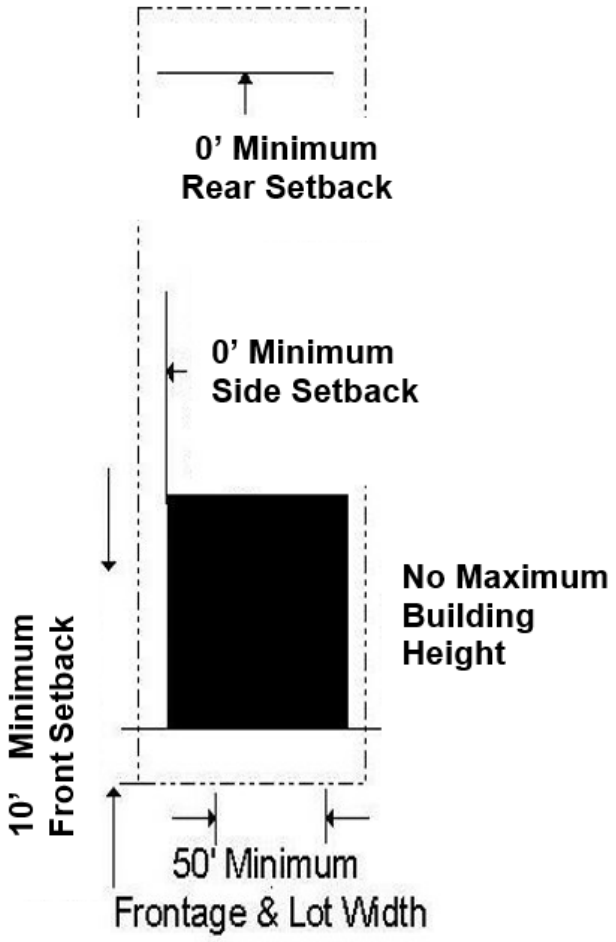


Figure 15: Highway Commercial (HC) dimensional standards

LI LIGHT INDUSTRIAL DISTRICT.

The LI district is established to provide for areas that contain a mix of light manufacturing uses, office park and limited retail and service uses that service the industrial uses in an attractive business park setting with proper screening and buffering, all compatible with adjoining uses. LI districts should include areas which continue the orderly development and concentration of light industrial uses. LI zones should be located so as to have direct access to or within proximity to a major or minor thoroughfare. This shall not apply where an existing building or structure used as permitted within the LI District has been established prior to the adoption of this Ordinance on a parcel subject to an application for rezoning.

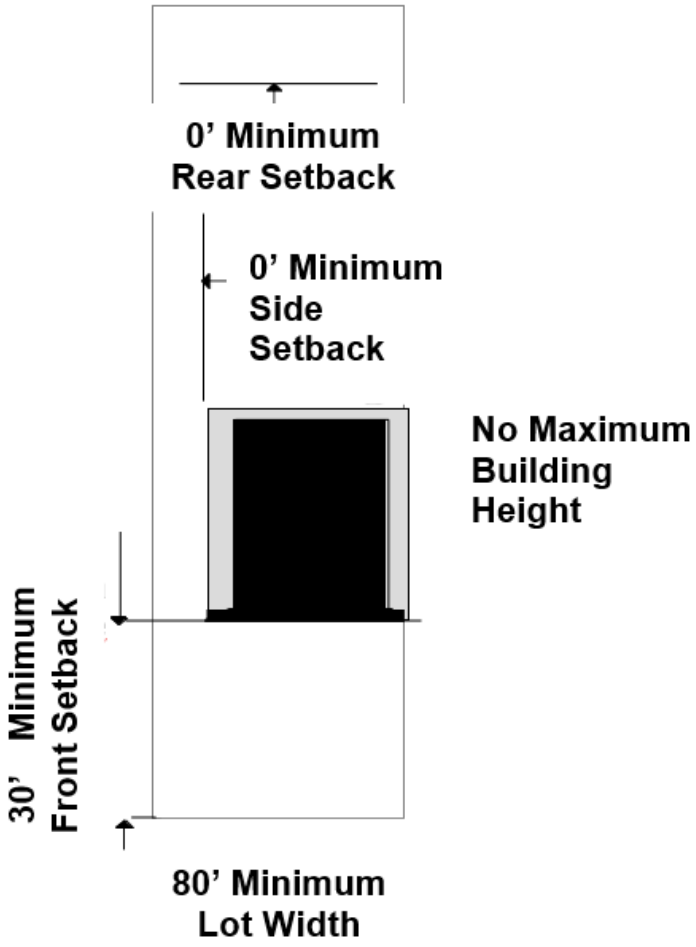


Figure 16: Light Industrial (LI) dimensional standards

HI HEAVY INDUSTRIAL DISTRICT.

The HI district is established to provide for areas of heavy manufacturing, concentrated fabrication, manufacturing and industrial uses which are suitable based upon adjacent land uses, access to transportation and the availability of public services and facilities. It is the intent of this district to provide an environment for industries that is unencumbered by nearby residential or commercial development. HI should be located in areas where conflicts with other uses can be minimized to promote orderly transitions and buffers between uses. The HI district is established in order to provide sites for activities which involve major transportation terminals, and manufacturing facilities that have a greater impact on the surrounding area than industries found in the LI district. HI districts should not be located adjacent to any property that is zoned for residential use, including mixed-use developments with an adjacent residential designation. HI zones should be restricted so as to have direct access to or within proximity to a major or minor thoroughfare. This shall not apply where an existing building or structure used as permitted within the HI District has been established prior to the adoption of this Ordinance on a parcel subject to an application for rezoning.

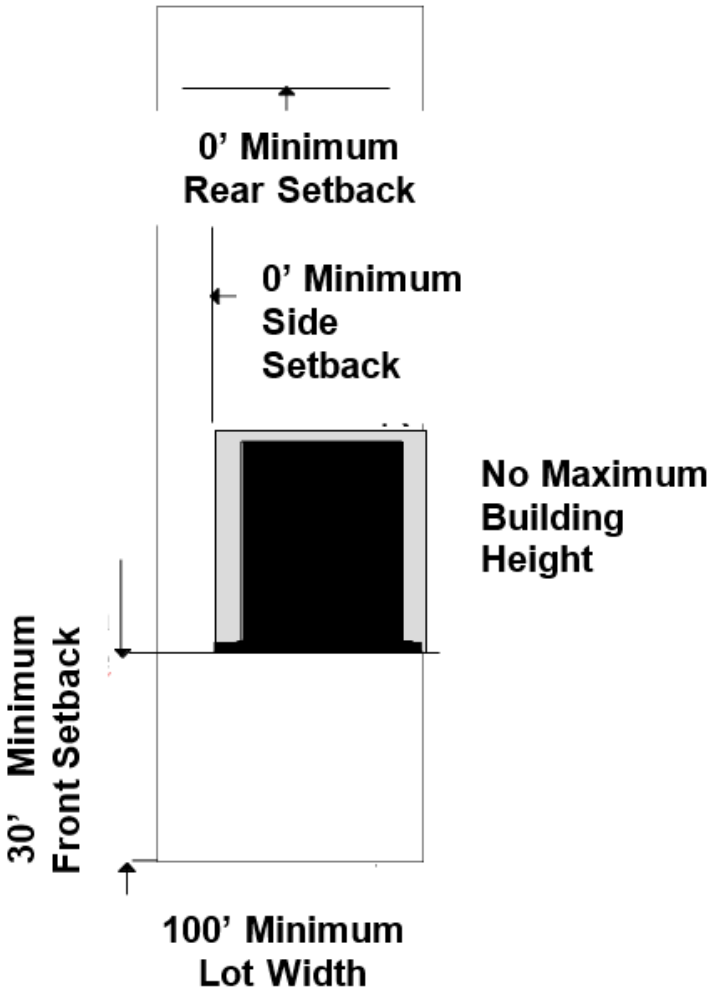


Figure 17: Heavy Industrial (HI) dimensional standards

4.3.2 PURPOSE STATEMENT FOR OVERLAY ZONING DISTRICTS.

The overlay zone creates special siting, use and compatibility issues which require use development regulations in addition to those found in the underlying zoning districts. If any regulation in an overlay zoning district requires lower densities, greater setbacks, or otherwise imposes greater standards than those required by the base zoning district, the more restrictive standard applies. See §§ 4.11 through 4.15 for the purpose statements and regulations applicable to the overlay zoning districts.

4.3.3 PURPOSE STATEMENTS FOR FLOATING ZONES.

Certain floating zones, such as PUD, TND, and TOD are established in order to provide design flexibility and for special design regulations for mixed use development or large uses which provide special public benefits. The purpose statement for each floating zone is set forth in the regulations pertaining to the district.

4.4 ZONING MAP

4.4.1 The boundaries of zoning districts established by this Ordinance shall be designated on a map or maps entitled Official Zoning Map(s) of the County of Lee. These maps and all references and dates shown thereon shall be certified by the Chairman of the Lee County Commissioners, the Mayor of the City of Sanford, and the Mayor of the Town of Broadway. The Official Zoning Map is hereby incorporated by reference as set forth in its entirety herein, and may be referred to as Article 4, § 4.4 of the UDO.

4.4.2 The Official Zoning Map shall be located in the Department of Community Development. A copy of the Official Zoning Map shall be kept on file with the Clerk of the City of Sanford, Town of Broadway, and Lee County. Changes thereto shall be clearly shown on the Official Zoning Map when officially adopted by the City of Sanford, Town of Broadway, and/or Lee County.

4.4.3 The Official Zoning Map shall bear a stamp showing the effective date of this Ordinance and shall:

- Be certified by the Department of Community Development
- Be identified by the signatures of the County Commission Chairman and the Mayors
- Be attested by the County of Lee Clerk
- Bear the seal of the County of Lee under the words: "Official Zoning Map, Sanford/Lee County/ Broadway".

4.4.4 If a zoning district is eliminated and there is no corresponding zoning district classification on the Official Zoning Map, the property shall remain subject to all restrictions, regulations and conditions imposed under the zoning ordinance in effect at the time that the Official Zoning Map previously in effect was effective unless and until the zoning classification of the property is amended pursuant to this Ordinance.

4.4.5 If a property is zoned as a conditional zoning district at the time of adoption of this ordinance, it shall remain subject to all terms, conditions, and restrictions of approval under the zoning ordinance in effect prior to the adoption of this Ordinance.

4.5 ZONING DISTRICT BOUNDARIES

4.5.1 Unless otherwise provided, zoning district boundaries shall be located on municipal corporate lines, section lines, parcel lines, natural boundary lines or on the center lines of highways, streets, alleys, or railroad rights-of-way. In cases where these lines are not used, the zoning district lines shall be as determined by using the scale of the Official Zoning Map. If a parcel of land is divided by a zoning district boundary line at the time of enactment of this Ordinance or by subsequent amendments thereto, the appropriate standards and uses for each zone shall apply on the portion of the parcel covered by that zone.

4.5.2 Any dispute as to the boundary or location of property within a zoning district shall be resolved in accordance with the following criteria. When a district boundary is shown as approximately following a street, highway, alley, road, right-of-way, parkway, public utility right-of-way, railroad, stream or watercourse, the boundary shall be deemed to be the centerline of such feature.

- Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- Boundaries indicated as approximately following established municipal limits and county borders shall be construed as following such lines.
- Boundaries indicated as separated from but approximately parallel to any of the features indicated above, or any land marked or monumental line, shall be deemed to be parallel

to the aforesaid centerline or railroad track mid-point.

- Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- Where a street, highway, railroad or other physical monument or marker on the ground, by which a boundary is determined, varies from that as shown on the Official Zoning Map, the physical monument or marker located on the ground shall control. Where physical or cultural features, such as flood plains, vary from those shown on the Official Zoning Map, or in other circumstances not covered above, the Department of Community Development shall determine the district boundaries.

4.6 USE REGULATIONS (INCLUDES PERMITTED USE MATRIX)

4.6.1 GENERALLY.

No use shall be permitted pursuant to this Ordinance, and no Development Permit authorizing a use may be authorized, issued, or approved by any officer, official, or agency, unless said use is listed as a permitted or Special Use in this § 4.6 and all applicable permits and approvals have been issued by the agency or official with final decision-making authority. Those uses permitted as Primary Uses or Buildings within each zoning district shall be those uses listed in the Use Matrix (Table 4.6-1) and as forth in § 4.6, below.

4.6.2 PRIMARY USES.

No Zoning Clearance Permit shall be issued for a Primary use not specifically mentioned or described by category in the Use Matrix (Table 4.6-1). Notwithstanding any provision of this Section to the contrary, uses which are preempted by state statute are not listed in the Use Matrix, and may be permitted in accordance with state law.

4.6.2.1 INTERPRETATION OF USE MATRIX.

The use categories listed in the first column of Table 4.6-1 are defined in this Ordinance, the LBCS or in other resources cross-referenced in this Ordinance. In determining whether a use is permitted by right, permitted as a Special Use, or prohibited within each zoning district, the following rules of construction apply:

4.6.2.2 PUD AND TND EXCLUDED.

Uses in the PUD and TND Districts shall be governed by their respective Sections in this Ordinance and shall not be subject to Table 4.6-1.

P	Permitted Uses. The letter "P" indicates that the listed use is permitted by right within the zoning district. Permitted uses are subject to all other applicable standards of this Ordinance.
D	Permitted Uses with Development Regulations. The letter "D" indicates that the use is also subject to development regulations as prescribed in Article 5. The use may be permitted as of right or as a Special Use, but will also be subject to the requirements of Article 5 Supplemental Development Regulations.
S	Special Uses. The letter "S" indicates that the listed use is permitted within the respective zoning district only after review and approval of a Special Use Permit, in accordance with the review procedures of § 3.5 of this Ordinance. Special Uses are subject to all other applicable standards of this Ordinance and those requirements that may reasonably be imposed by the County of Lee consistent with the criteria set forth in § 3.5 of this Ordinance and any Development Regulations which apply to said use.
-	Prohibited Uses. A dash ("–") indicates that the listed use type is not allowed within the respective zoning district, unless it is otherwise expressly allowed by other regulations of this Ordinance.

4.6.3 ACCESSORY AND TEMPORARY USES.

Permitted Accessory Uses and permitted Temporary Uses are set forth in Article 5 of this Ordinance. If a Primary use is listed as prohibited in a Zoning District, but is permitted as an Accessory Use in § 5.1 of this Ordinance, the use is permitted only as an Accessory Use to a Principal Use or Principal Building on the same lot, tract or parcel. Such uses cannot be established unless and until there is a Principal Use or Principal Building on the same lot, tract or parcel to which that use is accessory.

4.6.4 USES NOT LISTED.

4.6.4.1 The Department of Community Development shall make a determination if a use not mentioned could reasonably be interpreted to fit into a use category where similar uses are described. It is the intent of this Article to group similar or compatible land uses into specific zoning districts, either as permitted uses or as uses authorized by a Special Use permit. In the event that a particular use is not listed in the Use Matrix, and such use is not listed as a prohibited use and is not otherwise prohibited by law, the Department of Community Development shall determine whether a materially similar use exists in this Section.

4.6.4.2 Should the Department of Community Development determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Department of Community Development's decision shall be recorded in writing. The Department of Community Development may determine that a use is materially similar if the use is listed as within the same Structure or Function classification as the use specifically enumerated in the Use Matrix, as determined by the Land- Based Classification Standards ("LBCS") of the American Planning Association. The use shall be considered materially similar if it falls within the same LBCS classification.

4.6.5 INTERPRETATION OF LAND BASED CLASSIFICATION STANDARDS (LBCS).

In order to assist in interpretation of the Use Matrix, the LBCS numbers precede each use in the Use Matrix. In interpreting the Use Matrix, the following rules of construction shall apply:

- If a use is listed for a specific classification, while a more general classification within the same industry classification is also listed for another use, the specific classification governs. The specific use is not permitted in all districts where the uses coded to the general classification are permitted simply because they share a similar code number. The numbers increase as the classifications get more specific.
- Some uses are listed separately, but fall within the same LBCS classification. The uses within one such classification are not permitted in all of the zoning districts as the others simply because they fall within the same LBCS classification.

Example: "Restaurant, with incidental consumption of alcoholic beverages" is coded as LBCS Structure 2220. A "Restaurant, no consumption of alcoholic beverages permitted" is also coded as Structure 2220. The former is listed as a prohibited use in District X. It is not considered a permitted use in X simply because it falls within the same LBCS classification as the latter use.

Table 4.6 –1 PERMITTED USE MATRIX:

Key: "P" means permitted as of right, "S" means permitted as a special use, "D" means development regulations apply (see Article 5), "A" means permitted only as an accessory use, "-" means prohibited. Section numbers as provided in the use column(i.e. § 5.1) provide additional reference regarding the supplemental design standards as found within other sections of this Ordinance.
Refer to Appendix A or the sources referred to under "Land Use Coding" for specific definitions of uses.

Use	*LBCS Function*	*LBCS Structure*	*RA Residential Agricultural*	*RR Restricted Residential*	*R-20 Residential Single-Family*	*R-14 Residential Single-Family*	*R-12SF Residential Single-Family*	*R-12 Residential Mixed*	*R-10 Residential Mixed*	*R-6 Residential Mixed*	*MF-12 Multifamily*	*NC Neighborhood Commercial*	*HC Highway Commercial*	*C-1 Light Commercial & Office*	*C-2 General Commercial*	*O&I Office& Institutional*	*CBD Central Business District*	*LI Light Industrial*	*HI Heavy Industrial*
Accessory uses																			
Accessory uses (see § 5.1)	1130		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Urban Beekeeping (see 5.44)																	P/D		
Residential Uses																			
Accessory Dwellings (see § 10.4)	1100	1130	P/D	P/D	-	-	-	S/D	S/D	-	-	-	-	-	-	-	-	-	-
Building, Mixed Use - Mixed commercial and residential use where commercial use is primary on first floor, with dwellings occupancy second floors or above (no unenclosed storage) (see §5.35)		2300	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/D	-	-
Dwelling, Duplex (two-family dwelling)	1100	1121	P	-	-	-	-	P	P	P	P	-	-	-	-	S	-	-	-
Dwelling, Manufactured home, Class A **Unincorporated Lee County and Town of Broadway only** (see § 10.5)	1100	1150	P/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	See also - Class A Manuf. Home permitted by right in MH overlay districts																		
Dwelling, Manufactured home, Class A **City of Sanford only** (see § 10.5)	1100	1150	S/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	See also - Class A Manuf. Home permitted by right in MH overlay districts																		
Dwelling, Manufactured home, Class B **Unincorporated Lee County only** (see § 10.5)	1100	1150	P/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	See also - Class B Manuf. Home permitted by right in MH overlay districts																		
Dwelling, Manufactured home, Class B **City of Sanford and Town of Broadway only** (see § 10.5)	1100	1150	S/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	See also - Class B Manuf. Home permitted by right in MH overlay districts																		
Dwelling, Manufactured home, Class C **Unincorporated Lee County only** (see § 10.5)	1100	1100	S/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	See also – Class C Manuf. Home permitted as a special use in MH overlay districts																		
Dwelling, Manufactured home, Class C **City of Sanford and Town of Broadway only** (see § 10.5)	1100	1100	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	See also – Class C Manuf. Home permitted as a special use in MH overlay districts																		
Dwelling, Modular home	1100	1110	P	P	P	P	P	P	P	P	P	-	-	-	-	S	-	-	-
Dwelling, Multifamily (three or more units) (see § 10.3)	1100	1200	-	-	-	-	-	P/D	P/D	P/D	P/D	-	-	-	-	S/D	-	-	-
Dwelling, Single-family attached (see § 10.3)	1100	1120	-	-	-	-	-	P/D	P/D	P/D	P/D	P/D	-	-	-	S/D	-	-	-
Dwelling, Single-family detached	1100	1110	P	P	P	P	P	P	P	P	P	-	-	-	-	S	-	-	-
Home Occupations (see § 5.16)			P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D
Manufactured Home for Hardship **Unincorporated Lee County only** (see § 10.6)			P/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Manufactured Home Park (see § 4.11)	1100	1100	Manuf. Home Parks only permitted within a MH overlay district																
Rural Family Occupation Commercial/Industrial **Unincorporated Lee County only** (see § 5.30)			S/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-		

Use	*LBCS Function*	*LBCS Structure*	*RA Residential Agricultural*	*RR Restricted Residential*	*R-20 Residential Single-Family*	*R-14 Residential Single-Family*	*R-12SF Residential Single-Family*	*R-12 Residential Mixed*	*R-10 Residential Mixed*	*R-6 Residential Mixed*	*MF-12 Multifamily*	*NC Neighborhood Commercial*	*HC Highway Commercial*	*C-1 Light Commercial & Office*	*C-2 General Commercial*	*O&I Office& Institutional*	*CBD Central Business District*	*LI Light Industrial*	*HI Heavy Industrial*
Travel trailer/Recreational Vehicle/Motor home/Camper, to be used as a Temporary Residence **Unincorporated Lee County and ETJ areas of Sanford and Town of Broadway** (see § 5.34.2.9)			P/D	P/D	P/D														
Accommodations and Group Living																			
Bed and breakfast inn (see § 5.4)	1310		P/D	P/D	-	-	S/D	S/D	S/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	-	-
Boarding house/Room Renting	1320		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dormitories for the students of colleges, commercial schools, staff of hospitals	1320	1320	S	S	S	S	S	S	S	S	S	S	P	S	P	P	S	-	-
Family Care Homes (see NCGS § 160D-907 (see § 5.12)	6520		P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	-	-	-	-	-	-	-	-
Group Home/Residential Care Facility, Level 1	6520	-	-	-	-	-	-	-	-	-	S	P	P	P	P	P	-	-	-
Group Home/Residential Care Facility, Level II	6520	-	-	-	-	-	-	-	-	-	S	P	P	P	P	P	-	-	-
Group Home/Residential Care Facility, Level III	6520	-	-	-	-	-	-	-	-	-	-	S	S	S	S	S	-	-	-
Group Home/Residential Care Facility, Level IV	6520	-	-	-	-	-	-	-	-	-	-	S	S	S	S	S	-	-	-
Hotel, Motel, and Tourist Court (see § 5.17)	1330	1330	-	-	-	-	-	-	-	-	-	-	P/D	P/D	P/D	P/D	P/D	P/D	P/D
Hotel. Motel or Tourist Court, Extended Stay (see § 5.41) **City of Sanford and Town of Broadway**	1330	1330	-	-	-	-	-	-	-	-	-	-	P/D	P/D	P/D	P/D	P/D	P/D	P/D
Child and Youth Services	6561		-	-	-	S	S	S	S	S	P	-	-	-	-	P	-	-	-
Nursing, Supervision, Adult Care Homes, Group Care Facilities and other rehabilitative services	6520		S	S	S	S	S	S	S	S	P	-	P	P	P	P	-	-	-
General Sales or Service																			
ABC Store (liquor Sales), incorporated areas only	2155		-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Administrative Services, Travel Arrangement and Reservation Services, Investigation and Security Services (locksmiths)	2420- 2440		-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P
Agricultural equipment, sales and service	2120		-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Animal Hospitals, Veterinary services, Animal Shelters, Kennels / Animal Pet Services (see § 5.3)	2418 2720		S/D	-	-	-	-	-	-	-	-	-	P/D	P/D	P/D	-	-	P/D	P/D
Antique Shops	2145	2230	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Appliance Sales, Repair and Maintenance, (no outside storage)	2125		-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Art dealers, supplies, sales and services	2142		-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P
Auction sales, general merchandise (no vehicular sales)	2140		-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Auction Sales, vehicular sales			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Bakeries, retail, including manufacturing of goods for sale on the premises only	2151		-	-	-	-	-	-	-	-	-	S	P	P	P	-	P	P	P
Bicycle (non motorized) Sales and/or Repair	2113		-	-	-	-	-	-	-	-	-	S	P	P	P	-	P	P	P
Books, Magazines, music, etc.	2135		-	-	-	-	-	-	-	-	-	P	P	P	P		P	P	P
Building, Mixed Use - Mixed commercial and residential use where commercial use is primary on first floor, with dwellings occupancy second floors or above (no unenclosed storage)		2300	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-

Key: "P" means permitted as of right, "S" means permitted as a special use, "D" means development regulations apply (see Article 5), "A" means permitted only as an accessory use, "-" means prohibited. Section numbers as provided in the use column(i.e. § 5.1) provide additional reference regarding the supplemental design standards as found within other sections of this Ordinance.
Refer to Appendix A or the sources referred to under "Land Use Coding" for specific definitions of uses.

Use	*LBCS Function*	*LBCS Structure*	*RA Residential Agricultural*	*RR Restricted Residential*	*R-20 Residential Single-Family*	*R-14 Residential Single-Family*	*R-12SF Residential Single-Family*	*R-12 Residential Mixed*	*R-10 Residential Mixed*	*R-6 Residential Mixed*	*MF-12 Multifamily*	*NC Neighborhood Commercial*	*HC Highway Commercial*	*C-1 Light Commercial & Office*	*C-2 General Commercial*	*O&I Office& Institutional*	*CBD Central Business District*	*LI Light Industrial*	*HI Heavy Industrial*
Camera and Photographic Supplies	2132		-	-	-	-	-	-	-	-	-	P	P	P	P		P	P	P
Car Washes and Car Care Centers (see § 5.5)		2593	-	-	-	-	-	-	-	-	-	-	P/D	-	P/D	-	-	P/D	P/D
Clothing, Jewelry, Luggage, Shoes, etc.	2133		-	-	-	-	-	-	-	-	-	P	P	P	P		P	P	P
Computer and Software Sales	2131		-	-	-	-	-	-	-	-	-	P	P	P	P		P	P	P
Consumer Goods, not otherwise listed	2140		-	-	-	-	-	-	-	-	-	S	P	P	P		P	P	P
Convenience stores, without gas sales	2152	2591	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P
Convenience stores, with gas sales		2591	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P
Consignment Shops, Used Merchandise Store (not otherwise listed)	2145	2240	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Dry cleaning and laundry	2600		-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Electronic equipment (small), sales and service	2120		-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Farm, landscape, and garden supply sales (feed, seed, fertilizer, farm hardware, lawn furniture, mulch, fencing, fountains, statuaries, and other incidental sales of products or related items) - (with indoor storage only)	2123		S	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Farm, landscape, and garden supply sales (feed, seed, fertilizer, farm hardware, lawn furniture, mulch, fencing, fountains, statuaries, and other incidental sales of products or related items) - (with outdoor storage)	2123		S	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Farmers Markets and market shops, including open markets		2260	-	-	-	-	-	-	-	-	-	-	P	-	P	-	S	-	-
Finance and Insurance Services (Bank, Credit and Finance, Insurance-related)	2200-2250		-	-	-	-	-	-	-	-	-	S	P	P	P	P	P	P	P
Flea markets (indoors)	2145	2580	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P
Flea markets (outdoors) (see § 5.14)	2145	2580	-	-	-	-	-	-	-	-	-	-	P/D	-	P/D	-	-	-	-
Florist	2141		-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Food Truck Park (see § 5.47) **City of Sanford and Town of Broadway Only**			-	-	-	-	-	-	-	-	-	-	P/D	-	P/D	-	-	-	-
Food Truck Park (see § 5.48) **Unincorporated Lee County Only**			-	-	-	-	-	-	-	-	-	-	P/D	-	P/D	-	-	-	-
Freestanding Ice Vending Unit (see § 5.37)			-	-	-	-	-	-	-	-	-	-	P/D	-	P/D	-	-	P/D	-
Furniture or home furnishing sales	2121		-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Gasoline stations	2116	2270	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P
Grocery stores and Supermarkets (less than 25,000 sq. ft. GFA)	2151		-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P
Grocery stores and Supermarkets (more than 25,000 sq. ft. GFA)	2151		-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	-
Hardware, home centers, lumber yard, heating and plumbing etc., outside storage	212221263510212 7	2592	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Hardware, home centers, lumber yard, heating and plumbing etc., inside storage	212221263510212 7	2592	-	-	-	-	-	-	-	-	-	-	P	P	P		P	P	P

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Use	*LBCS Function*	*LBCS Structure*	*RA Residential Agricultural*	*RR Restricted Residential*	*R-20 Residential Single-Family*	*R-14 Residential Single-Family*	*R-12SF Residential Single-Family*	*R-12 Residential Mixed*	*R-10 Residential Mixed*	*R-6 Residential Mixed*	*MF-12 Multifamily*	*NC Neighborhood Commercial*	*HC Highway Commercial*	*C-1 Light Commercial & Office*	*C-2 General Commercial*	*O&I Office& Institutional*	*CBD Central Business District*	*LI Light Industrial*	*HI Heavy Industrial*
Heavy Equipment, sales and service	2120		-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Leasing/Rental Recreational Goods (Furniture, Party Supplies, Sporting Goods)	2333		-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Leasing, Commercial and Industrial Machinery and Equipment	2334		-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Gunshops and Gunsmiths	2134		-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Mail order or direct selling establishments / Electronic Shopping and Mail-Order Houses	2144		-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P
Manufactured home and /or storage building sales (see § 5.21)	2112		-	-	-	-	-	-	-	-	-	-	P/D	-	P/D	-	-	P/D	P/D
Mini-warehousing/Self-service storage leasing (see § 5.22)	3600	2710 2720	-	-	-	-	-	-	-	-	-	-	P/D	P/D	P/D	-	-	P/D	P/D
Medical equipment sales, rental or leasing	2120		-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P
Monument and cut stone sales			-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Motion Picture, Video and Audio Production	4221 4223		-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Motorcycle, Motorized Scooters, ATV Sales and/ or Leasing/Rental (Indoor display)	2113		-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Motorcycle, Motorized Scooters, ATV Sales and/or Leasing/Rental (Outdoor display)	2113		-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Motor Vehicles, (automobiles), Boats, RV's Sales and/or Leasing/Rental (see § 5.24)	2111 211221132114 2331 233223332000		-	-	-	-	-	-	-	-	-	-	P/D	-	P/D	-	-	P/D	P/D
Motor Vehicle Parts, Accessories, Tire Sales, enclosed building only	2115		-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Motor Vehicle, Motorcycle, ATV's, Boats, RV's, etc., repair and service	2110, 2120	2280	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Motor Vehicle Towing with incidental storage, excluding Salvage Yards & Junkyards	4138		-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	P	P
Nurseries and greenhouses, commercial (see § 5.25)	9140	8400	S/D	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P
Office building (general)	2200-2455 5140-5160 6800-6820	2100	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Palmistry services, Fortune Tellers, Astrologers	2600		-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-
Pawnshops (as defined by NCGS 66-387)			-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P
Personal Services (e.g., nail salons, barbers, shoe repair, and similar establishments), not otherwise listed	2600		-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Pet store or pet supply store	2710		-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Pharmacy or Drugstore, without drive through facility			-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Pharmacy or Drugstore, with drive through facility			-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P

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Refer to Appendix A or the sources referred to under "Land Use Coding" for specific definitions of uses.

Use	*LBCS Function*	*LBCS Structure*	*RA Residential Agricultural*	*RR Restricted Residential*	*R-20 Residential Single-Family*	*R-14 Residential Single-Family*	*R-12SF Residential Single-Family*	*R-12 Residential Mixed*	*R-10 Residential Mixed*	*R-6 Residential Mixed*	*MF-12 Multifamily*	*NC Neighborhood Commercial*	*HC Highway Commercial*	*C-1 Light Commercial & Office*	*C-2 General Commercial*	*O&I Office& Institutional*	*CBD Central Business District*	*LI Light Industrial*	*HI Heavy Industrial*
Printing and Publishing Services	4210												P	P	P	P	P	P	P
Professional Services (Legal, Accounting, Architectural, Graphic, Consulting Services, Research and Development, Advertising, etc.)	241024162417		-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Real Estate, Sales, Rental & Leasing	2300-2336		-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Repair of any goods, equipment or vehicles, the manufacture, assembly or sales of which are permitted in that zoning district			P	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Restaurants, with drive-in or drive-through facilities	2500	2220	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	-
Restaurants, no drive-in or drive-through facilities	2500	2220	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-
Retail sales or service establishments, not listed elsewhere, and conducted within an enclosed building	2100		-	-	-	-	-	-	-	-	-	S	P	P	P	-	S	P	P
Rural family occupation –Commercial/Industrial **Unincorporated Lee County only** (see § 5.30)			S/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Services to buildings and dwellings (Extermination, Janitorial, Landscaping, Carpet and Upholstery cleaning, Packing and crating, etc.), no outside storage	2450-2455		-	-	-	-	-	-	-	-	-	S	P	P	P	P	P	P	P
Services to buildings and dwellings (Extermination, Janitorial, Landscaping, Carpet and Upholstery cleaning, Packing and crating, etc.), with outside storage	2450-2455		-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Shopping Center, less than 25,000 sq. ft.	2500		-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Shopping Center/Superstore, 25,000 - 100,000 sq. ft. (see§ 10.2)	2500		-	-	-	-	-	-	-	-	-	-	P/D	-	P/D	-	-	P/D	P/D
Shopping Center/Superstores, over 100,000 sq. ft (see§ 10.2)	2500		-	-	-	-	-	-	-	-	-	-	P/D	-	P/D	-	-	P/D	P/D
Sporting goods, toys, and hobby sales, excluding guns and gunsmiths	2134		-	-	-	-	-	-	-	-	-	S	P	P	P	-	P	P	P
Tattoo Parlor/Tattoo Studio and/or Body Piercing	2600		-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P
Tobacco or Tobacconist	2143		-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Upholstery and furniture refinishing	2120		-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Wine Shop (see 5.43)			-	-	-	-	-	-	-	-	-	-	P/D	P/D	P/D	-	P/D	-	-
Wholesale trade, generally, with operations conducted and merchandise stored entirely within a building and not otherwise listed	3500		-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Industrial & Manufacturing Uses																			
Chemicals, plastics and rubber products	3320		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	P
Concrete and Asphalt Plants (see § 5.8)			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/D	P/D
Contractors' offices/shop with outdoor storage areas	7110-7450		-	-	-	-	-	-	-	-	-	-	S	-	S	-	-	S	P

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Refer to Appendix A or the sources referred to under "Land Use Coding" for specific definitions of uses.

Use	*LBCS Function*	*LBCS Structure*	*RA Residential Agricultural*	*RR Restricted Residential*	*R-20 Residential Single-Family*	*R-14 Residential Single-Family*	*R-12SF Residential Single-Family*	*R-12 Residential Mixed*	*R-10 Residential Mixed*	*R-6 Residential Mixed*	*MF-12 Multifamily*	*NC Neighborhood Commercial*	*HC Highway Commercial*	*C-1 Light Commercial & Office*	*C-2 General Commercial*	*O&I Office& Institutional*	*CBD Central Business District*	*LI Light Industrial*	*HI Heavy Industrial*
Contractors' offices/shop without outdoor storage areas	7110-7450		-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Dolls, Toys, Games, and musical instruments	3420		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Electrical equipment, appliance and components manufacturing	3360	2621	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Finished nonmetallic mineral products (brick, refractories, ceramics, glass, cement, etc.)	3330		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Food and Beverage manufacturing	3110		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Brewery (Regional Brewery and Large Brewery)																		P	P
Brewery (Microbrewery, see § 5.42)													P/D	P/D	P/D		P/D	P	P
Food manufacturing, Animal Slaughtering and Processing	3110		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Furniture and Related Products Manufacturing	3230		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Jewelry and Silverware manufacturing	3410		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Junkyard / Automobile Salvage Yard (see § 5.18)			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S/D
Landfills, LCID (2 acres or less in size) (see § 5.19)			P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	-	P/D	P/D
Landfills, C&D or LCID (greater than 2 acres in size) (see § 5.20)			S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	-	P/D	P/D
Landfills, Sanitary/Solid Waste (see § 5.20)	4345	6320	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S/D
Leather and Allied Products	3140		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Machinery and Equipment manufacturing (w/indoor storage/operations only)	3350		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Machinery and Equipment manufacturing (w/outdoor storage/operations)	3350		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Manufactured housing manufacturing			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Manufacturing, excluding other uses listed in this table	3100-3230, 3400-3520		-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	S	P
Metal Manufacturing (excluding smelting operations)	3340		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Metal Manufacturing (smelting and similar operations)	3340		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Mining and Quarrying (*City of Sanford only)*	8000-8500		Permitted only within the Mining Special Use Overlay District, see Section 4.16 of this Ordinance.																
Mining and Quarrying (*Lee County and Town of Broadway only) (see §5.23)*	8000-8500		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/D
Oil and Gas Exploration, Development and Production	8100		S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Gas Compressor Station	8100		S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Office Supply, inks, etc. manufacturing (except paper)	3430		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P

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Refer to Appendix A or the sources referred to under "Land Use Coding" for specific definitions of uses.

Use	*LBCS Function*	*LBCS Structure*	*RA Residential Agricultural*	*RR Restricted Residential*	*R-20 Residential Single-Family*	*R-14 Residential Single-Family*	*R-12SF Residential Single-Family*	*R-12 Residential Mixed*	*R-10 Residential Mixed*	*R-6 Residential Mixed*	*MF-12 Multifamily*	*NC Neighborhood Commercial*	*HC Highway Commercial*	*C-1 Light Commercial & Office*	*C-2 General Commercial*	*O&I Office& Institutional*	*CBD Central Business District*	*LI Light Industrial*	*HI Heavy Industrial*
Paper and Printing Materials manufacturing	3220		-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P
Petroleum, Asphalt & Coal Manufacturing	3310		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Pharmaceutical Manufacturing			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Pottery Manufacturing & Sales			P	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Retail outlets for products manufactured on premises			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Sawmills or Planing Mills			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	P
Sign manufacturing	3440		-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Storage of Flammable Liquids (In Bulk) Above Ground Storage (see § 5.31)			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S/D	S/D
Textile Mills & Apparel Manufacturing	3130		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Tire Recapping			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Tobacco Manufacturing	3120		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Transportation equipment, automobiles, aircraft, boat, railroad, etc.	3770		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Warehouse structures, generally	3600	2730 2740 2750 2760	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Wood Products, (except furniture)	3210		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Arts, Recreation & Entertainment																			
Aquarium or Planetarium		4420 4430	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-
Adult establishments (see § 5.2)			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S/D
Amphitheater		3130	S	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	-
Amusement or Theme Park Establishment	5310		-	-	-	-	-	-	-	-	-	-	S	-	S	-	-	S	P
Art galleries	5210	4400	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-
Botanical gardens & arboreta	5230	4450	P	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P
Bowling alley	5380	3200	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Campgrounds (see § 5.29)	5400		S/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Drive-in theaters (see § 5.11)		3140	-	-	-	-	-	-	-	-	-	-	P/D	-	P/D	-	-	P/D	-
Entertainment Establishments (lounges, discos, nightclubs, pool halls and/or private clubs) (see § 5.26)			-	-	-	-	-	-	-	-	-	-	P/D	P/D	P/D	-	-	P/D	P/D
Exhibition, convention, or conference structure		3400	-	-	-	-	-	-	-	-	-	-	S	S	P	P	P	P	P
Fitness and recreational sports, gym, health spa, reducing salon, swimming pool/auditorium, racquet club or athletic club (not otherwise listed)	5370		S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P
Golf courses, public and private	5370		S	S	S	S	S	S	S	S	S	-	-	-	-	P	-	P	P
Golf driving ranges	5370		S	S	S	S	S	S	S	S	S	-	P	P	P	P	-	P	P
Golf, miniature	5340		-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P

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Refer to Appendix A or the sources referred to under "Land Use Coding" for specific definitions of uses.

Use	*LBCS Function*	*LBCS Structure*	*RA Residential Agricultural*	*RR Restricted Residential*	*R-20 Residential Single-Family*	*R-14 Residential Single-Family*	*R-12SF Residential Single-Family*	*R-12 Residential Mixed*	*R-10 Residential Mixed*	*R-6 Residential Mixed*	*MF-12 Multifamily*	*NC Neighborhood Commercial*	*HC Highway Commercial*	*C-1 Light Commercial & Office*	*C-2 General Commercial*	*O&I Office& Institutional*	*CBD Central Business District*	*LI Light Industrial*	*HI Heavy Industrial*
Hunting and trapping, game retreats, game and fishing preserves	9520		S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Movie Theater		3120	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Museums and art galleries	5210	4400	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-
Outdoor stage, bandstand, or similar structure (maximum 3,000 sq. ft.)		6970	S	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P
Parks, playgrounds, and athletic fields operated on a noncommercial basis	5500		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Performance Theaters (outdoor)	5110	3110	S	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P
Performance Theaters or auditoria (indoor)	5110	3110	S	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Racetracks, drag strips (motorized vehicles) 5.27	5130		S/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/D	P/D
Recreation activities, commercial indoor , not otherwise listed	5300		S	-	-	-	-	-	-	-	-	-	P	P	P	-	S	P	P
Recreation activities, commercial outdoor (defined in Article 5), not otherwise listed 5.28	5310	4440	S/D	-	-	-	-	-	-	-	-	-	-	-	P/D	-	-	P/D	P/D
Skating Rink - Ice Or Roller Skating	5390		-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P
Sports stadiums or arenas	5120	3300	S	S	S	S	S	S	S	S	S	-	P	P	P	S	S	P	P
Stables/Riding Academies		8240	P/D	P/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Stable, Accessory to Dwelling	5300	8240	P/D	P/D	P/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Studios for artists, designers, musicians, photographers, sculptors, woodworking (not as home occupation)	5210	4410	S	-	-	-	-	-	-	-	-	P	P	P	P	-	P	-	-
Travel Trailer Parks (see § 5.36)			S/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Zoos	5230	4450	S	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P
Education, Public Administration, Health Care, and Institutional																			
Cemeteries, public and private (does not include individual family plots) (see § 5.6)		4700	P/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D
Civic, Social, and Fraternal Organizations, including community centers, meeting halls, community halls, reception halls, wedding halls, for assembly and recreation	6830	3700 3800	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P
Community food services (see § 5.7)	6563		-	-	-	-	-	-	-	-	-	-	-	P/D	P/D	-	-	P/D	-
Correctional facilities (see § 5.9)	6222	4600	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/D
Crematorium & Embalming	6720	4800	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P
Day Care facility, Child Care Center (see § 5.10)	6562		S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	P/D	P/D	P/D	P/D	P/D	-	-

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Use	*LBCS Function*	*LBCS Structure*	*RA Residential Agricultural*	*RR Restricted Residential*	*R-20 Residential Single-Family*	*R-14 Residential Single-Family*	*R-12SF Residential Single-Family*	*R-12 Residential Mixed*	*R-10 Residential Mixed*	*R-6 Residential Mixed*	*MF-12 Multifamily*	*NC Neighborhood Commercial*	*HC Highway Commercial*	*C-1 Light Commercial & Office*	*C-2 General Commercial*	*O&I Office& Institutional*	*CBD Central Business District*	*LI Light Industrial*	*HI Heavy Industrial*
Day Care facility, Home Child Care (see § 5.10)	6562		P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	-	-
Day Care facility, Adult (see § 5.38)	6566		S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	P	P	P	P	P	P	-	-
Fire, sheriff, and emergency services	6400-6430	4500-4530	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P
Funeral homes	6710	4800	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Governmental Functions, not otherwise listed	6200 - 6221		S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P
Hospitals	6530	4110	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Libraries		4300	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	-	-
Medical and dental clinics or offices, ambulatory or outpatient care, family planning and care, and blood or organ banks	6510 - 6514	4120	-	-	-	-	-	-	-	-	-	S	P	P	P	P	P	-	-
Post office	6310		-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P
Religious Complex (less than 350 seats), new site	6600	3500	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Religious Complex (more than 350 seats), new site	6600	3500	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Religious Complex (any size), addition to existing complex/site	6600	3500	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Schools, Continuing Education (alternative, adult, colleges and universities, and technical, trade, and other specialty schools)	6124-6144 6147	4220	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P
Schools, Pre-K – Secondary (nursery and preschool, grade schools, elementary, middle, and high school), new site	6110-6123	4210	S	S	S	S	S	S	S	S	S	P	P	P	P	P	S	S	S
Schools, Pre-K – Secondary (nursery and preschool, grade schools, elementary, middle, and high school), addition to existing site	6110-6123	4210	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Schools, Fine and Performing Arts	6145		-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-
Social assistance, welfare and charitable services	6560-6568		-	-	-	-	-	-	-	-	S	S	P	P	P	P	S	S	-
Transportation, Communication, and Utilities																			
Airports, Heliports, and Support Establishments	4110-4114	3920 5600-5650	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Bus passenger stations/terminals/shelters	4133	5300	-	-	-	-	-	-	-	-	-	-	P	-	P	-	P	P	P
Freight terminals & truck terminals	4140-4144		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Gas or electric generation distribution facilities, compressor stations, or substations	4310	6410-6422, 6440-6460	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Hazardous waste facilities (subject to NCGS § 130A-293) (See 5.15)		6340	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
Parking lots, parking structures or underground parking areas (commercial or governmental)		5200-5250	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P

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Power generation plants or substations		6430-6434	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
Public utility storage and service yards			-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	P	P
Radio and TV stations and studios (excluding transmission tower)	4231		-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P
Railroad freight yards, repair shops/sheds and marshalling yards	4123	5720	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Sewage treatment and Water treatment plants	4340		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P
Solar Collectors, Commercial (see § 5.39)	4310		S/D	S/D	S/D	S/D	S/D	S/D			S/D	S/D	S/D	S/D	S/D	S/D		S/D	S/D
Solar Collectors, Residential (see § 5.40)			P/D	P/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Solid Waste Collection, Transfer and/or disposal (Non-Hazardous)	4343		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Solid Waste Convenience Centers			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Solid waste combustor or incinerator	4344	6330	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
Taxi and Limousine Service	4137		-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Telecommunication towers (see § 5.33)	4230	6500	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D
Utility lines (including electric lines, phone/cable lines, distribution circuits, gas/fuel lines, water lines, steam/air conditioning lines, irrigation channels, and sewer/waste water lines)		6100-6162	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Agriculture																			
Animal Production and Support Services, **(unincorporated Lee County)**	9300-9380	8200	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Animal Production and Support Services, **(Sanford and Broadway)**	9300-9380	8200	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Crop Production and Support Functions, **(unincorporated Lee County)**	9100-9240	8100	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Crop Production and Support Functions, **(Sanford and Broadway)**	9100-9240	8100	P	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P
Forestry and Logging and Support Services, **(unincorporated Lee County)**	9400-9430		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Forestry and Logging and Support Services, **(Sanford and Broadway)**	9400-9430		S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Livestock sales and markets	9200		P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P

Signs - See Article 11 of this Ordinance

Temporary Uses - See § 5.34 *of this Ordinance*

4.7 DIMENSIONAL AND DENSITY REGULATIONS

4.7.1 PURPOSE.

This Section establishes minimum and maximum standards for the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings pursuant to NCGS § 160D-702.

Developments in the PUD, TND, and TOD districts shall be governed by their respective Sections in this Ordinance and shall not be subject to the dimensional and density regulations of this § 4.7 or Table 4.7-1.

4.7.2 DENSITY REGULATIONS.

4.7.2.1 SINGLE-FAMILY RESIDENTIAL DENSITY.

For Conventional Subdivisions, the ordinance does not establish a maximum or minimum number of total permitted dwelling units, because the total number of dwelling units is governed by minimum lot size. Cluster Subdivisions shall not be subject to minimum lot size, but total permitted dwelling units shall not exceed the amount established as set forth in Table 4.7-1.

4.7.2.2 NON-RESIDENTIAL AND MULTI-FAMILY DENSITY.

Impervious surface ratio is the measurement tool used to regulate density for non-residential zoning districts. Impervious surfaces include all buildings or structures measured at their greatest extent and so as to include areas overhung by eaves, balconies, and other projecting features of the structure; also all paved or otherwise hard-surfaced areas such as buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), and similar hard-surfaced areas. Impervious surface ratio is a measure of the amount of impervious area that covers a parcel or tract. As an example, a maximum impervious surface ratio of 0.7 indicates that a maximum of 70% of the land area may be covered with an impervious surface.

Table 4.7-1 establishes a maximum impervious surface ratio for each of the non-residential zoning districts.

4.7.3 DIMENSIONAL REGULATIONS.

4.7.3.1 SETBACKS.

Setbacks for buildings or structures are measured as the area between the furthest projection of a principal structure and the lot line on which the structure is located, except as modified by the standards of this Section. Setbacks shall be unobstructed from the ground to the sky except as specified in this Section. Building setbacks for each zoning district are set forth in Table 4.7-1.

The following features may encroach into a required building setback:

- Bay windows or other structural overhang, not to exceed three (3) feet;
- Chimneys, not to exceed two (2) feet;
- Heating and cooling units, not to exceed (3) feet;
- Overhanging roof, eave, gutter, cornice, or other architectural feature and awnings, not to exceed 2 feet;
- Steps, stairs or fire escapes (non-enclosed), not to exceed 6 feet;
- Any accessory building or use customarily incidental to the permitted primary use or building as allowed in accordance with § 5.1, “Accessory Uses and Structures”.

4.7.3.2 SETBACKS FOR LOTS WITH MORE THAN ONE STREET FRONTAGE.

Structures shall meet the front yard setback from all abutting street rights-of-way unless otherwise provided in this Ordinance. For undeveloped multiple frontage lots, the developer has the option to determine which yard shall be considered the “front’ so long as the structure to be constructed on said lot shall have its front facing the same yard. For the purposes of applying setbacks to an existing developed lot, the front yard setback shall be defined as the yard with the shortest amount of street frontage. All other frontages shall be

considered street side yards and the rear yard shall be that yard that is opposite the designated front yard. For the purposes of determining setback distance, a street side yard shall be considered the same as a front yard and shall meet the respective front yard setback.

4.7.3.3 PROVISIONS FOR REDUCED FRONT YARD SETBACK IN DEVELOPED AREAS.

(a) The minimum or maximum front setback may be reduced for any lot where the average established front setback on developed lots located within 300 feet on each side of such lot, and fronting on the same street as such lot, is less or more than the minimum or maximum required setback. In such cases, the minimum or maximum front setback on such a lot may be less or more than the required front setback, but not vary by more than five (5) feet from the average of the existing front setbacks on the developed lots within 300 feet of each side.

(b) Where the applicant requests an adjustment in the front setback, the average setbacks shall be provided by the applicant based upon public records or actual measurements. Where the Administrator requires an adjustment in the maximum front setback, such information shall be provided by the Department of Community Development. The Department of Community Development is also authorized, but not required, to provide data pertaining to the average setback for designated areas of the County for purposes of this section.

4.7.4 HEIGHT REGULATIONS.

4.7.4.1 MEASUREMENT.

Building height is measured as the vertical distance between the average natural grade between the lowest and highest grades along the foundation and 1) the average height level between the eaves and ridge line of a gable, hip or gambrel roof; or 2) the highest point of a mansard roof; or 3) the highest point of the coping of a flat roof.

4.7.4.2 EXCEPTIONS TO HEIGHT RESTRICTIONS.

Zoning district height limits shall not apply to:

- belfries, cupolas, spires, or domes,
- monuments,
- airway beacons,
- structures for essential services,
- windmills,
- flagpoles,
- chimneys and chimney flues,
- telecommunications towers (subject to the provisions of § 5.33 of this Ordinance).
- bulkhead,
- elevator,
- water tank,
- or to any similar structure or necessary mechanical appurtenance extending above the roof of any building if such structure does not occupy more than 33 percent of the area of the roof.

Table 4.7-1: Density and Dimensional Standards

Zoning District	Minimum Lot Size (Sq. ft.) (see note 2)	Maximum Density (Units per Acre)	Maximum Impervious Surface Ratio (see note 3)	Minimum Lot Width (in Feet) (see notes 2 and 5)	Minimum Lot Depth (in feet) (see note 5)	Maximum Building Height (in feet)	Maximum Lot Width-to-Depth Ratio (see note 6)	Minimum Front Setback (in feet) (see note 2)	Minimum Side Setback (in feet) (see note 2)	Minimum Rear Setbacks (in feet) (see note 2)
Residential Agricultural (RA)	40,000	1.0	—	100	150	40	1:4	30	15	30
Restricted Residential (RR)	30,000	1.5	—	100	125	40	1:4	30	15	30
Residential Single-Family (R-20)	20,000	2.0	—	100	125	40	1:4	30	15	30
Residential Single-Family (R-14)	14,000	3.0	—	75	100	40	1:4	30	12	20
Residential Single-Family (R-12SF)	12,000	3.5	—	75	100	40	1:4	30	12	20
Residential Mixed (R-12)	12,000	3.5	—	75	100	40	1:4	30	12	20
Residential Mixed (R-10)	10,000	4.0	—	70	100	40	1:4	25	10	20
Residential Mixed (R-6)	6,000	7.0	—	60	100	40	1:4	20	8	20
Multi-Family (MF-12)	—	12.0	—	50	100	60	—	20	20	20
Neighborhood Commercial (NC)	—	—	0.7	50	100	50	—	10	0	0
Office & Institutional (O&I)	—	—	0.7	50	100	60	—	10	0	0
Light Commercial & Office (C-1)	—	—	0.7	50	100	50	—	10	0	0
Highway Commercial (HC)	—	—	0.8	50	100	—	—	10	0	0
General Commercial (C-2)	—	—	0.8	50	100	—	—	10	0	0
Central Business District (CBD)	—	—	1	—	—	—	—	0	0	0
Light Industrial (LI)	—	—	0.8	80	100	—	—	30	0	0
Heavy Industrial (HI)	—	—	0.9	100	100	—	—	30	0	0

Note 1. A dash (—) indicates that the requirement does not apply within the particular zoning district. Fractions shall be rounded up.
Note 2. Minimum Lot Size and Minimum Lot Width applies to lots within a conventional subdivision. Lot size requirements for cluster subdivisions, PUDs and/or TND developments are governed within the specific sections of this Ordinance that addresses these optional development styles.
Note 3. The impervious surface ratio are expressed as a ratio (See Appendix A for definitions). Additional impervious surface restrictions might apply to portions of a site located within the Watershed Conservation Overlay Districts.
Note 4. Multifamily Dwellings, Townhouse, etc. are governed by additional dimensional standards. Refer to § 10.3 of this UDO for additional standards and regulations.
Note 5. For cul-de-sac and/or corner lots, see § 6.6 Lot Design Standards.
Note 6. The Maximum Lot-to-Depth ratio applies to all lots created under the Major Subdivision procedure as set forth in Article 6 of this UDO. Lots created under the Minor Subdivision procedures are exempt from these requirements.
Note 7: Any ramp or other structure constructed to comply with the standards of the Americans with Disabilities Act (ADA) or other similar Building Code requirement for the purpose of providing handicap access to a building shall be exempt from the required setbacks of this Table 4.7-1.

4.8 RESERVED

4.9 PLANNED UNIT DEVELOPMENT

4.9.1 PURPOSE.

The purpose of the Planned Unit Development district (PUD) is to provide for the orderly development of land with a mix of land uses and intensity. PUD zoning is intended to permit flexibility in the design, construction and processing of residential and non-residential developments of a quality that could not be achieved under conventional zoning approaches. While the conventional zoning districts and the requirements of those districts set forth in the UDO are reasonable, there may be circumstances in which it is in the community's best interests to allow unique and/or creative designs and techniques that:

- promote the most appropriate use of a parcel,
- allow diversification of use,
- facilitate the adequate and economical provision of streets, parks, open space, schools, storm drainage and sewer and water utilities,
- preserve and utilize open space,
- offer recreational opportunities close to residential uses, and
- enhance neighborhood appearance.

4.9.2 APPLICABILITY

A PUD shall consist of not less than five (5) contiguous acres.

4.9.3 PROCESSING PROCEDURES.

A PUD shall be considered a Conditional Zoning District and shall be processed in accordance with § 3.4 of this Ordinance. A major site plan shall be submitted in accordance with Appendix B.

4.9.4 PERMITTED USES.

The uses permitted in a PUD district shall be the permitted uses as set forth in the approved site plan. The site plan shall designate land use categories consistent with the zoning district classifications of this Ordinance. Within each land use category, proposed uses shall be subject only to the permitted uses in Tables 4.6- 1 for each land use category and the maximum density for each land use category in Table 4.7-1. A Planned Unit Development may contain any type of Residential uses except Manufactured Homes.

4.9.5 LAND USE COMPOSITION.

No site plan for a PUD district shall be approved unless the following minimum percentages of land uses are provided for within the boundaries of the district:

- moderate density residential (4-7 units per acre) = 20%
- high density residential (8 or more units per acre) = 10%
- commercial uses as permitted in the NC, C- 1, C-2, or O&I zones = 10%
- the CBD and OI zoning districts

Parks and open space shall be required in accordance with § 6.5 of this Ordinance.

4.9.6 DESIGN STANDARDS.

4.9.6.1 The land uses within a PUD shall not be subject to any of the dimensional or density provisions of § 4.7, except that a perimeter setback of 25 feet shall be maintained.

4.9.6.2 Uses within the PUD shall comply with Article 7 Buffering and Landscaping standards of this Ordinance except as otherwise provided.

4.9.6.3 Streets within the PUD shall be public streets and shall conform to the requirements of Article 10 of this Ordinance.

FIGURE 4.9-1. – RECOMMENDED DESIGN ELEMENTS FOR A PLANNED UNIT DEVELOPMENT (PUD)

Architectural Elements.

(a) Building height, rhythm, articulation, massing and bulk should be compatible with the individual site attributes and with the surrounding neighborhoods.

(b) Distinctive architectural details such as covered front entries, covered front porches, door and window details, roof overhangs, and/or parapet walls with cap features should be provided on each dwelling, or principle structure. A variety of roofing colors, textures, and component shapes including shake shingle, shale, and wood compositions, should be provided.

(c) Significant architectural differences in the choice of elevations, rooflines, and exterior colors for each residential floor plan should be provided. Not more than three (3) adjacent homes should contain the same front facade, and not more than three (3) adjacent homes should contain the same rear facade visible from arterial street view, on any block front. Homes facing one another (across the street) should not have the same facade. No adjacent home should contain the same elevation. Residential design guidelines should be provided, which include a variety of conceptual standard plans, and may include: variation in building setbacks, detached garages, recessed garages if attached to the principal building and fencing alternatives.

(d) Garage fronts should be de-emphasized and shall not be the most prominent architectural feature of the house. This should be accomplished by providing side access garages, detached "in-line" garages, and/or L-shaped floor plans on not less than fifty percent (50%) of the lots. Garages should be recessed at least one car length in order to provide interest and relief from the street. The front elevation should include a porch or similar entrance designed for persons rather than automobiles with the garage area not to exceed forty percent (40%) of the front facade.

Recreation Elements.

(a) Not less than 20 percent (20%) of the residential units shall be located within 660 feet of a pedestrian, equestrian and bicycle trail.

(b) Recreation and open space facilities should be aligned with the community parks and open space network, as provided in any adopted land use plans or parks and recreation master plans.

(c) Neighborhood scale recreation facilities and amenities should be provided which are functional, not retention/detention or basin-like in design. Retention basins used in conjunction with recreational facilities or amenities should be designed in accordance with the Storm water Management Standards of this Ordinance. Such areas should include turf or landscaping within all areas not permanently covered with standing water.

(d) Gateway treatments may be incorporated at appropriate locations along an open space network.

Transportation Elements.

(a) Park-and-ride lots may be incorporated with planned facilities.

(b) Bicycle lanes should be included along at least seventy percent (70%) of the linear frontage ofall planned collector streets.

(c) Bicycle parking facilities should be provided for all uses except single-family detached and duplex residences.

(d) A customized entrance may be provided at the entry street intersecting a thoroughfare or collector which features a waterfall, sculpture, monument signage, special landscaping, specialty pavement, enhanced fence wall details, boulevard median or other similar treatment.

4.9.7 MODIFICATION OF APPROVED FINAL SITE PLAN.

Following approval of the PUD district and the Special Use Permit, no modification of the land use category designations, design standards, uses, densities or any other condition of the site plan shall be permitted unless a new Special Use Permit is approved. However, the Department of Community Development may approve the following modifications in writing without a new site plan:

- A change in the location of not more than ten percent (10%) of the dwelling units or floor area;
- A change in the location of any part of open space acreage of not more than ten percent (10%) of the gross acreage;
- A change in the location of any part of proposed street alignment and lot configuration of not more than ten percent (10%) of the gross acreage;
- An increase or decrease of any setback by not more than five (5) feet for setbacks of less than fifty (50) feet, or ten percent (10%) for setbacks exceeding fifty (50) feet.

4.9.8 DESIGN ELEMENTS.

PUD zoning is intended to permit flexibility in the design, construction and processing of residential,

commercial and/or industrial developments of a quality that could not be achieved under conventional zoning concepts. Therefore, the design elements as set forth in Figure 4.9-1 shall be provided in the design of a Planned Unit Development.

All facilities including parks, open space, streets, water, sewer, storm water, and landscaping that are not dedicated to and accepted by a municipality or county shall be maintained by the following or a combination of the following:

- A condominium association, a homeowners' association, or a cooperative housing corporation; or
- A special assessment district organized pursuant to NCGS Chapter 153A, Article 9 or Chapter 160A, Article 10; or
- A public enterprise organized pursuant to NCGS Chapter 153A, Article 15 or Chapter 160A, Article 16; or
- A service district organized pursuant to NCGS Chapter 153A, Article 16; or
- A redevelopment commission organized pursuant to NCGS Chapter 160A, Article 22; or
- An authority organized pursuant to NCGS Chapter 160A, Articles 23 – 28, to the extent permitted by law; or
- A water or sewer authority or a water or sewer district organized pursuant to NCGS Chapter 162A.

Nothing in this Section shall require the County of Lee to approve any district or authority.

4.10 TRADITIONAL NEIGHBORHOOD DEVELOPMENT

The Traditional Neighborhood Development (TND) option is designed to permit the development of land in a manner consistent with the historic and timeless principles of Sanford's existing neighborhoods. A TND combines a variety of housing types with commercial and civic uses in a compact, walkable neighborhood setting. TNDs feature a highly interconnected street network and setbacks appropriate to create a public realm built on a human scale. The TND Use Pattern implements the following policies of the Land Use Plan:

- *To direct new development toward less developed geographic areas of the county without encouraging urban sprawl (Goals– Community Theme).*
- *Increase locations for multi-family housing and overall densities (Article 4)*
- *Achieve quality growth (Land Use, Goal 2)*
- *Use existing infrastructure efficiently (Land Use, Goal 3)*
- *Provide long term quality development and attractive public space (Urban Design, Goal 2)*
- *Improve the overall appearance of the Community (Urban Design, Goal 3)*
- *Promote the community as a major activity center for retail, recreation, and cultural activities (Economic Development, Goal 2)*
- *Provide residential areas that support other land use goals by efficient and economical use of resources and minimize their effect on the natural environment (Housing, Goal 3)*
- *Promote a full range of housing types that include single family, multi-family, group quarters, manufactured homes, and mobile home parks that will allow all persons the opportunity to live in decent, safe, and sanitary housing (Housing, Goal 1)*
- *Develop a transportation system that provides safe, effective, efficient traffic flow (Transportation, Goal 1)*
- *Develop a comprehensive pedestrian system for the Community (Transportation, Goal 2)*
- *Provide residential areas that support other land use goals by efficient and economical use of resources and minimize their effect on the natural environment (Housing, Goal 3)*
- *Provide amenities convenient to residential areas such as shopping facilities, community facilities and services, parks and open space, natural areas, and mass transit (Housing, Goal 8)*

The TND concept is particularly well suited to the Plan's emphasis on identifiable neighborhoods and community. By providing compact residential development linked with pedestrian facilities, shopping and employment opportunities within walking distance of residential areas, and an identifiable edge, a TND provides a sense of community.

4.10.1 APPLICABILITY.

The provisions of this Section apply to any application for a TND as provided in § 4.10.2 hereto. Furthermore, it is understood that the standards as set forth in the remainder of this § 4.10.2 are intended as general guidelines for the creation of a traditional neighborhood development. A proposed TND development may deviate from the standards as set forth in this section if it can be demonstrated that the alternative approach is in keeping with the spirit of a traditional neighborhood development.

4.10.2 PROCESSING PROCEDURES.

A TND shall be considered a conditional zoning district and shall be processed in accordance with § 3.4 of this Ordinance.

4.10.3 SIZE AND LOCATION OF SITE.

4.10.3.1 LOCATION.

A TND may be located adjacent to, but shall not be bisected by, a Secondary Arterial or Primary Arterial Street unless the Street is designed to conform to the requirements of an Avenue or Main Street (see Article 10 of this Ordinance).

If the TND is located adjacent to a Collector or higher classification street and the street is not designed to conform to the standards of an Avenue or Main Street, the following criteria shall apply:

(a) The internal streets providing access to the TND shall be aligned perpendicular to the Collector or higher order street.

(b) The buildings or structures which take access from the internal streets shall face the internal streets and not the Collector or higher order streets.

4.10.3.2 SUBAREAS.

The Site shall be divided into the following subareas:

(a) A Center ("Center") consisting of Civic, Retail, Service, and Multi-family uses. The size of the Center is based on the size of the entire site, as provided in § 4.10.3.3, below.

(b) A Neighborhood or series of Neighborhoods consisting of multi-family and single-family uses, small-scale Retail and Service uses, and public outdoor gathering places. All areas within a Neighborhood shall be within 1,320 feet (1/4 mile from edge to edge. A neighborhood shall be not less than ten (10) or more than forty (40) acres in size. This land area does not include Greenbelts located on the periphery of the Neighborhood.

(c) Parks and Open Space, including a Plaza and a Greenbelt (see Parks and Open Space Standards, § 6.5 of this Ordinance). The Plaza provides a community focal point and public gathering place, while the Greenbelt provides a clear edge to the community, open space for community residents, and natural areas for storm water management.

4.10.3.3 CENTERS.

(a) The Center shall have a minimum area of 30,000 square feet. For a TND exceeding 250 dwelling units, the Center shall have a minimum area of 120 square feet per Dwelling Unit.

Example: A proposed TND has 600 dwelling units. The minimum square footage for the Center is 72,000 square feet (600 x 120).

(b) A Center shall only be located on a Main Street (see Transportation Standards).

(c) The Center may face or surround a Plaza or Square.

(d) A continuous system of sidewalks shall connect the Center with Streets and Lanes which provide access to dwelling units.

4.10.4 USES & DENSITY

4.10.4.1 DENSITY.

The requested densities, in terms of number of units per gross residential acre and total number of dwelling units shall be set forth in the Subdivision and/or Site Plan Application. The Subdivision Plat or Site Plan for a TND shall comply with Table 4.10-1 hereto. The applicable land use categories are set forth in Column (A). The minimum land area which shall be devoted to the land use is shown in Column (B), and the maximum land area which shall be devoted to the land use is shown in Column (C). Minimum land area is stated as the percentage of gross land area. The density for the particular residential use shall be at least the amount set forth in Column (D). The density for a residential use shall not exceed the amount shown in Column (E). The floor area ratio (FAR) for the

particular use shall be at least the amount set forth in Column (G) and shall not exceed the amount shown in Column (H). A dash (--) indicates that the standard is not applicable.

TABLE 4.10-1

(A)	(B)	(C)	(D)	(E)	(F)	(G)
Land Use Category	**Minimum Land Allocation**	**Maximum Land Allocation**	**Minimum Density (dwelling units per acre)**	**Maximum Density (dwelling units per acre)**	**Minimum FAR**	**Maximum FAR**
Parks & Open Space	5% or 5 acres, whichever is greater	--	--	--	--	--
Civic Uses	2%	20%	--	--	2.0	6.0
Retail or Service Uses	5%	20%	--	--	1.5	6.0
Multi-Family Uses	10%	40%	5	30	1.5	6.0
Single-Family Uses	15%	75%	4	10	--	--

4.10.4.2 LOCATION OF USES

The location of uses shall be governed by street frontage, consistent with Table 4.10-2, below:

TABLE 4.10-2

(A) Street	(B) Civic Uses	(C) Retail or Service Uses	(D) Multi-Family Uses	(E) Single-Family Uses
Parkways	*	--	--	*(1)
Boulevard	*	*	*	*(1)
Main Street	*	*	*	--
Avenue	*	*	*	--
Local	--	--	*	*
Lanes	--	--	--	*

Rules of interpretation for Table 4.10-2:

1. Single-family dwellings located on a Parkway or a Boulevard shall have access to an alley. A single-family dwelling shall not have a driveway on the Parkway or Boulevard.

4.10.4.3 ABUTTING USES

Uses may abut at side or rear lot lines, or face across streets or Parks, regardless of whether they are in the same or a different land use category, except as provided herein. Retail or Service Uses may abut Single-family uses only where the retail or service uses is located at the intersection of a Main Street, Boulevard, or Avenue.

4.10.4.4 VISTAS

Prominent Sites should be reserved for the following building types: (A) Civic Buildings, including government offices, libraries, museums, schools, or churches; (B) Hotels; or (C) Office Buildings. A "prominent site" may include a location along a Main Street, or the termination of a vista running from a Main Street, Boulevard, or Avenue and its intersection with an equal or lower order street.

Figure 1: Vista in Traditional Downtown

4.10.4.5 ACCESSORY DWELLING

Accessory Dwellings shall be permitted on any lot designated for Single-Family Detached Dwellings consistent with § 5.1 of this Ordinance.

4.10.5 LOT ARRANGEMENT & DIMENSIONS

4.10.5.1 All lots shall include frontage abutting a street. For a proposed TND not exceeding eighty (80) acres in size, at least ninety percent (90%) of the dwelling units shall be located within a five minute walk (1,320 feet) from the perimeter of a Park. For a proposed TND which is at least eighty (80) acres in size, at least fifty percent (50%) of the dwelling units shall be located within a five minute walk (1,320 feet) from the perimeter of a Park.

4.10.5.2 All buildings (excluding accessory buildings) shall have an entrance which opens to a street, a sidewalk, a Green, or a Square. This façade shall be considered the front of the building, and the façade facing the rear lot line shall be considered the rear of the building. Parking area shall be located between the rear of the building and the rear lot line.

The setback for principal buildings shall be as set forth in Table 4.10-3. Setbacks for Accessory Structures or Accessory Dwellings shall comply with § 5.1 of this Ordinance. The frontage and setback requirements shall not apply to Parks and Open Space. In order to allow for variations for unique uses, such as anchor retail tenants or auditoriums, the maximum frontage requirements in Column (C) shall be computed as an average.

4.10.6 STREETS DESIGN.

4.10.6.1 Proposed streets within a Traditional Neighborhood Development District shall conform to Table 10-4.

TABLE 10-4: TND STREET DESIGN STANDARDS

Street Type	*Trail*	*Alley*	*Lane*	*Local Street*	*Avenue with Parking*	*Avenue without Parking*	*Main Street*	*Boulevard*	*Parkway*
a. ROW	14’	20’	50’	50’	98’	98’	66’	122’	118’
b. Pavement Width	10’-14’	12’	27’	33’	52’	52’	38’	74’	54’
c. Travel lane width	--	--	8’	9’	11’	11’	11’	11’-12’	12’
d. Maximum Travel Lanes	--	--	--	--	2	2	2	4	4
e. Centerline Grade (max.)	15%	10%	10%	8%	6%	6%	6%	6%	6%
f. Corner Radius	--	--	15’	15’	15-25’	15-25’	15-25’	15-25’	15-25’
g. Centerline Radius	--	--	90	90	175	175	175	175	175
h. Drainage	--	--	CG	CG	CG	CG	CG	CG	Sw or CG
i. Median	--	--	--	--	18’	18’	--	20’	30’
j. Sidewalk Width			4’	4’	4’	4’	4’	4’	4’
k. Bike Lanes	--	--	--	--	6’	6’	6’	6’	--
l. Street Yards (trees)	--	--	Yes	Yes	Yes	Yes	No	Yes	Yes
m. Planting Strips	--	--	6’	6’	6’	6’	6’	6-10’	7-20’

NOTES TO TABLE 10-4:

- All values stated are minimums unless otherwise indicated. A single apostrophe (‘) denotes a dimension expressed in feet. A dash (--) means that the standard does not apply.
- Row “a.” The right-of-way includes all areas including the travel lanes, medians, sidewalks, and bike lanes.
- Row “b.” Dimensions for pavement width are from curb face to curb face.
- Row “c.” Where two lane widths are denoted, the larger travel lane width applies to the interior lanes, while the smaller lane width applies to the exterior lanes.
- Row “d.” The number of lanes shall not exceed the maximum number of travel lanes denoted, if applicable.
- Row “e.” The maximum grade depends upon the terrain classification pursuant to the NCDOT, *Subdivision Roads: Minimum Construction Standards* (July 1, 1985 or latest edition), § 1.F – “Maximum Grade.”
- Row “e.” K values for vertical curve design and maximum centerline grades shall be consistent with design speed, as set forth in the document entitled NCDOT, *Subdivision Roads: Minimum Construction Standards* (July 1, 1985 or latest edition)\, which is hereby incorporated by this reference.
- Row “f.” For design speeds of 20 mph the criteria for the corner (“curb”) radius is 15 feet. Some intersections on avenues, main streets and boulevards may require curb radius of up to 25 feet where required by the design speed. With larger curb radii sidewalks may be set back 6 to 10 feet from curbs and on-street parking may be restricted 30 feet back from the intersection on each street.
- Row “g.” The centerline radius shall comply with the NCDOT, *Subdivision Roads: Minimum Construction Standards* (July 1, 1985 or latest edition), § 1.F – “Minimum Centerline Radius.”
- Row “h.” “CG” means curb and gutter. “Sw” means swales. “Sh” means shoulders. All curbed streets shall be built in accordance with NCDOT requirements for vertical curb and gutter construction, as set forth in NCDOT, *Subdivision Roads: Minimum Construction Standards* (July 1, 1985), Figure 5.A and § 1.C “Curb and Gutter.” For purposes of Tables 10-3 and 10-4, gutters shall be at least 2 feet in width, while gutters for lanes and street medians shall be at least 1 foot.
- Row “i.” For Main Streets, medians are optional but must comply with the minimum width if used.
- Row “j.” Sidewalks shall include an additional 2 feet of width if they directly abut fences, walls and buildings.
- Row “k.” On Local Streets, bicyclists should be considered a normal part of the vehicle mix on the street and, accordingly, no separate lanes or markings are required. On Collector Streets, including Boulevards, Parkways, and Avenues bicyclists shall be accommodated with 6 feet wide bike lanes. Applicants may also provide separate routes for less experienced bicyclists may be considered as well. Routing bicyclists within and through TNDs may include signage and striping, including changing the color of the entire bike lane, as appropriate.
- Row “l.” For Main Streets, grated tree wells may be used in lieu of planting strips. For Parkways, the sidewalks shall take the form of multi-use trails which may meander at a distance of between 6 to 15 feet from the paved section of the roadway. The bike lane shall not adjoin the travel lane. A minimum 6-foot paved shoulder shall be included on a high- speed parkway (meaning a design speed greater than 45 mph); however, a typical section shall include a shoulder with ditches).
- Row “m.” This row refers to the minimum width of the planting strip, located between the curb and sidewalk parallel with the street.

4.10.6.2 A legally responsible organization (i.e. homeowners association, special district, etc.) shall be established to maintain a private street(s). Documents to assure private responsibility of future maintenance and repair by a homeowners association or a special district shall be approved as to form by the attorney for the City, County or Town, as applicable.

4.10.7 UTILITIES.

This Section intentionally left blank.

4.10.8 PARKS & OPEN SPACE.

Open space shall comply with the standards of Table 4.10-4. The amount of land for each Park or Open Space classification set forth in Column (A) shall not be less than that prescribed in Column (B), and not more than that prescribed in Column (C). TND Parks and Open Space shall comply with the Parks and Open Space Standards (§ 6.5 of this Ordinance).

4.10.9 This Section intentionally left blank.

4.10.10 BUFFERS, LANDSCAPING, STREETSCAPE PLANTING & TREE PRESERVATION.

Uses within the TND shall comply with the Landscaping Standards of this Ordinance except as otherwise provided herein.

In order to provide a continuous pedestrian transition for residential neighborhoods and commercial areas, Retail, Service, or Civic land uses shall not be separated from Multi-family or Single-Family land uses by within the TND by berms or buffers unless a trail or sidewalk is established which provides a direct connection between the uses.

4.10.11 PARKING

4.10.11.1 Except as otherwise provided by this subsection, parking requirements for all uses shall be in accordance with the Parking Standards (Article 8 of this Ordinance).

4.10.11.2 The minimum parking space requirements of the Parking Standards shall not apply to a TND.

4.10.11.3 Parking lots shall be located at the rear or at the side of buildings. Not more than two (2) rows of parking shall be located to the side of a building.

4.10.11.4 Parking lots and parking garages shall not: (1) abut street intersections or civic use lots; or (2) occupy lots which Terminate a Street Vista (see § 4.10.4).

4.10.11.5 Parking lots shall be located in the interior of a block or shall take access from an alley or shall be located to the rear of a building.

4.10.11.6 Loading areas shall adjoin alleys or parking areas to the rear of the Principal Building.

4.10.11.7 On-street metered and structured parking is encouraged.

4.10.11.8 Parking areas exceeding one hundred fifty (150) contiguous spaces shall be in Structured Parking. This requirement shall not apply to Park and Ride lots.

4.10.12 OUTDOOR STORAGE.

The proposed development shall comply with the Outdoor Storage Regulations (§ 10.1 of this Ordinance).

4.10.13 URBAN DESIGN.

4.10.13.1 Buildings facing across streets shall be located or have sufficient height to achieve an Enclosure Ratio as follows:

- Civic, Retail, Service Uses - 1:3 or 30%
- Multi-family, Single-family Uses - 1:4 or 25%

This provision does not apply to buildings which face a Park or Plaza.

4.10.13.2 Front porches shall be provided on not less than 50% of all dwelling units within the Single-family land use allocation. Porches shall be constructed of masonry or wood materials. Architectural metal may be used if it is compatible with the exterior or roofing materials of the primary building. The seating area shall have a minimum width of nine (9) feet and a minimum depth of five (5) feet.

4.10.13.3 Retail and Service uses may designate the entire building area above the ground floor or the second floor for residential use.

TABLE 4.10-3 TND DIMENSIONAL STANDARDS.

(A) Location	(B) Min. Frontage[1]	(C) Max. Average Frontage	(E) Min. Front Setback	(F) Max. Front Setback	(G) Min. Side Setback[2]	(H) Max. Side Setback	(I) Min. Rear Setback
Parkways	100’	--	10’	20’	5’	--	40’
Boulevard	40’	80’	5’	20’	5’	20’	20’
Main Street	--	40’	--	5’	--	5’	5’
Avenue	20’	40’	5’	20’	5’	--	20’
Local	20’	70’	5’	30’	5’	--	20’
Lanes	20’	70’	5’	30’	5’	--	20’

Notes to Table 4.10-3:

1. NCDOT may apply additional standards for connection to State roads, in which case approval from NCDOT may be required

2. Applies only to Single-Family Detached Dwellings, or Buildings or Structures adjacent to a Single- Family Detached Dwelling.

TABLE 4.10-4 TND OPEN SPACE STANDARDS.

(A) TYPE	***(B) MINIMUM LAND ALLOCATION – SIZE***	***(C) MAXIMUM LAND ALLOCATION - SIZE***
Parks	Greater of 5% GLA or 5 acres.	40% GLA total. Maximum size per park is 3 acres.
Greenways or Greenbelts	No minimum acreage requirement. Greenways or Greenbelts shall be located within natural areas such as steep slopes, floodplains, or significant stands of trees.	N/a
Square	60,000 square feet.	120,000 square feet.

4.11 MANUFACTURED HOME OVERLAY DISTRICT

4.11.1 PURPOSE.

The purpose of this overlay zoning district is to provide sufficient land area for the provision of manufactured housing in order to implement NCGS § 160A-383.1 and to provide affordable housing opportunities for low and moderate- income persons.

4.11.2 APPLICABILITY.

4.11.2.1 The provisions of this § 4.11 shall apply to: (a) a manufactured home park or (b) individual manufactured homes as placed on individual lots, including those within a manufactured home

subdivision. Section 4.11.3 sets forth the standards and procedures for Manufactured (Mobile) Home Parks., while Section 4.11.4 sets forth the standards and procedures for individual Manufactured Homes on individual lots.

4.11.2.2 A manufactured home park is defined as any area, lot, parcel or tract held in common ownership, and on which individual portions of said area, lot, parcel or tract are leased for the placement of two or more manufactured homes or mobile homes as a primary residence. Manufactured home parks shall only be permitted within an MH overlay district as defined in this Section (see Table 4.6- 1 for reference). Any existing manufactured home park that is not within an MH overlay district shall be considered nonconforming and subject to the standards for nonconforming uses as set forth in Article 12 of this Ordinance.

4.11.3 APPLICATION PROCEDURES FOR A MANUFACTURED (MOBILE) HOME PARK.

4.11.3.1 An application for a rezoning to a MH overlay district for a manufactured home park shall be accompanied by a master plan and shall be processed in the same manner as a conditional zoning petition as set forth in Section 3.4 of this Ordinance.

4.11.3.2 The master plan shall show the circulation pattern, manufactured home park spaces, permanent structures and other site design requirements that may be considered essential by the Planning Commission. The plan shall include lot numbers for each lot or rentable space within the manufactured housing park

4.11.3.3 The master plan shall show how all proposed improvements would meet the standards as set forth in Section 4.11.4, below.

4.11.3.4 STANDARDS FOR MANUFACTURED HOMES WITHIN A MANUFACTURED (MOBILE) HOME PARK.

- The minimum land area for the entire site shall be five (5) acres.
- No manufactured home shall be located closer than twenty-five (25) feet from a property line of an adjacent lot or parcel under separate ownership and no closer than thirty (30) feet from a public street right-of-way.
- A Type "A" buffer yard which conforms to the requirements of Article 7 of this Chapter shall be established along any property line adjoining another residential zoning district.
- All driveways within the manufactured home park shall comply with the standards of Article 8 of this Ordinance.
- Streetlights shall be installed and shall conform to any standards prescribed by the respective jurisdiction.
- In lieu of the dimensional and density requirements of § 4.7, Table 4.7-1, spaces for manufactured homes shall comply with the criteria set forth in Tables 4.11-1 and 4.11-2, below. The minimum distance between manufactured homes shall be twenty (20) feet.
- All manufactured home spaces shall abut upon a paved internal street not less than 20 feet in paved width exclusive of parking.
- All manufactured home spaces shall adjoin an all-weather surface sidewalk at least four (4) feet in width. An all-weather surface shall include asphalt, gravel or concrete.
- Two off-street parking spaces shall be provided for each manufactured home space. The minimum dimensions of each space shall have minimum dimensions of nine (9) feet in width and eighteen (18) feet in length
- If the manufactured home park will contain 100 or more dwelling units, open space shall be required and shall conform to the standards as set forth in Section 6.5 of this Ordinance.
- Manufactured home parks must provide adequate facilities for the storage and disposal of solid waste. Location of proposed refuse collection area(s) shall be shown on the master plan. This requirement is unnecessary if the developer/operator of the park can demonstrate an ability to serve the park tenants by using individual "rollout" containers.
- The corners of all manufactured home lots or spaces shall be clearly marked on the ground.

""

Table 4.11-1 Manufactured Home Dimensional Standard (for Manufactured Home Parks)

Standard	Manufactured Home Type I (or single-wide mobile home)	Manufactured Home Type II (or Double-wide Mobile Home))
Minimum area for manufactured home (square feet)	See Table 4.11-2, below	
Width of Space (feet)	40	50
Depth of Space (feet)	100	100
Front Yard (in feet, measured from pavement edge of internal street to manufactured home)	20	20
Side Yard (in feet, between manufactured homes or permanent buildings)	20	20

Table 4.11-2 Minimum Area for individual Manufactured Homes (for Manufactured Home Parks)

Utilities (denoted by asterisk [*])				Minimum Area Outside a Watershed Overlay District	Minimum Area Inside a Watershed Overlay District
Individual well	Individual septic tank	Public or Community Water	Public or Community Sewer		
*	*			30,000	40,000
	*	*		15,000	40,000
*			*	7,500	12,500
		*	*	7,500	12,500
Example: lots with septic tanks and public water supply require a minimum 15,000 square feet outside of the Watershed Overlay District					

4.11.4 APPLICATION PROCEDURES FOR MANUFACTURED HOMES ON INDIVIDUAL LOTS.

4.11.4.1 An application for a rezoning to a MH overlay district to allow for manufactured homes on individual parcels shall be accompanied by a master plan and shall be processed in the same manner as a conditional zoning petition as set forth in Section 3.4 of this Ordinance.

4.11.4.2 The master plan shall show the boundaries of the proposed and/or existing parcels, the location of the manufactured home on each lot; other structures and any other site design requirements that may be considered essential by the Planning Commission

4.11.4.3 Creation of any new lots shall also require compliance with this Ordinance's standards for subdivision approval and minimum lot design standards for the base zoning district to which the overlay.

4.11.4.4 A manufactured home on an individual lot shall conform to the appropriate type as permitted in Table 4.6-1 and to the appropriate design standards of Section 10.5 of this Ordinance.

4.12 HISTORIC PRESERVATION OVERLAY DISTRICT

4.12.1 PURPOSE.

Sanford's designated historic districts, hereinafter referred to as the "districts," and historic landmarks, hereinafter referred to as "landmarks" are some of the most valued and important assets of the City of Sanford, Town of Broadway, Lee County and the State. They are established for the purpose of protecting and conserving the heritage of the County of Lee, and State; for the purpose of safeguarding the character and heritage of the districts by preserving the districts as a whole and any property therein that embodies important elements of their social, economic, cultural, political, or architectural history; for the purpose of promoting the conservation of such districts or landmarks for the education, pleasure and enrichment of residents of the districts and the City of Sanford, Town of Broadway Lee County and the State as a whole; for the purpose of fostering civic beauty; and

for the purpose of stabilizing and enhancing property values throughout the districts as a whole, thus contributing to the improvement of the general health and welfare of the City of Sanford, Town of Broadway, Lee County and the State and the residents of the districts. This section implements the following provisions of the Land Use Plan:

- Maintain the historic character of the Community (Historic Preservation, Goal 1)
- Identify future Historic Districts (Historic Preservation, Goal 2)
- Maintain the integrity of existing Historic Districts, and expand Historic Districts where possible (Historic Preservation, Goal 3)

4.12.2 HISTORIC DISTRICT ESTABLISHMENT.

4.12.2.1 The historic districts are hereby established as districts which overlay existing zoning districts, the extent and boundaries of which are as indicated on the official zoning map for the County of Lee. The boundaries of the districts are as shown on the Official Zoning Map.

4.12.2.2 Historic districts, as provided for in this section, may from time-to-time be designated, amended, or repealed, provided; however, that no district shall be recommended for designation unless it is deemed to be of special significance in terms of its history, prehistory, architecture, and/or culture and to possess integrity of design, setting, materials, feeling, and/or association. No district shall be designated, amended, or repealed until the following procedure has been carried out:

(a) An investigation and report describing the significance of the buildings, structures, features, sites, or surroundings included in any such proposed district, and a description of the boundaries of such district has been prepared, and;

(b) The Department of Cultural Resources, acting through the State Historic Preservation Officer or his or her designee, shall have made an analysis of and recommendations concerning such report and description of proposed boundaries. The districts shall not be established and the authority and the powers established by this Section shall not be implemented until the Department of Cultural Resources has been given an opportunity, in accordance with the provisions of NCGS § 160D-944, to make recommendations with respect to the establishment of the districts. Failure of the Department to submit its written analysis and recommendations to the appropriate Governing Body within 30 calendar days after a written request for such analysis has been received by the Department of Cultural Resources shall relieve the appropriate Governing Body of any responsibility for awaiting such analysis, and the appropriate Governing Body may at any time thereafter take any necessary action to adopt or amend its Zoning Ordinance.

(c) The appropriate Governing Body may also, in its discretion, refer the report and the proposed boundaries to any other interested body for its recommendations prior to taking action to amend the Zoning Ordinance.

(d) With respect to any changes in the boundaries of such district subsequent to its

(e) initial establishment, or the creation of additional districts within the jurisdiction, the investigative studies and reports required by subsection (a), above, shall be prepared by the Historic Preservation Commission and shall be referred to the Planning Commission for its review and comment according to the procedures set forth in the Zoning Ordinance. Changes in the boundaries of an initial district or proposal for additional districts shall be submitted to the Department of Cultural Resources in accordance with the provisions of subsection (b), above.

(f) Upon receipt of these reports and recommendations, the appropriate Governing Body may proceed in the same manner as would otherwise be required for the adoption or amendment of any appropriate zoning provisions.

4.12.3 HISTORIC LANDMARK ESTABLISHMENT.

4.12.3.1 The Governing Body may adopt, and from time-to-time amend or repeal an ordinance designating one or more historic landmarks. No property shall be recommended for designation as a landmark unless it is deemed and found by the Historic Preservation Commission to be of special significance in terms of its historical, prehistoric, architectural, or cultural importance, and to possess integrity of design, setting, workmanship, materials, feeling, and/or association.

4.12.3.2 The ordinance shall describe each property designated in the Ordinance, the name or names of the owner or owners of the property, those elements of the property that are integral to its historical, architectural

or prehistoric value, including the land area of the property so designated, and any other information the Governing Body deems necessary. For each building, structure, site, area or object so designated as a landmark, the ordinance shall require that the delay set forth in § 4.12.11 be observed prior to its demolition. A suitable sign for each property designated as a landmark may be placed on the property at the owner's consent.

4.12.3.3 No property shall be designated as a landmark until the following steps have been taken:

(a) As a guide for the identification and evaluation of landmarks, the Historic Preservation Commission shall, at the earliest possible time and consistent with the resources available to it, undertake an inventory of properties of historical architectural, prehistoric, and cultural significance within the County of Lee.

(b) The Historic Preservation Commission shall make or cause to be made an investigation and report on the historic, architectural, prehistoric, educational, or cultural significance of each building, structure, site, area, or object proposed for designation or acquisition. Such report shall be forwarded to the Division of Archives and History, North Carolina Department of Cultural Resources.

(c) The Department of Cultural Resources shall be given an opportunity to review and comment upon the substance and effect of the designation of any landmark. All comments shall be provided in writing. If the Department does not submit its comments to the Historic Preservation Commission within 30 days following receipt by the Department of the report, the Historic Preservation Commission and the Governing Body shall be relieved of any responsibility to consider such comments.

(d) The Historic Preservation Commission and the appropriate Governing Body shall hold a joint hearing (or separate hearings) on the proposed ordinance. Reasonable notice of the time and place thereof shall be given.

(e) Following the hearings(s), the Historic Preservation Commission and the appropriate governing body may adopt the ordinance as proposed, adopt the ordinance with any amendments it deems necessary, or reject the proposed ordinance.

(f) Upon adoption of the ordinance, the owners and occupants of each landmark shall be given written notification of such designation insofar as reasonable diligence permits. One copy of the ordinance and amendments thereto shall be filed by the Historic Preservation Commission in the office of the Register of Deeds of Lee County. Each landmark shall be indexed according to the name of the owner of the property in the grantor and grantee indexes in the Register of Deeds office and the Historic Preservation Commission shall pay a reasonable fee for filing and indexing. A second copy of the ordinance and all amendments thereto shall be kept on file in the office of the clerk of the City of Sanford, Town of Broadway, or Lee County and shall be made available for public inspection at any reasonable time.

(g) Upon the adoption of the landmark ordinance or any amendments thereto, it is the duty of the Historic Preservation Commission to give notice thereof to the tax supervisor of Lee County.

4.12.4 PERMITTED USES.

The districts contain several underlying zoning classifications. All uses permitted in any such underlying district, whether by right or as a Special Use, shall be permitted in the historic districts according to the procedures established for such uses.

4.12.5 DIMENSIONAL REGULATIONS.

Structures within the historic districts shall observe the dimensions and other regulations of this Ordinance, except as otherwise provided herein. No structures or part thereof shall be required to be set back further from the front lot line or side lot line than the average distance of the setbacks of the nearest principal buildings within 300 feet on each side of such building and fronting on the same side of the street.

Where the Historic Preservation Commission finds that an Authentic Restoration or Reconstruction of a structure meets the requirements of 4.12.6 of this section, such activity shall be exempt from the dimensional regulations of the underlying zoning district.

4.12.6 AUTHENTIC RESTORATION OR RECONSTRUCTION.

4.12.6.1 Where the Historic Preservation Commission renders a finding as to the following, such activity may be approved by the Historic Preservation Commission:

(a) that an application for a building permit covers activity constituting an authentic restoration or reconstruction; and

(b) the activity will occur in the same location as the original location; and

(c) any modification to the structure will conform to the historic and/or architectural significance of the historic district.

4.12.6.2 The Historic Preservation Commission, in approving such authentic reconstruction or restoration, may attach reasonable and appropriate conditions to the approval, such that the public health, safety and general welfare shall be protected.

4.12.6.3 The Historic Preservation Commission shall not be authorized, in action undertaken pursuant to this section, to approve a use of property which is not a use permitted by right or as a Special Use within the district in which the property is located.

4.12.6.4 In addition to any other condition the Historic Preservation Commission may make regarding such authorization, any items restored, reconstructed, or maintained on, over, or within a public sidewalk, public alley area, or other such public way shall be the responsibility of the owner, his heirs and assigns. The owner's restoration, reconstruction, or maintenance of any such item within such area shall constitute the owner's agreement to protect and hold the City of Sanford, Town of Broadway or County of Lee (as applicable) blameless against any and all liability, cost, damage, or expense suffered by the City of Sanford, Town of Broadway or County of Lee (as applicable) as a result of or growing out of the restoration, reconstruction, or maintenance thereof. Such items, so approved, may be lawfully restored, reconstructed, or maintained. Any such item projecting over the vehicular truck way of a street or alley shall be, at its lowest point, 10 feet above the travel way.

4.12.7 OFF-STREET PARKING.

The minimum parking requirements of the Parking Regulations (Article 8) shall not apply within an approved "H" Historic Overlay District, except the following shall apply.

4.12.7.1 OFF-STREET PARKING REQUIREMENTS FOR ROSEMOUNT MCIVER PARK DISTRICT.

This § 4.12.7.1 shall apply to all properties within the Rosemount McIver Park Historic District. For purposes of this Sec. 4.12.7, a vehicle shall include motorized and/or towed equipment that is designed to travel upon a street or highway and shall include any automobile, bus, truck, tractor, motor homes/RVs, mopeds, all-terrain vehicles, recreational vehicles, golf carts, go-carts, trailers, campers or other similar devices.

4.12.7.1.2 VEHICLE SURFACE AREA.

Vehicle surface areas shall include the driveways and parking areas for vehicles as located on private lots, outside of a street right- of-way. Vehicle surface areas shall conform to the following standards:

(a) Vehicular surface areas shall be constructed of permanent, non- erodible surface treatment, which may include porous and semi-porous monolithic or paver materials, masonry or concrete pavers, poured concrete and asphalt, or constructed with a minimum depth of 4 inches of crushed stone or crush and run. Parking on grass, dirt or similar erodible surface is prohibited.

(b) The borders of any vehicular surface area constructed of crushed stone or crush and run shall be delineated with edging materials such as but not limited to: decorative concrete, brick, anchored steel edging, small walls built of brick, stone, etc. such that the vehicular surface area is clearly defined and helps to contain the crushed stone or crush and run. Concrete block, plastic edging, landscape timbers, masts and similar edging materials shall not be allowed.

(c) Except for circular and semi-circular drives, vehicular surface areas located within the front yard area of a single- unit living in a detached house shall not be located in front of the dwelling's primary entrance.

(d) No vehicle shall be parked or stored outside of the vehicular surface areas described above within the front yard area with the exception of temporary parking under Sec. 4.12.7.1.8 and/or vehicles actively and continuously being unloaded, loaded, washed or repaired (in a non-commercial manner).

(e) All vehicular surface areas shall be maintained in good and safe condition and be free of holes, cracks or other failures that may affect the use, safety, appearance or drainage to an adjoining property.

(f) The minimum width for a residential and commercial driveway is 10 feet and the maximum width is 16 feet.

4.12.7.1.3 RESIDENTIAL STANDARDS FOR SINGLE-FAMILY DWELLINGS.

Vehicular surface areas located within the front yard areas of single-family dwellings shall comply with the following:

(a) Residential lots for single-family dwellings shall comply with the standards stipulated in Sec. 4.12.7.1.2Vehicle Surface Area (a-f).

(b) A circular or semi-circular driveway, shall not exceed a width of 12 feet, with no more than two access points on the premises shall be allowed.

4.12.7.1.4 RESIDENTIAL STANDARDS FOR VEHICLE PARKING AREAS WITH MORE THAN ONE DWELLING UNIT.

Vehicular surface areas located within the front yard area of residentially developed lots that include two or more dwelling units shall comply with the following:

(a) Residential lots with two or more dwelling units shall be allowed 40% coverage in front yards.

(b) Residential lots with two or more dwellings shall be allowed parking pads with a minimum width of 20 feet and a maximum width of 24 feet and a maximum length of 30 feet.

(c) Large parking areas and lots should be screened when possible. Perimeter planting areas should be created to minimize the impact of the parking areas or lots on surrounding properties as much as practicable.

4.12.7.1.5 NON-RESIDENTIAL STANDARDS FOR VEHICLE SURFACE AREAS.

Lots developed for non-residential land use shall conform to the following standards:

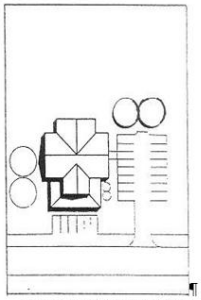
(a) No vehicle shall be permitted to be parked or stored on a vehicle surface that does not meet the standards of Sec. 4.12.7.1.2 Vehicle Surface Area.

(b) Required off-street parking shall be provided on site and shall meet the standards set forth in Article 8 of the Unified Development Ordinance with regard to the number of spaces and the dimensional requirements for parking spaces.

(c) Non-residential parking areas shall be located in the rear yard if at all possible.

(d) Parking areas and lots shall be screened with a Type "B" buffer yard as set forth in Article 7 of this UDO. Perimeter planting areas should be created to minimize the impact of the parking areas or lots on surrounding properties as much as practicable.

(e) Staff shall have the flexibility to work with property owner(s) regarding the dimensional standards of ingress/egress to parking areas as well as width of buffer areas in order to maintain the historical character of the historic district while creating a safe parking design.



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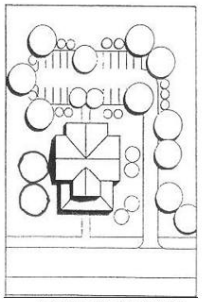

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4.12.7.1.6 EXISTING NON-CONFORMING VEHICLE SURFACE AREAS.

4.12.7.1.6.1 **Non-Erodible Surface**. Vehicular surface areas existing prior to the adoption of this ordinance which do not conform to the standards of

Sec. 4.12.7.1.2, Sec. 4.12.7.1.3, Sec. 4.12.7.1.4 and/or Sec. 4.12.7.1.5, but are constructed of permanent, non-erodible surface treatment are allowed to remain. However, such areas shall not be expanded or altered except to upgrade vehicular surface area to be in greater compliance with this Section. Routine maintenance and /or repair are permitted and encouraged.

4.12.7.1.6.2 **Erodible Surface.** Vehicular surface areas existing prior to the adoption of this ordinance that are not constructed of a permanent, non-erodible surface treatment shall not be continued to be used for vehicular parking unless or until said parking area is brought into compliance with Sec. 4.12.7.1.2, Sec. 4.12.7.1.3, Sec. 4.12.7.1.4 and/or Sec. 4.12.7.1.5, as appropriate.

4.12.7.1.7 NEW CONSTRUCTION OR EXPANSION.

New construction or expansion of parking facilities shall require a Certificate of Appropriateness as set forth in § 4.12.8 of this UDO.

4.12.7.1.8 TEMPORARY EVENT PARKING.

Temporary events shall include family reunions, holiday visitations, weekend residential yard sales and other similar events. As such, temporary event parking shall be allowed under the following conditions:

(a) During the duration of a temporary event, parking outside of an improved parking surface (temporary event parking) shall be allowed, so long as the area/surface to be used for parking does not create drainage runoff or other environmental impacts that may negatively affect adjoining properties.

(b) Temporary parking for such events shall not extend beyond a maximum of three (3) consecutive days.

(c) Temporary event parking shall be limited to a maximum of three (3) occurrences on the same lot within one (1) calendar year.

(d) Temporary event parking shall occur no more than once within a 30 day period on the same lot.

4.12.8 CERTIFICATE OF APPROPRIATENESS.

4.12.8.1 APPLICABILITY.

(a) From and after the designation of a landmark or a historic district, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps, and pavement, or other appurtenant features) no above-ground utility structure nor any type of outdoor advertising sign or business identification sign shall be erected, altered, restored, moved, or demolished on such landmark or within the historic district until after an application for a Certificate of Appropriateness as to exterior features has been submitted to and approved by the Historic Preservation Commission. The County of Lee shall require such a certificate to be issued by the Historic Preservation Commission prior to the issuance of a compliance permit or building permit granted for the purposes of constructing, altering, moving, or demolishing structures, which certificate may be issued subject to reasonable conditions necessary to carry out the purpose of this part. A Certificate of Appropriateness shall be required whether or not a building permit or compliance permit is required. Any building permit or such other permit not issued in conformity with this section shall be invalid.

(b) For purposes of this Section, "exterior features" shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. In the case of outdoor advertising signs, "exterior features" shall be construed to mean the style, material, size, and location of all such signs. Such "exterior features" may, in the discretion of the local governing board, include historic signs, color, and significant landscape, archaeological, and natural features of the area.

(c) Except as provided in subsection (d) below, the Historic Preservation Commission shall have no jurisdiction over interior arrangement and shall take no action under this section except to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features in the district which would be incongruous with the special character of the landmark or district.

(d) Notwithstanding subsection (c) of this section, jurisdiction of the Historic Preservation Commission over interior spaces shall be limited to specific interior features of architectural, artistic or historical significance in publicly owned landmarks; and of privately owned historic landmarks for which consent for interior review has been given by the owner. Said consent of an owner for interior review shall bind future owners and/or successors in title, provided such consent has been filed in the office of the register of deeds of Lee County and indexed according to the name of the owner of the property in the grantee and grantor indexes. The landmark designation shall specify the interior features to be reviewed and the specific nature of the Historic Preservation Commission's jurisdiction over the interior.

(e) The County of Lee and all public utility companies shall be required to notify the Historic Preservation Administrator prior to initiating any changes in the character of street paving, sidewalks, trees, utility installations, lighting, walls, fences, structures and buildings on property, easements, or streets owned or franchised by the County of Lee or public utility companies. Such entity shall replace any changes described above with similar types of materials.

4.12.8.2 PROCEDURES.

(a) An application for a Certificate of Appropriateness shall be obtained from and, when completed, filed with the Department of Community Development Historic Preservation Administrator. Applications for Certificates of Appropriateness shall be considered by the Historic Preservation Commission at its next regular meeting, provided they have been filed, complete in form and content, at least twenty- one (21) days prior to the regularly scheduled meeting of the Historic Preservation Commission; otherwise, consideration shall be deferred until the following meeting.

Historic Preservation Commission staff may review and approve applications for a Certificate of Appropriateness for Minor Works, as amended by the Historic Preservation Commission. No application for a Certificate of Appropriateness may be denied without formal action by the Historic Preservation Commission.

(b) The Historic Preservation Commission shall, by uniform rule in its Rules of Procedure, require data as are reasonably necessary to determine the nature of the application. An application for a Certificate of Appropriateness shall not be considered complete until all required data have been submitted. Nothing shall prevent the applicant from filing with the application additional relevant information bearing on the application.

(c) Upon receipt of an application, the Historic Preservation Administrator shall notify the Historic Preservation Commission at least seven calendar days before its regularly scheduled meeting.

(d) Prior to issuance or denial of a Certificate of Appropriateness, the Historic Preservation Commission shall conduct a hearing in accordance with § 3.1.5.3.3 of this Ordinance. The Department of Community Development shall notify the affected parties per § 3.1.5.3.4 of this Ordinance.

(e) The Historic Preservation Commission shall take action on the application and in doing so shall apply the standards prescribed in § 4.12.9, below.

(f) The Historic Preservation Commission's action on the application shall be approval, approval with conditions, or disapproval.

(g) Prior to final action on an application, the Historic Preservation Commission, using the standards in § 4.12.9, below, shall make findings of fact indicating the extent to which the application is or is not congruous with the historic aspects of the district.

(h) The Historic Preservation Commission shall cause to be entered into the minutes of its meeting the reasons for its action, whether it be approval, approval with conditions, or denial.

(i) If the Historic Preservation Commission fails to take final action upon any application within 60 days after the complete application is submitted to the Department of Community Development Historic Preservation Commission, the application shall be deemed to be approved.

(j) If the Historic Preservation Commission determines that a Certificate of Appropriateness should not be issued, a new application affecting the same property may be submitted only if substantial change is made in plans for the proposed construction, reconstruction, alteration, restoration or moving.

(k) As part of its review procedure, the Historic Preservation Commission may view the premises and

seek the advice of the Department of Cultural Resources or such other expert advice as it may deem necessary under the circumstances.

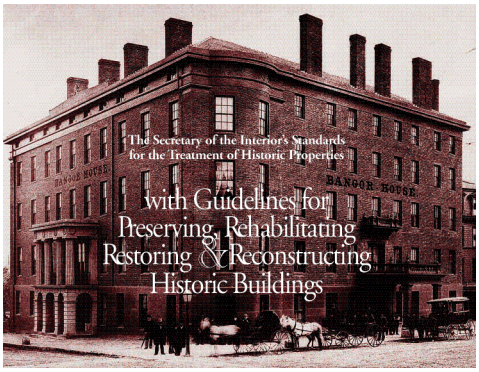
4.12.9 REVIEW CRITERIA.

4.12.9.1 GENERALLY

(a) It is the intention of these regulations to insure, insofar as possible, that Exterior Features including construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features in the district or of landmarks shall be harmonious with the special character of the district or landmark. However, it is not the intention of these regulations to require the reconstruction or restoration of individual or original buildings or to impose architectural styles from particular historic periods. In considering new construction, the Historic Preservation Commission shall encourage contemporary design which is harmonious with the character of the district.

(b) In granting a Certificate of Appropriateness, the Historic Preservation Commission shall take into account the historic or architectural significance of the structure under consideration and the exterior form and appearance of any proposed additions or modifications to that structure as well as the effect of such change or additions upon other structures in the vicinity. In applying these standards, the Historic Preservation Commission shall consider the Secretary of Interiors Standards for Treatment of Historic Properties, 1995, as amended, which document is hereby incorporated by this reference.

(c) The Historic Preservation Commission shall take no action under this ordinance except to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant features, outdoor advertising signs, or other significant features which would be incongruous with the special character of the historic district or landmark.



4.12.9.2 EXTERIOR FORM AND APPEARANCE

The following criteria shall be considered, when relevant, by the Historic Preservation Commission in reviewing applications for a Certificate of Appropriateness. All applications for Certificates of Appropriateness shall be subject to review based upon the Design Guidelines then in effect for the particular Historic district. These guidelines shall be established in a document prepared and adopted by the Historic Preservation Commission, and shall be adopted and incorporated by reference in the ordinance designating the Historic overlay district or any amendment thereto. When adopted, the guidelines shall become incorporated by reference as a part of this ordinance as if set forth in their entirety herein. The guidelines may address the following:

- lot coverage, defined as the percentage of lot area covered by primary structures; setback, defined as the distance from the lot lines to the building(s);
- building height;
- spacing of buildings, defined as the distance between adjacent buildings;
- exterior building materials; proportion, shape, positioning, location, pattern and sizes of any elements of fenestration;
- surface textures; roof shapes, forms and materials;
- use of local or regional architectural traditions; general form and proportions of buildings and structures, and relationship of any additions to the main structure;
- expression of architectural detailing, such as lintels, cornices, brick bond, and foundation materials;
- orientation of the building to the street;

- scale, determined by the size of the units of construction and architectural details in relation to the size of man and also by the relationship of the building mass to adjoining open space and nearby buildings and structures;
- proportion of width to height of the total building facade;
- archaeological sites and resources associated with standing structures;
- appurtenant fixtures and other features such as lighting;
- structural condition and soundness; walls--physical ingredients, such as brick, stone or wood walls, wrought iron fences, evergreen landscape masses, building facades, or combination of these;
- ground cover or paving; maintenance of pedestrian scale and orientation as well as provision for safe pedestrian movement;
- color;
- effect of trees and other landscape elements; and
- style, material, size, and location of all outdoor signs.

(a) The Secretary of the Interior's "Standards for the Treatment of Historic Properties," 1995, as amended, shall be the sole principles and guidelines used in reviewing applications of the State of North Carolina for Certificates of Appropriateness.

(b) Interior arrangement or design shall be exempt from review by the Historic Preservation Commission. Interior construction and/or reconstruction shall not require a Certificate of Appropriateness.

4.12.10 CERTAIN CHANGES NOT PROHIBITED.

Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the historic district which does not involve a substantial change in design, material, or outer appearance thereof, nor to prevent the construction, alteration, restoration, or demolition of any such feature which the Building Inspector, Zoning Enforcement Officer or similar official shall certify in writing to the Historic Preservation Commission is required by the public safety because of an unsafe or dangerous condition. Nothing herein shall be construed to prevent (a) the maintenance, or (b) in the event of an emergency, the immediate restoration, of any existing above-ground utility structure with approval by the Historic Preservation Commission.

4.12.11 DELAY IN DEMOLITION.

4.12.11.1 An application for a Certificate of Appropriateness authorizing the demolition, removal, or destruction of a designated landmark or a building structure or site within a historic district may not be denied. However, the effective date of such a certificate may be delayed for a period of up to 365 days from the date of approval. The period of delay shall be reduced by the Historic Preservation Commission if it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return from such property by virtue of the delay. During the delay period the Historic Preservation Commission shall negotiate with the owner in an effort to find a means of preserving the building, structure, or site. If the Historic Preservation Commission finds that a building, structure, or site has no special significance or value toward maintaining the character of a district, it shall waive all or part of such period of delay and authorize earlier demolition or removal.

4.12.11.2 In the case of action initiated by the appropriate Governing Body, the application for such a certificate will first be reviewed by the Historic Preservation Commission and then by the appropriate Governing Body for a final order of demolition or removal. The Historic Preservation Commission shall consider the Code Enforcement Officer's inspections and recommendations for demolition or removal of the building or structure.

If the Historic Preservation Commission has voted to recommend the designation of a landmark or the designation of an area as a historic district and the final designation has not been made by the appropriate Governing Body, the demolition or destruction of any building, structure, or site in the proposed district or on the property of the designated landmark may be delayed by the Historic Preservation Commission for up to 180 days or until the appropriate Governing Body takes final action on the designation, whichever occurs first.

4.12.12 APPEAL OF DECISION.

4.12.12.1 In any action granting or denying a Certificate of Appropriateness, an appeal by an aggrieved party may be taken to the Board of Adjustment.

4.12.12.2 Written notice of the intent to appeal must be sent to the Historic Preservation Commission, postmarked within 30 days following the decision of the board. The Historic Preservation Board's decision shall be considered a final decision upon filing of the board's order in the clerk to the board's office. Appeals shall be in the nature of certiorari. Appeals of the decisions of the Board of Adjustment shall be heard by the Superior Court of Lee County and subject to the standards as set forth in Section 3.7 of this Ordinance.

4.12.12.3 The State of North Carolina shall have a right of appeal to the North Carolina Historical Commission, which shall render its decision with 30 days from the date that a notice of appeal by the state is received by the Historical Commission. The decision of the Historical Commission shall be final and binding upon both the State and the Historic Preservation Commission.

4.12.13 COMPLIANCE.

4.12.13.1 Compliance with the terms of the Certificate of Appropriateness shall be enforced by the Historic Preservation Administrator. Failure to comply with a Certificate of Appropriateness shall be a violation of the Zoning Ordinance. The discontinuance of work or the lack of progress toward achieving compliance with a Certificate of Appropriateness for a period of one year shall be considered as a failure to comply with a Certificate of Appropriateness.

Nothing contained in this Ordinance shall prohibit, impair, or limit in any way the power of the County of Lee to prevent the construction, reconstruction, alteration, restoration, or removal of buildings, structures, appurtenant fixtures, or outdoor signs in the Historic Districts in violation of the provisions of this Ordinance. The enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws. (See NCGS §§ 153A-123, 160A-175 and 160D-404; -1123.)

4.13 AIRPORT OVERLAY DISTRICT

4.13.1 PURPOSE.

This district is established to prevent the creation or establishment of obstructions or land uses that are hazards to air navigation, thereby protecting the lives and property of the users of the Sanford-Lee County Regional Airport, the property and occupants of land in the vicinity and the public investment in the airport. This district is further intended to provide for the safe landing, take-off, and maneuvering of aircraft in accordance with Federal Aviation Administration (FAA) standards. The provisions of this section are authorized by NCGS §§ 63-30 to 63-37.1.

4.13.2 LOCATION.

An Airport Overlay District is located in the area immediately around the Sanford-Lee County Regional Airport's runway off of Rod Sullivan Road in northern Lee County. The boundary of this district is established as shown on the "Sanford/Lee County Airport Noise Contour and Land Use Plan" map which is incorporated in and made a part of this ordinance. This map was prepared by Hobbs, Upchurch, and Associates, P.A., Consulting Engineers, and is dated October 25, 1993. This overlay district may be expanded by adding additional land area from time to time by an amendment to this Ordinance.

4.13.3 PRINCIPAL AND ACCESSORY USES.

Permitted principal uses, Special Uses and accessory uses shall be as set forth in Table 4.13-1, provided that no use shall be made of land or water within any zone established by these regulations in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, attract birds or other concentrations of wildlife or otherwise in any way create a hazard or endanger the landing, take-off or maneuvering of aircraft intending to use the airport.

Table 4.13-1

YEARLY DAY-NIGHT AVERAGE SOUND LEVEL (Ldn) IN DECIBELS						
LAND USE	**BELOW**					**OVER**
	65	65-70	70-75	75-80	80-85	85
RESIDENTIAL						
Residential, other than mobile homes and transient lodgings	Y	N	N	N	N	N
Mobile home parks	Y	N	N	N	N	N
Transient lodgings	Y	N	N	N	N	N
PUBLIC USE						
Schools	Y	N	N	N	N	N
Hospitals and nursing homes	Y	25	30	N	N	N
Churches, auditoriums, and concert halls	Y	25	30	N	N	N
Governmental services	Y	Y	25	30	N	N
Transportation	Y	Y	Y	Y	Y	Y
Parking	Y	Y	Y	Y	Y	Y
COMMERCIAL USE						
Offices, business and professional	Y	Y	25	30	N	N
Wholesale and retail-building materials, hardware and farm equipment	Y	Y	Y	Y	Y	N
Retail trade-general	Y	Y	25	30	N	N
Utilities	Y	Y	Y	Y	Y	N
Communications	Y	Y	25	30	N	N
MANUFACTURING & PRODUCTION						
Manufacturing, general	Y	Y	Y	Y	Y	N
Photographic and optical	Y	Y	25	30	N	N
Agriculture (except livestock) & forestry	Y	Y	Y	Y	Y	Y
Mining & fishing, resource production & extraction	Y	Y	Y	Y	Y	Y
RECREATIONAL						
Outdoor sports arenas and spectator sports	Y	Y	Y	N	N	N
Outdoor music shells, amphitheaters	Y	N	N	N	N	N
Nature exhibits and zoos	Y	N	N	N	N	N
Amusement or theme park, Resort, Active Open Space (includes Parks, Athletic Fields, and Golf Courses), Outdoor Commercial Amusement, and Campgrounds, Therapeutic Camps, Children's Camps, and related establishments.	Y	Y	Y	N	N	N
Golf courses, riding stables and water recreation	Y	Y	25	30	N	N

Notes to Table 4.13-1: Y – Land use and related structures are compatible; N – Land use and related structures are not compatible. 25 - Land use and related structures are generally compatible; measures to achieve noise level reduction of 25 decibels should be incorporated into the design and construction of structures; 30 – Land use and related structures are generally compatible; measures to achieve noise level reduction of 30 decibels should be incorporated into the design and construction of structures.

4.13.4 AREA REGULATIONS.

Dimensional requirements such as lot size and building depth shall be governed by the underlying zoning districts. In no event shall the height of any structure exceed the maximum height permitted by the underlying zoning district.

4.13.5 NONCONFORMING USES.

4.13.5.1 The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of these regulations, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of these regulations, and is diligently prosecuted.

4.13.5.2 No Zoning Clearance Permit shall be granted that would allow the expansion of a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of these regulations when the application for a permit is made.

4.13.5.3 Whenever the Sanford-Lee County Regional Airport Authority determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated or decayed, no Zoning Clearance Permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

4.13.5.4 Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Sanford-Lee County Regional Airport Authority to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the Sanford-Lee County Regional Airport Authority.

4.13.6 PERMITS.

4.13.6.1 No material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a Zoning Clearance Permit therefore shall have been applied for and granted.

4.13.6.2 Each application for a Zoning Clearance Permit shall indicate the purpose of which the permit is desired with sufficient particulars to determine whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

4.13.6.3 No Zoning Clearance Permit shall be granted that would allow the establishment or creation of an airport hazard when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

4.13.6.4 Any Zoning Clearance Permit granted may, if such action is deemed advisable to effectuate the purpose of these regulations and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

4.13.7 VARIANCES.

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

navigation, will do substantial justice, and will be in accordance with the spirit of the Ordinance. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Aviation Department for advice as to the aeronautical effects of the variance. If the Aviation Department does not respond to the application within 30 days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

4.13.7.2 Any variance granted may, if such action is deemed advisable to effectuate the purpose of these regulations and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the Sanford/Lee County Regional Airport, at the owner's expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

4.13.8 ENFORCEMENT.

It shall be the duty of the Sanford-Lee County Regional Airport Authority to administer and enforce the regulations prescribed herein. Applications for approval shall be made to the Airport Authority upon a form furnished by the Department of Community Development of Community Development. Applications required by these regulations to be submitted to the Airport Authority shall be promptly considered and granted or denied by him. In instances where Zoning Clearance Permits are required, approval shall be secured from the Airport Authority prior to issuance of a Zoning Clearance Permits. Applications for variances shall be filed with the Department of Community Development in accordance with § 3.7 of this Ordinance.

4.13.9 APPEALS.

Any person aggrieved or any taxpayer affected by any decision of the Airport Authority made in his administration of these regulations may appeal to the Board of Adjustment in accordance with § 3.7 of this Ordinance and NCGS § 63-33.

4.13.10 PENALTIES.

The Department of Community Development is hereby authorized to commence and proceed to prevent, restrain, correct or abate any violation of this Section pursuant to § 1.6 of this Ordinance.

4.14 WATERSHED CONSERVATION OVERLAY DISTRICT

The purpose of these overlay districts is to implement the Water Supply Watershed Protection Act (the Act) (NCGS §§ 143-214.5). The Water Supply Watershed Protection Rules adopted by the North Carolina Environmental Management Commission (the "EMC") requires that all local governments having land use jurisdiction within water supply watersheds adopt and implement water supply watershed protection ordinances, and maps. It is the intent of this Section to continue these restrictions. While the restrictions previously codified separately in the zoning ordinances of Sanford, Broadway and Lee County are combined herein and rewritten for clarity, it is the intent of this Ordinance to carry forth these regulations which previously existed and which have been approved by the EMC. This Section implements the following provisions of the Land Use Plan:

- *Create buffering along all creeks, rivers, and floodplains in the community (Environmentally – Sensitive Areas, Goal 4).*

4.14.1 AUTHORITY AND GENERAL PROVISIONS

4.14.1.1 AUTHORITY; REENACTMENT

The Legislature of the State of North Carolina has, in Chapter 153A, Article 6, Section 121 (General Ordinance Authority – Counties) and § 140 (Abatement of Public Health Nuisances – Counties); Chapter 160A, Article 8, § 160A-

174 (General Ordinance Authority - Cities); and § 160A-193 (Abatement of Public Nuisances – Cities); and in Chapter 143, Article 21, Watershed Protection Rules, delegated the responsibility or directed local government units to adopt regulations designated to promote the public health, safety and general welfare of its citizenry. The County of Lee does hereby ordain and enact into law the following articles as the Watershed Protection Ordinance of Lee County.

The rewriting of this Ordinance in part carries forth by reenactment some of the provisions of the existing Watershed Ordinances of Lee County, and it is not intended to repeal, but rather to reenact and continue in force, such existing provisions so that all rights and liabilities that have been accrued are preserved and may be enforced. All suits at law or in equity and/or all pending in any of the courts of this State of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance, but shall be prosecuted to their finality the same as if this Ordinance had not been adopted; and any and all violations of the existing Ordinance, prosecutions for which have not been instituted, may be filed and prosecuted; and nothing in this Ordinance shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending and/or which may have been instituted or prosecuted.

4.14.1.2 APPLICATION AND JURISDICTION

The provisions of this Ordinance shall apply to development as defined herein within the areas designated as a Public Water Supply Watershed by the North Carolina Environmental Management Commission (EMC), as defined and established on the most recent officially adopted map entitled, "Watershed Protection Map of Lee County, North Carolina" ("the Watershed Map"), which is incorporated by reference . The jurisdiction of this Ordinance shall apply within the jurisdiction of the City of Sanford, Town of Broadway, pursuant to interlocal agreement. The Watershed Map and all explanatory matter contained thereon accompanies and is hereby made a part of this Ordinance. This Ordinance shall be permanently kept on file in the Office of the County Clerk. Copies may be reproduced for administration purposes.

4.14.1.3 INTERPRETATION AND ENFORCEMENT

In their interpretation and enforcement, it is the intent of the County of Lee, in adopting the provisions of this Ordinance, that such provisions be considered the minimum standards in carrying out the rules and requirements of the Surface Water Supply Protection Rules adopted by the EMC pursuant to the Water Supply Watershed Protection Act.

4.14.1.4 EXCEPTIONS TO APPLICABILITY

(a) Nothing contained herein shall repeal, modify, or amend any Federal or State law or regulation, or any Lee County ordinance or regulation pertaining thereto; nor shall any provision of this Ordinance amend, modify, or restrict any provisions of the Code of Ordinances of Lee County, the City of Sanford, or the Town of Broadway; however, the adoption of this Ordinance shall and does amend any and all ordinances, resolutions, and regulations in effect in Lee County at the time of the adoption of this Ordinance that may be construed to impair or reduce the effectiveness of this Ordinance or to conflict with any of its provisions. It is intended that the Watershed Protection Ordinance combine with Articles 4 and 6 in such a way that the provisions are complimentary and that in all cases the most restrictive shall apply.

(b) It is not intended that these regulations interfere with any easement, covenants or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.

(c) Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a building permit has been granted by the Building Inspector prior to the time of passage of this Ordinance or any amendment thereto; provided, however, that where construction is not begun under such outstanding permit within a period of one hundred eighty (180) days subsequent to the passage of this Ordinance or any amendment thereto, or where it has not been prosecuted to completion within eighteen (18) months subsequent to passage of this Ordinance or any amendment thereto, any further construction or use shall be in conformity with the provisions of this Ordinance or any amendment thereto. Likewise, no change is required in any project that has obtained a vested right under North Carolina law so long as the vested right remains in effect.

4.14.1.5 SEVERABILITY

Should any Section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, the declaration shall not affect the validity of this Ordinance as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional.

4.14.1.6 EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after _____,,____, the date of its adoption by the County of Lee.

4.14.2 DEVELOPMENT REGULATIONS

4.14.2.1 ESTABLISHMENT OF WATERSHED AREA

The watershed overlay zones listed in this subsection have been established by the County of Lee. Said overlay zoning districts are also established and continued in effect by this Ordinance. The watershed protection districts, the watershed classification, and the jurisdiction within which the watershed districts is are established, are as listed in Table 4.14-1 (next page).

Table 4.14-1: Watershed Overlay Districts, Watershed Classification Jurisdiction

Watershed	*Classification*	*Jurisdiction*
Little River (Intake #2)	WS-III-BW	Lee County (LR12-WS-III-BW)
Cape Fear River	WS-IV-CA	City of Sanford (CFS-WS-IV-CA)
Cape Fear River	WS-IV-PA	Lee County and City of Sanford (CFS-WS-IV-PA)
Deep River (Lee County)	WS-IV-CA	Lee County and City of Sanford (DRLC-WS-IV-CA)
Deep River (Lee County)	WS-IV-PA	Lee County (DRLC-WS-IV-PA)
Deep River (Gulf-Goldston)	WS-IV-CA	Lee County (DRGG-WS-IV-CA)
Deep River (Gulf-Goldston)	WS-IV-PA	Lee County (DRGG-WS-IV-PA)

Notes to Table 4.14-1: "CA" denotes "Critical Area"; "PA" denotes "Protected Area"; "BW" Balance of Watershed"

4.14.2.2 GENERAL PROVISIONS APPLICABLE TO ALL WATER SUPPLY WATERSHED AREAS

The following general provisions apply to all Watershed Overlay Districts. These provisions and the provisions contained in the Individual Watershed Overlay Districts are designed to protect the water quality of the Water Supply Watersheds that lie within the jurisdiction of this Ordinance and to implement the rules adopted by the North Carolina Environmental Management Commission for the classified watersheds pursuant to NCGS § 143-214.5.

(a) The construction of new roads and bridges and non-residential development should minimize built-upon area, divert storm water away from surface water supply waters as much as possible, and employ best management practices (BMPs) to minimize water quality impacts. To the extent practicable, the construction of new roads in the Critical Area should be avoided. The N.C. Department of Transportation BMPs as outlined in their document entitled "Best Management Practices for the Protection of Surface Waters" shall be used in all road and bridge construction projects in the Watershed Overlay Districts.

(b) All development activities within Watershed Overlay Districts, in addition to those activities specifically regulated by these provisions, are subject to the standards, usage conditions and other regulations contained in the Rules and Requirements of the Surface Water Supply Protection Rules adopted by the North Carolina Environmental Management Commission.

(c) A minimum 30-foot vegetative buffer for development activities is required along all perennial waters, including streams, rivers and impoundments, indicated on the most recent officially adopted versions of United States Geodetic Survey (USGS) 1: 24,000 scale topographic maps, which are incorporated by reference; provided, that nothing in this Subsection shall prevent artificial stream bank or shoreline stabilization. No new development is allowed in the buffer, except that water dependent structures, or other structures such as flagpoles, signs, and security lights, which result in only de minimus increase in impervious area and public works projects such as road crossings and greenways may be allowed where no practicable alternative exists. These activities shall minimize built-upon surface area, direct runoff away from the surface water, and maximize the utilization of BMPs.

(d) Where otherwise permitted in the underlying Primary Zoning District, Cluster Subdivision is allowed on a project-by-project basis as follows:

- The overall density of the project meets the density requirements of this Ordinance;
- The appropriate vegetative buffer in subsection (c), above, is provided;
- Built upon areas are designed and located to minimize storm water runoff impact to the receiving waters, minimize concentrated storm water flow, and to maximize the flow length through vegetated areas;
- Areas of concentrated development are located in upland areas and away, to the maximum extent practicable, from surface waters and drainage ways;
- Remainder of tract to remain in vegetated or natural state;
- The area in the vegetated or natural state may be conveyed to a property owners association; a

local government for preservation as a park or greenway; a conservation organization; or placed in a permanent conservation or farmland preservation easement. A maintenance agreement shall be filed with the property deeds and;

- Cluster Subdivision shall transport storm water runoff from the development by vegetated conveyances to the maximum extent practicable.

(e) All development in Watershed Overlay Districts, shall, to the maximum extent practical, minimize built-upon surface area, direct storm water runoff away from surface waters and incorporate best management practices to minimize water quality impacts.

(f) Existing development, as defined in this Ordinance, is not subject to the requirements of the overlay provisions. Expansions to structures classified as existing development must meet the requirements of these provisions, provided however, the built- upon area of the existing development is not required to be included in the density calculations. In determining expansions to existing development, the maximum permitted additional built-upon area is derived by multiplying the area of the portion of the property that is not built-upon by the appropriate percent built-upon limitation for the Overlay District in which the property is located.

(g) A pre-existing lot created prior to the effective date of this Ordinance, regardless of whether or not a vested right has been established, may be developed or redeveloped for single-family residential purposes without being subject to the restrictions of these overlay provisions.

(h) Any existing building or built-upon area not in conformance with the limitations of these provisions that has been damaged or removed for any reason may be repaired and/or reconstructed, provided:

- Repair or reconstruction is initiated within twelve (12) months and completed within two (2) years of such damage or removal.
- The total amount of space devoted to built-upon area may not be increased.
- The repair or reconstruction is otherwise permitted under the provisions of this Ordinance.

(i) No activity, situation, structure or land use shall be permitted or allowed to operate within a watershed which poses a threat to water quality and the public health, safety and welfare. Such conditions may arise from inadequate on- site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the absence or improper implementation of a spill containment plan for toxic and hazardous materials; the improper management of storm water runoff; or any other situation found to pose a threat to water quality.

(j) Existing lots which do not meet the minimum lot size standards of this Ordinance shall not be required to recombine to meet such minimum standards. However, such lots may be required to be recombined to meet the standards of other Ordinances.

4.14.2.3 SCHEDULE OF WATERSHED AREA STANDARDS

(a) Little River (Intake #2) Balance of Watershed (LR12-WS-III). The purpose of the Little River (Intake #2) Balance of Watershed is to provide for protection of the Little River Water Supply consistent with the WS-III Balance of Watershed management rules as adopted by the EMC.

(1) General Development Standards

A. No National Pollutant Discharge Elimination System (NPDES) permits shall be issued for landfills that discharge treated leachate.

(2) Density/Built-Upon Limitations

A. Residential development activities shall not exceed one (1) dwelling unit per 20,000 square feet or, optionally, twenty-four percent (24%) built-upon area, on a project-by- project basis.

B. Non-residential development activities shall not exceed twenty-four percent (24%) built-upon area, on a project-by-project basis.

(3) Notwithstanding the limitations of (b)(1), (2)A and (2)B above, 10% of the LRI2- WS-III-BW area may be developed with new development projects of up to seventy percent (70%) built-upon area as Special Intensity Allocations (SIAs). SIAs shall be allocated and developed in accordance with the following rules:

A. SIAs shall be allocated by the Watershed Administrator through the Watershed Permit process. The Watershed Administrator shall maintain a record

of the total acreage in the LRI2-WS-III-BW area eligible for SIAs, the acreage that has been allocated and the acreage that has been used as of the latest date. In no case shall allocated acreage exceed the acreage eligible for allocation. For the purposes of this subsection, the total area that can be allocated for SIAs in the LRI2-WS-III-BW is 863.70 acres.

B. SIAs shall be allocated on a "first come, first served" basis upon the approval and issuance of the appropriate permit.

C. The right to develop a SIA shall terminate with the loss of the right to develop due to the expiration of any permit issued for development. In such a case, the allocated acreage, or unused allocated acreage, shall be returned to the unallocated total acreage eligible for allocation.

(b) Cape Fear River (Sanford) Critical Area (CFS-WS-IV-CA). The purpose of the Cape Fear River (Sanford) Critical Area is to provide protection of the Cape Fear River water supply consistent with the WS-IV Critical Area management rules as adopted by the EMC for such classified areas.

(1) General Development Standards

A. No new sites for land application of residual or petroleum contaminated soils are allowed.

B. No new landfills are allowed.

(2) Density/Built-Upon Limitations

A. Residential development activities which require a Sedimentation and Erosion Control Permit shall not exceed one (1) dwelling unit per 20,000 square feet or, optionally, twenty-four percent (24%) built- upon area, on a project-by-project basis.

B. Non-residential development activities which require a Sedimentation and Erosion Control Permit shall not exceed twenty- four percent (24%) built-upon area, on a project-by-project basis.

(c) Cape Fear River (Sanford) WS-IV Protected Area (CFS-WS-IV-PA). The purpose of the Cape Fear River (Sanford) Protected Area is to provide for protection of the Cape Fear River water supply consistent with the WS-IV Protected Area management rules as adopted by the EMC for such classified areas.

1. (Reserved)

2. Density/Built-Upon Limitations

A. Residential development activities which require a Sedimentation and Erosion Control Permit shall not exceed one (1) dwelling unit per 20,000 square feet or, optionally, twenty-four percent (24%) built- upon area, on a project-by-project basis.

B. Non-residential development activities which require a Sedimentation and Erosion Control Permit shall not exceed twenty- four percent (24%) built-upon area, on a project-by-project basis.

C. Residential development activities which require a Sedimentation and Erosion Control Permit and which are not required to use a curb and gutter street system shall not exceed three (3) dwelling units per acre or, optionally, thirty-six percent (36%) built-upon area, on a project by project basis.

D. Non-residential development activities which require a Sedimentation and Erosion Control Permit and which are not required to use a curb and gutter system, shall not exceed thirty-six percent (36%) built-upon area, on a project by project basis.

E. Notwithstanding the limitations of (2)A through (2)D, above, 10% of the CFS- WS-IV-PA area may be developed with new development projects of up to seventy percent (70%) built-upon area as Special Intensity Allocations (SIAs). SIAs shall be allocated and developed in accordance with the following rules:

1. SIAs shall be allocated by the Watershed Administrator through the Watershed Permit process. The Watershed Administrator shall maintain a record of the total acreage in the CFS-WS-IV-PA area eligible for SIAs, the acreage that has been allocated and the acreage that has been used as of the latest date. In no case shall allocated acreage exceed the acreage eligible for allocation. For the purpose of this subsection, the total area that can be allocated for SIAs in the CFS-WS-IV-PA is 4,016.40 acres.

2. 2. SIAs shall be allocated on a "first come, first served" basis upon the approval and issuance of the appropriate permit.

3. 3. The right to develop a SIA shall terminate with the loss of the right to develop due to the expiration of any Permit issued for development. In such a case, the allocated acreage, or unused allocated acreage, shall be returned to the unallocated total acreage eligible for allocation.

(d) Deep River (Lee County) WS-IV Critical Area (DRLC-WS-IV-CA). The purpose of the Deep River (Lee County) Critical Area is to provide for protection of the Deep River water supply consistent with the WS-IV Critical Area management rules as adopted by the EMC for such classified areas.

(1) General Development Standards

A. No new sites for land application of residual or petroleum contaminated soils are allowed.

B. No new landfills are allowed.

(2) Density/Built-Upon Limitations

A. Residential development activities which require a Sedimentation and Erosion Control Permit shall not exceed one (1) dwelling unit per 20,000 square fee or, optionally, twenty-four percent (24%) built- upon Area, on a project by project basis.

B. Non-residential development activities which require a Sedimentation and Erosion Control Permit shall not exceed twenty- four percent (24%) built-upon area, on project- by-project basis.

(e) Deep River (Lee County) WS-IV Protected Area (DRLC-WS-IV-PA). The purpose of the Deep River (Lee County) Protected Area is to provide for protection of the Deep River water supply consistent with the WS-IV Protected Area management rules as adopted by the EMC for such classified areas.

(1) (Reserved)

(2) Density/Built-Upon Limitations

A. Residential development activities which require a Sedimentation and Erosion Control Permit shall not exceed one (1) dwelling unit per 20,000 square feet or, optionally, twenty-four percent (24%) built- upon area, on a project-by-project basis.

B. Non-residential development activities which require a Sedimentation and Erosion Control Permit shall not exceed twenty- four percent (24%) built-upon area, on a project-by-project basis.

C. Residential development activities which require a Sedimentation and Erosion Control Permit and which are not required to use a curb and gutter street system shall not exceed three (3) dwelling units per acre or, optionally, thirty-six percent (36%) built-upon area, on a project by project basis.

D. Non-residential development activities which require a Sedimentation and Erosion Control Permit and which are not required to use a curb and gutter system, shall not exceed thirty-six percent (36%) built-upon area, on a project by project basis.

E. Notwithstanding the limitations of (2)A through (2)D, above, 10% of the DRWS- L-PA area may be developed with new development projects of up to seventy percent (70%) built-upon area as Special Intensity Allocations (SIAs). SIAs shall be allocated and developed in accordance with the following rules:

1. SIAs shall be allocated by the Watershed Administrator through the Watershed Permit process. The Watershed Administrator shall maintain a record of the total acreage in the DRLC-WS-IV-PA area eligible for SIAs, the acreage that has been allocated and the acreage that has been used as of the latest date. In no case shall allocated acreage exceed the acreage eligible for allocation. For the purpose of this subsection, the total area that can be allocated for SIAs in the DRLC-WS-IV-PA is 1,037.80 acres.

2. SIAs shall be allocated on a “first come, first served” basis upon the approval and issuance of the appropriate permit.

3. The right to develop a SIA shall terminate with the loss of the right to develop due to the expiration of any Permit issued for development. In such a case, the allocated acreage, or unused allocated acreage, shall be returned to the unallocated total acreage eligible for allocation.

(f) Deep River (Gulf-Goldston) WS-IV Critical Area (DRGG-WS-III-CA). The purpose of the Deep River (Gulf-Goldston) Critical Area is to provide for protection of the Deep River water supply consistent with the WS-IV Critical Area management rules as adopted by the EMC for such classified areas.

(1) General Development Standards

A. No new sites for land application of residual or petroleum contaminated soils are allowed.

B. No new landfills are allowed.

(2) Density/Built-Upon Limitations

A. Residential development activities which require a Sedimentation and Erosion Control Permit shall not exceed one (1) dwelling unit per 20,000 square feet or,

optionally, twenty-four percent (24%) built- upon area, on a project-by-project basis.

B. Non-residential development activities which require a Sedimentation and Erosion Control Permit shall not exceed twenty- four percent (24%) built-upon area, on a project-by-project basis.

(g) Deep River (Gulf-Goldston) WS-IV Protected Area (DRGG-WS-III-PA). The purpose of the Deep River (Gulf-Goldston) Protected Area is to provide for protection of the Deep River water supply consistent with the WS-IV Protected Area management rules as adopted by the EMC for such classified areas.

(1) (Reserved)

(2) Density/Built-Upon Limitations

A. Residential development activities which require a Sedimentation and Erosion Control Permit shall not exceed one (1) dwelling unit per 20,000 square feet or, optionally, twenty-four percent (24%) built- upon area, on a project-by-project basis.

B. Non-residential development activities which require a Sedimentation and Erosion Control Permit shall not exceed twenty- four percent (24%) built-upon area, on a project-by-project basis.

C. Residential development activities which require a Sedimentation and Erosion Control Permit and which are not required to use a curb and gutter street system shall not exceed three (3) dwelling units per acre or, optionally, thirty-six percent (36%) built-upon area, on a project by project basis.

D. Non-residential development activities which require a Sedimentation and Erosion Control Permit and which are not required to use a curb and gutter system, shall not exceed thirty-six percent (36%) built-upon area, on a project by project basis.

E. Notwithstanding the limitations of (2)A through (2)D, above, 10% of the DRGG- WS-IV-PA area may be developed with new development projects of up to seventy percent (70%) built-upon area as Special Intensity Allocations (SIAs). SIAs shall be allocated and developed in accordance with the following rules:

1. SIAs shall be allocated by the Watershed Administrator through the Watershed Permit process. The Watershed Administrator shall maintain a record of the total acreage in the DRGG-WS-IV-PA area eligible for SIAs, the acreage that has been allocated and the acreage that has been used as of the latest date. In no case shall allocated acreage exceed the acreage eligible for allocation. For the purpose of this subsection, the total area that can be allocated for SIAs in the DRGG-WS-IV-PA is 653.5 acres.

2. SIAs shall be allocated on a "first come, first served" basis upon the approval and issuance of the appropriate permit.

3. The right to develop a SIA shall terminate with the loss of the right to develop due to the expiration of any Permit issued for development. In such a case, the allocated acreage, or unused allocated acreage, shall be returned to the unallocated total acreage eligible for allocation.

4.14.3 GENERAL PROVISIONS

4.14.3.1 RULES GOVERNING THE INTERPRETATION OF WATERSHED AREA BOUNDARIES

(a) Where an area boundary is shown to approximately follow a street or highway boundary, the boundary shall be the centerline of such street or highway.

(b) Where an area boundary is shown to approximately follow a political or jurisdictional boundary, the boundary shall be such political or jurisdictional boundary.

(c) Where an area boundary is shown to approximately follow topographic lines of watershed divides, the boundary shall be the actual watershed divide.

(d) When an area boundary is shown on the Watershed Map to be a specific measured distance, the boundary shall be at such specific measured distance.

(e) In determining the application of the Watershed regulations to Watershed Areas, the "best available" information shall be used.

(f) Where the boundary line of an area divides a lot or where physical improvements or cultures existing on the ground are at variance with those shown on the Watershed Map or in other circumstances not covered by this section, the

Watershed Review Board shall interpret the area boundaries.

4.14.3.2 WATERSHED PERMITS

(a) No development as defined herein shall take place within a Watershed Area without a Watershed Permit and no Watershed Permit shall be issued except in conformity with this Ordinance.

(b) Watershed Permit applications shall be filed with the Watershed Administrator. The Watershed Administrator may require such information on Watershed Permit applications, including density/built-upon calculations, as he may deem necessary to determine compliance with this Ordinance.

(c) The Water shed Administrator may, prior to the issuance of any permit in the Watershed Area, require evidence of a valid Sedimentation and Erosion Control Permit issued by the State of North Carolina or evidence satisfactory to the Administrator that no permit is required.

(d) A Watershed Permit shall be a requirement for obtaining a Zoning Clearance Permit or Permit where necessary. A Watershed Permit shall expire after one year if the development for which it is issued is not commenced. Provided, however, no Watershed Permit shall expire while a valid Zoning Clearance Permit is in force.

4.14.4 ADMINISTRATION, APPEALS AND AMENDMENTS

4.14.4.1 WATERSHED ADMINISTRATOR CREATED; NAMED ENFORCEMENT OFFICER

This Ordinance shall be administered by the Director of Community Development or his/her designee and shall also be known as the

Watershed Administrator. If the Watershed Administrator shall find that any of the provisions of this Ordinance are being violated, he shall notify the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal development; removal of illegal development; alteration or charges thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violations of its provisions.

In addition, the Watershed Administrator shall:

(a) Issue Watershed Permits and SIAs as provided for herein. A record of all permits and SIAs shall be kept on file and be available for public inspection during regular office hours of the Administrator.

(b) Serve as clerk to the Watershed Review Board.

(c) Maintain records of the administration of the Watershed Regulations and shall submit any modifications of the Regulations and/or Maps to Division of Water Quality, Division of modifications of Environmental Health and Division of Community Assistance. He shall also maintain a record of variances issued and shall submit an annual report of each project receiving a variance and the reason for the variance to the Division of Water Quality. The annual report shall contain the record of each variance granted by the Watershed Review Board during the previous calendar year and shall be submitted on or before January 1 of the following year.

The Watershed Administrator may require such information on applications and plans, including density/built-upon area calculations, as he may deem necessary to determine compliance with Watershed provisions. Preliminary and Final Subdivision Plat approval and other such plan approvals may be required to note density/built-upon limitations of the plat. For example, plats may be required to show such information as total area of the development, the amount and percent of impervious area in streets and sidewalks, the amount and percent of impervious area in other public improvements, and the amount and percent of impervious area that is allocated to the various lots for future development. Such information shall be displayed in such a manner that the Watershed Administrator can readily determine compliance with these provisions on a project-by-project basis.

4.14.4.2 APPEAL FROM THE WATERSHED ADMINISTRATOR

Any order, requirement, decision or determination made by the Watershed Administrator may be appealed to and decided by the Watershed Review Board.

An appeal from the decision of the Watershed Administrator must be submitted to the Watershed Review Board within thirty (30) days from the date the decision was made. All appeals must be made in writing stating the reasons for appeal. Following submission of an appeal, the Watershed Administrator shall transmit to the Board all papers constituting the record upon which the action appealed was taken.

An appeal stay all proceedings in furtherance of the action appealed, unless the officer from whom the appeal is taken certifies to the Board after the notice of appeal has been filed with him, that by reasons of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application of notice of the officer from whom the appeal is taken and upon due cause shown.

The Board shall fix a reasonable time for hearing the appeal and give notice thereof to the parties and shall decide the same within a reasonable time. At the hearing, any party may appear in person, by agent or by attorney. The Watershed Review Board shall hear and decide any appeal filed with it in compliance with all of the procedures and the process applicable to a board of adjustment in making quasi-judicial decisions.

4.14.4.3 ESTABLISHMENT OF WATERSHED REVIEW BOARD

There shall be and hereby is created the Watershed Review Board which shall consist of the Lee County Board of Adjustment as created by Lee County Zoning Ordinance. Acting as the Watershed Review Board, the Board shall be governed by its existing organizational and other rules of procedure except as may be modified by the rules contained herein.

4.14.4.4 POWERS AND DUTIES OF THE WATERSHED REVIEW BOARD

(a) Administrative Review. The Watershed Review Board shall hear and decide appeals from any decision or determination made by the Watershed Administrator in the enforcement of this Ordinance.

(b) Variances from watershed requirements. The Board may authorize variance from the specific requirements of the Watershed provisions in the same manner and subject to the same procedures and requirements of the Lee County Zoning Ordinance for authorizing other variances, provided that:

(c) The required notice shall also be mailed by first class mail to all other local governments having watershed regulation jurisdiction within the particular watershed where the variance is requested and to each entity using that water supply for consumption; and

(d) If the variance request is for a major variance as defined herein the following procedure shall apply. If the Board decides in favor of granting the major variance, the Board shall then prepare a preliminary record of the hearing and submit it to the EMC for review and action. If the Board does not decide in favor of granting the major variance such unfavorable action shall constitute denial.

In the event of a favorable action by the Board on a major variance, the Board shall cause the record of their hearing to be promptly submitted to the EMC. The record of the hearing shall include but not be limited to:

- The variance application;
- The hearing notices;
- The evidence presented;
- Motions, offers of proof, objections to evidence and rulings on them;
- Findings and exceptions;
- The action of the Board including any conditions proposed.

If the EMC approves the major variance or approves with conditions or stipulations added, the EMC shall prepare a decision which authorizes the Board to issue a final decision which would include any conditions or stipulations added by the EMC. If the EMC denies the major variance, then the EMC shall prepare a decision and transmit it to the Board. The Board shall then prepare a final decision denying the major variance.

(e) Adjusting Watershed Area Boundaries. The Watershed Review Board, in addition to its authority contained in Section 404(A) in Administrative Review, shall have the power to make adjustments to the exterior boundary of Watershed Areas by removing all or part of a piece of property from a Watershed Area where it finds that all or part of such property actually lies outside the drainage area of such Watershed. In any case, where there is a dispute as to whether a property or any part of a property that is shown on the Watershed Map is being in a Watershed

Area actually drains to that Watershed, the Board shall, upon appeal by the owner, make a determination as to the facts of the matter as it affects the subject property.

In determining whether a property or part of a property drains to the Watershed as indicated on the Map, the Board shall base its determination on actual field conditions of the property as determined by topographical conditions. In making its determination, the Board may require the appellant to produce relevant expert testimony and exhibits.

After hearing such appeal, the Board shall find that the subject property (all or part) is either in the designated Watershed or out of the designated Watershed. If the Board shall find that the subject property is out of the designated Watershed, the Board shall order the Map to be adjusted to show the subject property to be outside the designated Watershed. In making such order, the Board shall designate the Watershed in which the subject property is located. If such designation causes the subject property to be located in another Watershed Area, the order shall cause the Map to be adjusted to show the same.

(f) Adjusting Critical Area Boundaries. The Watershed Review Board may, upon the request of a property owner or owners, adjust the boundaries of a Watershed Critical Area to fit existing or proposed streets, lot lines or other features, provided that such adjustments are agreed to by the property owner(s) involved and provided that any such adjustment is made with no loss in total area in that Watershed Critical Area. Such adjustment may be made by simple majority vote of the Board without public notice.

(g) Appeals from Decision of the Watershed Review Board. Any decision of the Watershed Review Board is subject to review by the Superior Court by proceedings in the nature of certiorari. Any petition for review in the Superior Court shall be filed with the Clerk of Superior Court within thirty (30) days after the decision of the Board is filed in the office of the clerk, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the Secretary or Chairman of the Board at the time of its hearing of the case, whichever is later. The decision of the Board may be delivered to the aggrieved parties either by personal delivery, electronic mail, or by first class mail.

(h) Changes and Amendments to the Watershed Protection Ordinance. The appropriate Governing Body may amend, supplement, change or modify the Watershed regulations and restrictions as set forth herein in the manner prescribed by law for adopting ordinances under it's general ordinance-making authority. Provided, however, in any case where an amendment to this Ordinance imposes water supply watershed management requirements that are more stringent than those adopted by the EMC, the procedure must comply with the provisions of NCGS § 160D-601 .

Under no circumstances shall the Governing Body adopt such amendments, supplements or changes that would cause this ordinance to violate the watershed protection rules as adopted by the EMC. All amendments must be filed with the Division of Water Quality, Division of Environmental Health, and the Division of Community Assistance.

4.14.5 PENALTIES & REMEDIES

4.14.5.1 GENERAL PENALTY; ENFORCEMENT; CONTINUING VIOLATIONS

(a) Except as otherwise provided herein, no violation of this Ordinance shall constitute a misdemeanor.

(b) Violations of this Ordinance shall subject the offender to a civil penalty upon the issuance of a citation for said violation as hereinafter provided. The civil penalty, if not paid to Lee County within fifteen days of the issuance of the citation, may be recovered by the County in a civil action in the nature of a debt. Said civil penalties shall be in the amount of $100 for each violation and each day any single violation continues shall be a separate violation.

(c) In addition to the civil penalties set out above, any provision of this Ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the County for equitable relief that there is an adequate remedy at law.

(d) In addition to the civil penalties set out above, any provision of this Ordinance that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement by General Court of Justice. When a violation of such a provision occurs, the County of Lee may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and/or order of abatement commanding the defendant to correct the

unlawful condition upon or cause the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 76 in particular.

(e) An order of abatement may direct that buildings or other structures on the property be closed, demolished or removed; that fixtures, furniture or other movable property be removed from buildings on the property; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this Ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the County may execute the order of abatement. The County shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

(f) The provision of the Ordinance may be enforced by one, all or a combination of the remedies authorized and prescribed by this section.

(g) Upon determination of a violation of any section of this Ordinance, the penalty for which is a civil penalty, the appropriate Watershed Administrator of Lee County shall cause a warning citation to be issued to the violator. Such citation shall set out the nature of the violation, the section violated, the date of the violation, and shall contain an order to immediately cease the violation. If the violation is in the nature of an infraction for which an order of abatement would be appropriate in a civil proceeding, a reasonable period of time must be stated in which the violation must be abated. Where the Watershed Administrator determines that the period of time stated in the original warning citation is not sufficient for abatement based upon the work required, The Watershed Administrator may amend the warning citation to provide for additional time. The warning citation shall specify that a second citation shall incur a civil penalty, together with costs, and attorney fees.

(h) An appeal from a warning citation shall be taken within ten (10) days from the date of said warning citation to the Watershed Review Board. Except in any case where the Ordinance specifically grants to the Board other powers in considering appeals and such appeal is applied for, the Board in considering appeals of warning citation shall have power only in the manner of administrative review and interpretation where it is alleged that the Watershed Administrator has made an error in the application of the Ordinance, in the factual situation as it relates to the application of the Ordinance, or both.

(i) Upon failure of the violator to obey the warning citation a civil citation shall be issued by the Watershed Administrator and either served directly on the violator, his duly designated agent, or registered agent if a corporation, either in person or posted in the United States mail services by first class mail addressed to the last known address of the violator as contained in the records of the County or obtained from the violator at the time of issuance of the warning citation. The violator shall be deemed to have been served upon the mailing of said citation. The citation shall direct the violator to pay the citation in person within fifteen days of the date of the citation, or alternatively to pay the citation by mail. The violation for which the citation is issued must have been corrected by the time the citation is paid; otherwise further citations may be issued. Citations may be issued for each day the offense continues until the prohibited activity is ceased or abated.

(j) If the violator fails to respond to a citation within fifteen days of it issuance, and pay the penalty prescribed therein, Lee County may institute a civil action in the nature of debt in the appropriate division of the North Carolina General Court of Justice for the collection of the penalty, costs, attorney fees, and such other relief as permitted by law.

4.14.5.2 ALTERNATIVE REMEDIES.

Nothing in this Ordinance nor any of its provisions shall be construed to impair or limit in any way the power of the County to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise, nor shall enforcement of one remedy provided therein prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

In addition to the penalties and remedies provided for herein, the North Carolina Environmental

Management Commission may assess civil penalties in accordance with NCGS § 143-215.6(a).

4.14.6 DEFINITIONS

The words, terms and phrases used in this § 4.14 shall have the meanings assigned below and in Appendix A to this Ordinance provided, however, that the meanings assigned in this section shall prevail over inconsistent definitions established in Appendix A.

4.14.6.1 Balance of Watershed (BW). The remainder of a watershed outside the critical area.

4.14.6.2 Best Management Practices (BMP). A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

4.14.6.3 Buffer. An area of natural or planted vegetation through which storm water runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

4.14.6.4 Built-upon Area. Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel areas, recreation facilities (e.g., tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

4.14.6.5 Cluster Subdivision. Cluster Subdivision means the grouping of buildings in order to conserve land resources and provide for innovation in the design of the project including minimizing storm water runoff impacts. This term includes nonresidential development as well as single-family residential and multi-family developments. For the purpose of these rules, planned unit developments and mixed-use development are considered as Cluster Subdivisions.

4.14.6.6 Critical Area. The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one- half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of- the-river), or the ridge line of the watershed (whichever comes first). Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

4.14.6.7 Development. Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

4.14.6.8 Existing Development. Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of these provisions based on at least one of the following criteria:

(a) substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or

(b) having an outstanding valid building permit as authorized by the General Statutes (NCGS. § 160D-108), or

(c) having an approved site specific or phased development plan as authorized by the General Statutes (NCGS § 160D-108).

4.14.6.9 Existing Lot. (Lot of Record). A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

4.14.6.10 Major Variance. A variance from the minimum statewide watershed protection rules that results in the relaxation, by a factor greater than five percent of any buffer, density or built-upon area requirement under high density option; any variation in the design, maintenance or operation requirements of a wet detention pond or other approved storm water management system; or relaxation by a factor greater than 10 percent, of any management requirement under the low density option. Where this Ordinance is more stringent than the State's minimum water supply protection rules, a variance to this Ordinance is not a major variance as long as the result of the variance is

not less stringent than the State's minimum requirements.

4.14.6.11 Minor Variance. A variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor of up to five percent of any buffer, density or built-upon area requirement under the high- density option; or that results in a relaxation by a factor up to 10 percent, of any management requirement under the low-density option.

4.14.6.12 Non-residential Development. All development other than residential development, agriculture and silviculture.

4.14.6.13 Protected Area. The area adjoining and upstream of the critical area of WS-IV standards. The boundaries of the protected area are defined as within five miles of and draining to the normal pool elevation of the reservoir or to the ridgeline of the watershed; or within 10 miles upstream and draining to the intake located directly in the stream or river or to the ridgeline of the watershed.

4.14.6.14 Residential Development. Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, mobile homes, etc. and their associated outbuildings such as garages, swimming pools, storage buildings, gazebos, etc.

4.14.6.15 Sedimentation and Erosion Control Permit. A permission granted by the State of North Carolina for a person to conduct a land disturbing activity pursuant to the Sedimentation Pollution Control Act of 1973, as amended.

4.14.6.16 Storm water Collection System. Means any conduit, pipe, channel, curb or gutter for the primary purpose of transporting (not treating) runoff. A storm water collection system does not include vegetated swales, swales stabilized with armoring or alternative methods where natural topography prevents the use of vegetated swales (subject to case-by-case review), curb outlet systems or pipes used to carry drainage underneath built-upon surfaces that are associated with development controlled by the provision of 15A NCAC 2H.1003(c)(1).

4.14.6.17 Variance. A permission to develop or use property granted by the Watershed Review Board relaxing or waiving a water supply watershed management requirement that is incorporated into this Ordinance.

4.14.6.18 Water Dependent Structure. Any structure for which the use requires access to or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boathouses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.

4.14.6.19 Watershed. The entire land area contributing surface drainage to a specific point (e.g., the water supply intake).

4.15 RESIDENTIAL DESIGN STANDARDS OVERLAY DISTRICT (RDSOD)

4.15.1 PURPOSE

The Residential Design Standards Overlay District (RDSOD) is created to allow for application of specific regulations and/or design principles as it related to residential development in order to promote the appearance of and to protect the value of our neighborhoods. Standards as found within this section shall apply to all residential developments, including apartment complexes or other multi-family dwellings, as located within the boundaries of the overlay zoning district. This overlay district is only available within the zoning jurisdiction of the City of Sanford.

4.15.2 DESIGN STANDARDS.

4.15.2.1 Fences. The purpose of this section is to set forth regulations for fences throughout the overlay district.

4.15.2.2 Definitions**.**

- Fence – A structure serving as an enclosure, a barrier, or a boundary, usually made of posts or stakes joined together by boards, wire, or rails.
- Open-style Fence - A fence of open construction is one in which the ratio of the open portion to the closed portion is at least 1 to 1 per foot. Typical examples of open fencing include chain link, split-rail, or picket fences (with appropriately spaced pickets).
- Closed-style Fence **-** A fence of closed construction is one in which the ratio of the closed portion to the open portion is more than 1 to 1 per foot. Typical examples of closed fencing include stockade fences.
- Sight Triangle – An area that prohibits the placement of objects, such as fences, which

could obstruct the ability of motorists to view opposing traffic movements at intersections. Sight triangles are determined by measuring along the edge of each intersecting street or driveway a predetermined distance and then connecting those points with a line. The area within these lines is considered the sight triangle. For public streets, the predetermined measuring distance is sixty (60) feet. For private driveways, the predetermined measurement distance is ten feet. See figure below.

- Yard Area, Front – The land area of a parcel or tract that is defined by the boundary of the area between a street right of way and the front façade of the closest principal structure.
- Yard Area, Side - The land area of a parcel or tract that is defined by the boundary of the area between an adjoining property boundary and any side façade of the closest principal structure.
- Yard Area, Street Side – In the case of a corner lot, the land area of a parcel or tract that is defined by the boundary of the area between a street right of way and a side façade of the closest principal structure.
- Yard Area, Rear - The land area of a parcel or tract that is defined by the boundary of the area between an adjoining property boundary and the rear façade of the closest principal structure.

4.15.2.2.1 Location of fences.

4.15.2.2.1.1. Adjoining parcels. Fences maybe erected right up to the property line, no setback required. An exception to this is when the fence placement would prevent the use of adjacent property or prevent the safe use of a driveway. In these cases, the Enforcement Officer may require the fence to be set back a minimum distance from the driveway or property line.

4.15.2.2.1.2. Adjoining streets or driveways.

Fences maybe erected right up to a street right-of-way line or edge of a driveway, except that no fence shall be erected within a sight triangle of a street or driveway unless such fence is thirty (30) inches or less in height.

4.15.2.2.2 MATERIALS AND FINISH.

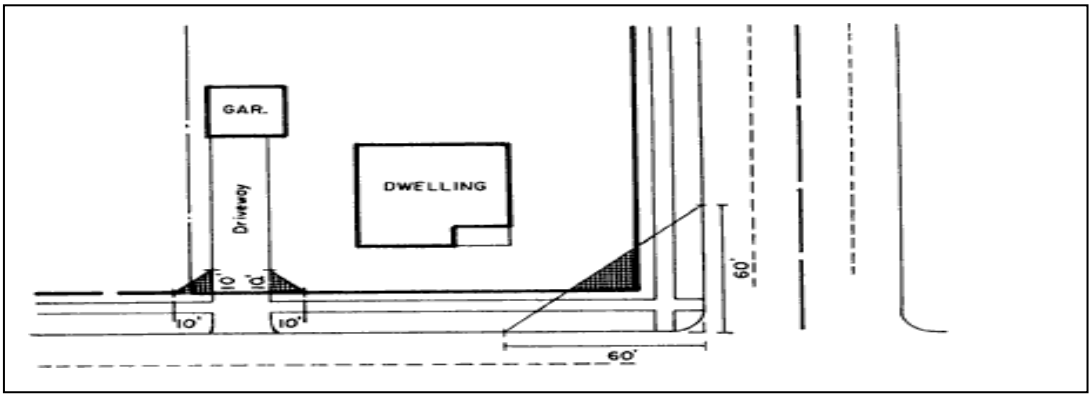
4.15.2.2.2.1. Fences shall consist of materials commonly used in conventional fence construction, such as wood or metal. Fences located in the front and street side yard area must be of open-style wood construction (includes decorative fences as defined in Section 4.15.2.1.1) with a maximum of height of four (4) feet. Fences located in the rear yard or interior side yard areas may be of open-style or closed-style construction with a maximum height of six (6) feet.

4.15.2.2.2.2 The following fences are prohibited on lots developed for residential use:

- Barbed wire fences
- Electric wire fences, unless used for containment of domestic pets and/or livestock as permitted under this Ordinance
- Chain link fences that include fabric or other material woven into the fence that creates an opaque or semi-opaque fence

4.15.2.2.2.3 If, because of design or construction, one side of the fence has a more finished appearance than the other, the side of the fence with the more finished appearance shall face the exterior of the lot.

Figure 1 of 4.15.2 Design Standards



4.16 MINING SPECIAL OVERLAY DISTRICT (MSUOD) (CITY OF SANFORD ONLY, INCLUDING ETJ)

4.16.1 PURPOSE

Mining and quarrying are industries which may play an important part in the county's economy. Mining and quarrying are peculiar land uses in that the location of mineral, stone and other deposits will, in part, be determined only after exploration and discovery in the future. Consequently, the precise location of zoning districts wherein mining may take place cannot always be predetermined. In addition, mineral extraction involves several methods— quarrying, open-pit, drilling, tunneling, etc.— each of which would affect the surrounding environment differently. Therefore, the governing board of Lee County concludes that the fundamental purposes and procedures of zoning would be served best by adopting a Mining Special Use Overlay District, which can be applied to certain underlying districts if approved by the respective governing board, and that the Board of Adjustment should consider each location proposed to be mined to determine whether, and under what conditions or safeguards, they should authorize mining and quarrying by the issuance of a Special Use Permit.

4.16.2 APPLICABILITY

4.16.2.1 Establishment. The Mining Special Use Overlay Districts (MSUOD) is hereby established as a district which may be overlaid on the following underlying zoning districts to permit mining and quarrying in the MSUOD.

- RA Residential Agricultural
- LI Light Industrial
- HI Heavy Industrial

4.16.2.2 Special Use Permit Required. If a MSUOD is approved, no mining or quarrying may commence until a Special Use Permit is also approved. The Special Use Permit shall conform to the specific standards of Section 5.23 as well as the general development standards of this UDO.

4.16.2.3 Definition. For the purposes of this Ordinance, "Mining and Quarrying" shall include any operation or land activity as defined under the category Mining and Quarrying in Appendix A of this Ordinance.

4.16.3 DEFINITIONS

The following additional definitions apply to this Section 4.16:

"Affected land" means the surface area of land that is mined or quarried, the surface area of land associated with a mining activity so that soil is exposed to accelerated erosion, the surface area of land on which overburden and waste is deposited, and the surface area of land used for processing or treatment plant, stockpiles, nonpublic roads, and settling ponds.

"Land" shall include submerged lands underlying any river, stream, lake, sound, or other body of water.

"Minerals" means soil, clay, coal, stone, gravel, sand, phosphate, rock, metallic ore, and any other solid material or substance of commercial value found in natural deposits on or in the earth.

"Overburden" means the earth, rock, and other materials that lie above the natural deposit of minerals.

"Reclamation plan" shall mean that plan required by the state as part of an application for a mining permit and defined in N.C. Gen. Stat. § 74-49.

"Refuse" means all waste soil, rock, mineral, scrap, tailings, slimes, and other material directly connected with the mining, cleaning, and preparation of substances mined and shall include all waste materials deposited on or in the permit area from other sources.

"Site" means the affected land and any buffer yards.

4.16.4 APPROVAL PROCEDURES

4.16.4.1 An application for a MSUOD shall be considered an Initiation of a Zoning Map Amendment and shall be processed in accordance with Sections 3.3.2 through 3.3.4 of this Ordinance.

4.16.4.2 The exterior perimeter of the proposed MSUOD may not be located within:

- One-half (1/2) mile of an existing school, library, day care facility, healthcare facility, park, and/or religious institution; or
- One thousand (1,000) feet of an existing dwelling unit (located in a residential zoning district and not located on the same property as the use).

4.16.5 SPECIAL USE PERMIT

4.16.5.1 As noted in Section 4.16.2.2, a Special Use Permit is also required upon successful rezoning and application of a MSUOD. As such, application for the Special Use Permit shall be in accordance with Section 3.5 of this Ordinance.

4.16.5.2 To aid in the interpretation of the word "harmony" in Section 3.5.3.4 as applied to an application for Special Use Permit for mining and quarrying, the following guidelines may be used:

- The operation will not constitute a substantial physical hazard to a neighboring residence, school, church, hospital, commercial, or industrial building, public road, or public property;
- The operation will not have a significantly adverse effect on the purposes of a publicly owned park, forest, or recreation area;
- The operation will not have an adverse effect on public, community, or private water supplies, surface or ground waters, including but not limited to water supply watershed areas as designated in the Watershed Protection Map of Lee County, North Carolina.

4.16.5.3 A special use approval granted by the Board of Adjustment will not become effective until a mining permit, if required by the North Carolina Department of Environmental Quality, and all other state and federal permits required for mining are issued.

4.16.5.4 If the applicant makes a material and substantial change to the Site Plan or any of the other components submitted to the Board of Adjustment, a new special use permit application shall be submitted to the Board of Adjustment.

4.16.5.5 A special use permit will automatically expire if, at any time after it is approved by the Board of Adjustment, the state mining permit is revoked or terminated and may be reactivated upon reissuance of the state mining permit unless there is a material and substantial change requiring a new special use permit application according to Section 4.16.5.4 above.

4.16.5.6 APPLICATION REQUIREMENTS

4.16.5.6.1 The special use permit application shall also include two (2) copies of all other applications for federal and state permits required for mining. Such copies shall be complete and include all required supporting documentation as required for said permits.

4.16.5.6.2 The special use permit application shall include complete copies of any required land disturbing permits as required by State and Federal agencies (such as Sedimentation and Erosion Control, Wetlands, etc.). Such copies shall be complete and include all required supporting documentation as required for said permits.

4.16.5.6.3 The special use permit application shall include complete copies of NCDOT driveway permits and/or other permits related to roadway access and construction. Such copies shall be complete and include all required supporting documentation as required for said permits.

4.16.5.6.4 The special use permit application shall also include a traffic impact study by a qualified consultant that will enable the Board of Adjustment to assess the impact of the proposed land use on the highway system when that system is at or near capacity or a safety problem exists. Its purpose is to ensure that the proposed land use does not adversely affect the highway network and to identify any traffic problems associated with access from the proposed site to the existing transportation network. The study shall also identify improvements to resolve traffic problems and present solutions that may be incorporated in the Site Plan. The study shall also include information sufficient to demonstrate compliance with the Road and Traffic Standards in this section.

4.16.5.6.5 If the proposed affected land is greater than ten (10) contiguous acres, the special use permit application shall include a Phase I Environmental Site Assessment of the proposed affected land completed not earlier than 12 months before the special use permit application date and prepared in accordance with the American Society for Testing and Materials.

4.16.5.6.6 The special use permit application shall include a major site plan as set forth in Appendix B-5 of this Ordinance. In addition to the site plan, the application shall also include an Operations Plan that details:

- Details on how the mine will operate (where will initial excavation begin, where will overburden be placed, etc.)
- Hours of operation

- Number of employees, including details on shifts if applicable
- Details on the function of each proposed structure or piece of equipment
- Location of permanent roads (those to be used in excess of one year) and non-permanents roads

4.16.5.6.7 The special use permit application shall include a copy of the mining reclamation bond as required by NCGS 74-51 and 74-54 and as submitted to the NC Department of Environmental Quality (NCDEQ).

4.16.6 PERMITTED USES (UNDERLYING ZONING DISTRICTS)

A Mining Special Use Overlay District will be an overlay on an underlying zoning district required specifically for mining and quarrying. All other uses permitted in any such underlying district, whether by right or as a Special Use, shall be permitted in the MSUOD according to the procedures established for such uses.

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.

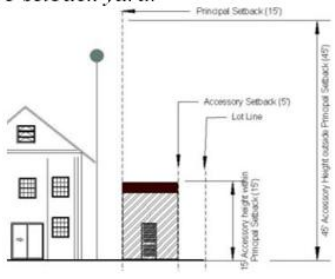
ZONING DISTRICT	FRONT SETBACK (FEET) (see Note 1)	SIDE SETBACK (FEET)	REAR SETBACK (FEET)
RA	30	5	5
RR	30	5	5
R-20	30	See Note 2	
R-14	30	See Note 2	
R-12	30	See Note 2	
R-10	25	See Note 2	
R-6	20	See Note 2	
MF-12	20	See Note 2	
O&I	10	0	0
CBD	0	0	0
NC	10	0	0
C-1	10	0	0
C-2	10	0	0
HC	10	0	0
LI	30	0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

Figure 5.1 *Example of height regulations for accessory structures located within a principal structure setback yard.*



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 non-obscene 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 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.
- The site shall be drained to prevent the accumulation of standing water, and channelization of the drainage shall be designed and controlled so as not to cause erosion or silting of neighboring properties or public drainageways, nor to increase the turbidity of any natural water course, or to occlude any existing drainage course.

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 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 § 122C-3(11)b,and referenced in NCGS 160D-907.

5.12.2 **STANDARDS**

A Family Care Home is subject to the following standards or the latest version of NCGS § 160D-907:

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 or in the ETJ of the City of Sanford and the Town of Broadway. Bona fide farm uses as defined in NCGS 160D-903 are exempt from county zoning regulations and municipal zoning regulations in ETJ areas.

5.13.2 **USE REGULATIONS**

The use of land for the keeping of agricultural animals of 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

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.

5.15.3 **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

PERFORMANCE STANDARDS	*RA*	*ALL OTHER DISTRICTS*
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 confirm 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 access 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, except if the adjacent property is both vacant and larger than 20 acres in area, in which case a minimum of 20 feet separation shall be required between the property line and all parking areas. In such cases, the minimum separation between the property line and hotel/motel buildings shall remain 50 feet.

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 LANDFILLS, SMALL LCIDS (LESS THAN TWO ACRES)

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 in15A 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 (INCLUDES SOLID WASTE, CDLFs & LARGER LCIDs)

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.

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.

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 (SELF-STORAGE UNITS)

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.

5.22.1 **STANDARDS**

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

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

5.22.1.3 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.

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

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

5.22.1.6 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.

5.23.5 SPECIAL USE PERMIT REQUIREMENTS

5.23.5.1 To aid in the interpretation of the word "harmony" in Section 3.5.3.4 as applied to an application for Special Use Permit for mining and quarrying, the following guidelines may be used:

- The operation will not constitute a substantial physical hazard to a neighboring residence, school, church, hospital, commercial, or industrial building, public road, or public property;

• The operation will not have a significantly adverse effect on the purposes of a publicly owned park, forest, or recreation area;

• The operation will not have an adverse effect on public, community, or private water supplies, surface or ground waters, including but not limited to water supply watershed areas as designated in the Watershed Protection Map of Lee County, North Carolina.

5.23.5.2 A special use approval granted by the Board of Adjustment will not become effective until a mining permit, if required by the North Carolina Department of Environmental Quality, and all other state and federal permits required for mining are issued.

5.23.5.3 If the applicant makes a material and substantial change to the Site Plan or any of the other components submitted to the Board of Adjustment, a new special use permit application shall be submitted to the Board of Adjustment.

5.23.5.4 A special use permit will automatically expire if, at any time after it is approved by the Board of Adjustment, the state mining permit is revoked or terminated and may be reactivated upon reissuance of the state mining permit unless there is a material and substantial change requiring a new special use permit application according to Section 5.23.5.3 above.

5.23.5.5 APPLICATION REQUIREMENTS

5.23.5.5.1 The special use permit application shall also include two (2) copies of all other applications for federal and state permits required for mining. Such copies shall be complete and include all required supporting documentation as required for said permits.

5.23.5.5.2 The special use permit application shall include complete copies of any required land disturbing permits as required by state and federal agencies (such as Sedimentation & Erosion Control, wetlands, etc.). Such copies shall be complete and include all required supporting documentation as required for said permits.

5.23.5.5.3 The special use permit application shall include complete copies of NCDOT driveway permits and/or other permits related to roadway access and construction. Such copies shall be complete and include all required supporting documentation as required for said permits.

5.23.5.5.4 The special use permit application shall also include a traffic impact study by a qualified consultant that will enable the Board of Adjustment to assess the impact of the proposed land use on the highway system when that system is at or near capacity where a safety problem exists. Its purpose is to ensure that the proposed land use does not adversely affect the highway network and to identify traffic problems associated with access from the proposed site to the existing transportation network. The study shall also identify improvements to resolve traffic problems and present solutions that may be incorporated into the site plan. The study shall also include information sufficient to demonstrate compliance with the Road and Traffic Standards of this section.

5.23.5.5.5 If the proposed affected land is greater than 10 contiguous acres, the special use permit application shall include a Phase 1 Environmental Site Assessment of the proposed affected land completed not earlier than 12 months before the special use permit application date and prepared in accordance with the American Society of Testing and Materials.

5.23.5.5.6 The special use permit application shall include a major site plan as set forth in Appendix B-5 of this Ordinance. In addition to the site plan, the application shall include an operations plan that details:

- Details on how the mine will operate (where will initial excavation begin, where will overburden be placed, etc.).
- Hours of operation
- Number of employees, including details on shifts, if applicable
- Details on the function of each proposed structure or piece of equipment
- Location of permanent roads (those to be used in excess of one year) and non-permanent roads

5.23.5.5.7 The special use permit application shall include a copy of the mining reclamation bond as required by NCGS 74-51 and 74-54 as submitted to the NC Dept. of Environmental Quality (NCDEQ).

5.24 MOTOR VEHICLES/BOATS 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 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.

5.27.2 **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 OCCUPATION 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.

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 TELECOMMUNICATIONS 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) Entails excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction, excluding any access or utility easements currently related to the site. The boundaries of the current site for existing towers are the boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground. The current boundaries of the site are the boundaries that existed as of the date that the original support structure or a modification to that structure was last reviewed and approved by the City or other local government.

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 hall 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 involve a Substantial Modification , 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, , 5.33.6.6, 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. Except for minor modifications to existing structures already supporting wireless telecommunications equipment which shall be subject to administrative approval pursuant to § 5.33.3.2, 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.

5.33.5.8 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 new 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, but not including information concerning the specific need for the tower or any proprietary, confidential or business information to justify the need for the new tower such as propagation maps and telecommunication traffic studies.

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 .

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 within the applicant's search ring. For proposed new towers, such documentation shall demonstrate the feasibility of collocating is unreasonable. Collocation is unreasonable if collocation is technically or commercially impractical or the owner of an existing structure is unwilling to enter into a contract for such use at fair market value.

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 new telecommunications tower or Substantial Modification 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 known 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 one calendar year. The Farmer's Market on City property is exempt from the calendar day limit.

- 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.
- Fence wraps are allowed under the provisions of NCGS 160D-908.

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

5.34.2.8 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.

5.34.2.9 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.

5.34.2.10 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.

5.34.2.11 TEMPORARY HEALTH CARE STRUCTURES.

Temporary health care structures shall be allowed, as defined and regulated by NCGS 160D-915.

5.35 MIXED USES, CENTRAL BUSINESS DISTRICT

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

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.

5.36.1.6 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.

5.36.1.7 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 MACHINES

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 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 DAYCARE 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 covert 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 tress 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 places 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 collator 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 issuances 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 approval 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. See NCGS 160D-914.

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 HOTEL, MOTEL or TOURIST COURT, EXTENDED STAY (CITY OF SANFORD ONLY)

5.41.1 APPLICABILITY

This section applies to extended stay hotels, motels, or tourist courts as defined in Appendix A of this Ordinance.

5.41.2 STANDARDS

5.41.2.1 DENSITY EXEMPTION. For the purpose of new construction (including expansion), extended stay hotels and/or motels shall not be subject to residential density requirements that typically apply to residential development.

5.41.2.2 MINIMUM ACCOMODATION REQUIREMENTS.

Each rental space or unit shall include:

(a) A full-size refrigerator (minimum 5 cubic feet or larger); and

(b) A (minimum) two-burner built-in stove or a microwave oven.

5.41.3 **NONCONFORMING EXTENDED STAY HOTELS, MOTELS, or TOURIST COURTS**

5.41.3.1 Any nonconforming extended stay hotel, motel, or tourist court shall be brought into compliance with Section 5.41.2.2, above, within eighteen (18) months from date of adoption of this Ordinance.

Note:
5.41.1 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

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. In accordance with NCGS 160D-906 the County of Lee shall not prohibit any person or entity from owning or possessing five or fewer hives.

5.44.1 **BEEHIVE DEFINED**

The term "beehive" shall include any receptacle or container, or part of receptacle or container, which is made or prepared for the use of bees. A colony means one hive and its contents, including bees, comb, and appliances.

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). Any hive not placed at ground level must be securely attached to an anchor or stand. 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 five or fewer beehives provided that no hive shall be established or kept within ten (10) feet of a property line.

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 and Abandonment: 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-swarming characteristics. If the owner of a hive or hives no longer maintains the hive, or if removal is necessary to protect the health, safety and welfare of the public (as in the case of aggressive bees), the Administrator may order the removal of the hive or hives.

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.

5.45 MOBILE FOOD VENDORS

(CITY OF SANFORD AND TOWN OF BROADWAY)

5.45.1 MOBILE FOOD VENDOR

Mobile food vendors shall include vendors of food, drink, or other consumable products which may operate as a food truck, food trailer, food cart, or other similar mobile or temporary vehicle. Mobile food vendors shall be permitted as an accessory use and shall be subject to the additional requirements set forth below.

5.45.2 LOCATIONS

5.45.2.1 Mobile food vendors shall be permitted to operate in any commercially- or industrially-zoned areas, so long as they obtain property owners' permission.

5.45.2.2 Mobile food vendors shall be permitted to operate in public parks, but must first be verified by and receive permission from the appropriate jurisdiction's Parks Administrator, or equivalent staff member.

5.45.2.3 Mobile food vendors may also operate in residentially-zoned areas, but only within areas designated as common open space and having a community-oriented use, and owned by a property management group, a homeowners' association, or other responsible organization, and with that organization's permission.

5.45.2.4 Operation of mobile food vendors on individual residentially-zoned lots, whether developed with dwellings or not, shall be prohibited.

5.45.2.5 Mobile food vendors are prohibited from operating on undeveloped and vacant land for which a principal use has not been established, regardless of zoning district. Mobile food vendors shall be considered as an accessory to an existing principal land use (for example, a structure or place of business, a park, or recreational area).

5.45.3 STANDARDS

5.45.3.1 A *Mobile Food Vendor Permit*, issued by the Department of Community Development, is required for the operation of any mobile food vendor within the City of Sanford, Town of Broadway, or County of Lee. The approved permit must be on posted in public view while operating within the aforementioned jurisdictions.

5.45.3.2 The *Mobile Food Vendor Permit* shall be valid for one (1) full calendar year from the date of

issuance. Mobile food vendors shall renew their permit annually with the Department of Community Development.

5.45.3.3 Only one (1) mobile food vendor shall be permitted to operate on a particular parcel at any one time, unless operating with a Temporary Use Permit (see § 5.34 of this Ordinance). Multiple mobile food vendors shall also be permitted on a parcel as part of an official event sanctioned by the City of Sanford, the County of Lee, or the Town of Broadway.

5.45.3.4 Mobile food vendors shall not impede or interfere with pedestrian or vehicular traffic flow, nor obstruct ingress/egress of a building as set forth in all applicable North Carolina State Building and Fire Codes.

5.45.3.5 Mobile food vendors shall be located at least 15 feet away from any fire hydrant.

5.45.3.6 Mobile food vendors shall not occupy any ADA handicap-accessible parking spaces.

5.45.3.7 Mobile food vendors are limited to daily hours of operation between 6AM and Midnight.

5.45.3.8 Adequate solid waste receptacles for customers' use must be provided; Mobile food vendors are responsible for the removal and disposal of trash as a result of their operation.

5.45.3.9 No liquid waste or grease shall be disposed of onto sidewalks, streets, or other public places. Grease shall not be released into public sewers or stormwater drains. All waste must be properly disposed of in approved containers and locations.

5.45.3.10 Any signage associated with the operation of a mobile food vendor must comply with sign regulations found in Article 11 of this Ordinance.

5.45.3.11 If applicable, mobile food vendors must obtain a valid *food establishment permit* from any North Carolina County to operate. Upon receiving their first sanitation grade, their current sanitation grade must be displayed in public view at all times and supporting information from any North Carolina County must be in good standing and made available upon request.

5.45.3.12 Mobile food vendors must have an independent electrical source (generator, etc.) to support equipment containing hot or cold food, and to maintain hot water for proper food handling and sanitation.

5.45.3.13 The suspension, expiration, or revocation of approvals and permits associated with any North Carolina County's Environmental Health Department will render the Mobile Food Vendor Permit void.

5.45.3.14 Mobile food vendors must comply with all applicable Environmental Health regulations set forth by the North Carolina Department of Health and Human Services, specifically § 15A NCAC 18A .2670 of NCDHHS's *Rules Governing the Food Protection and Sanitation of Food Establishments*

5.46 MOBILE FOOD VENDORS

(UNINCORPORATED LEE COUNTY ONLY)

5.46.1 MOBILE FOOD VENDOR

Mobile food vendors shall include vendors of food, drink, or other consumable products which may operate as a food truck, food trailer, food cart, or other similar mobile or temporary vehicle.

5.46.2 LOCATIONS

5.46.2.1 Mobile food vendors shall be permitted to operate in any commercially or industrially zoned areas, whether developed or undeveloped/vacant, so long as they obtain the property owners' permission.

5.46.2.2 Mobile food vendors shall be permitted to operate in public parks, but must first be verified by and receive permission from the appropriate jurisdiction's Parks Administrator, or equivalent staff member.

5.46.2.3 Mobile food vendors may also operate in residentially-zoned areas, but only within areas designated as common open space and having a community-oriented use, and owned by a property management group, a homeowners' association, or other responsible organization, and with that organization's permission.

5.46.2.4 Operation of mobile food vendors on individual residentially-zoned lots, whether developed with dwellings or not, shall be prohibited.

5.46.3 STANDARDS

5.46.3.1 Only one (1) mobile food vendor shall be permitted to operate on a particular parcel at any one time, unless operating with a Temporary Use Permit (see § 5.34 of this Ordinance). Multiple mobile food vendors shall also be permitted on a parcel as part of an official event sanctioned by the County of Lee.

5.46.3.2 Mobile food vendors shall be located at least 15 feet away from any fire hydrant, shall not impede or interfere with pedestrian or vehicular traffic flow, shall not occupy any ADA handicap-accessible parking spaces, nor obstruct ingress/egress of a building as set forth in all applicable North Carolina State Building and Fire Codes.

5.46.3.3 Adequate solid waste receptacles for customers' use must be provided; Mobile food vendors are responsible for the removal and disposal of trash as a result of their operation.

5.46.3.4 No liquid waste or grease shall be disposed of onto sidewalks, streets, or other public places. Grease shall not be released into public sewers or stormwater drains. All waste must be properly disposed of in approved containers and locations.

5.46.3.5 Any signage associated with the operation of a mobile food vendor must be temporary, on-premise, on-site during the duration of the operation of the associated mobile food vendor
only, and may not be illuminated. One sign is allowed per street frontage, not to exceed thirty-two (32) square feet.

Temporary signs shall not be required to obtain a sign permit. The owner of the property where a temporary sign is located is deemed to have authorized the sign and is empowered to remove any temporary sign that is on the property without authorization.

5.46.3.6 If applicable, mobile food vendors must obtain a valid food establishment permit from any North Carolina County to operate. Upon receiving their first sanitation grade, their current sanitation grade must be displayed in public view at all times and supporting information from any North Carolina County must be in good standing and made available upon request.

5.46.3.7 Mobile food vendors must have an independent electrical source (generator, etc.) to support equipment containing hot or cold food, and to maintain hot water for proper food handling and sanitation.

5.46.3.8 The suspension, expiration, or revocation of approvals and permits associated with any North Carolina County's Environmental Health Department will render the Mobile Food Vendor Permit void.

5.46.3.9 Mobile food vendors must comply with all applicable Environmental Health regulations set forth by the North Carolina Department of Health and Human Services, specifically § 15A NCAC 18A .2670 of NCDHHS's Rules Governing the Food Protection and Sanitation of Food Establishments.

5.47 FOOD TRUCK PARK

(CITY OF SANFORD AND TOWN OF BROADWAY)

This section applies to a permanent location that people frequent to dine from various mobile food vendors that are on site. The mobile food vendors move in & out of this location, but the site – along with all of the required site improvements – remains at the fixed location.

The specific standards provided below would be in addition to any general design standards that may be applicable, such as the standard size of parking spaces & driveways, landscaping, etc.

5.47.1 STANDARDS

5.47.1.1 Site must have permanent public restroom facilities (no "port-a john" type restrooms).

5.47.1.2 Site must have permanent garbage/refuse/recycling methods that are approved by staff, properly maintained and emptied at the end of each day or more frequently to maintain the health & safety of the public) and screened from view of all public streets. City/town trash receptacles shall not be used for this purpose.

5.47.1.3 Mobile food vendors shall not operate within any public right-of-way.

5.47.1.4 Mobile food vendors shall be located on an improved surface to include, but no limited to, asphalt or concrete.

5.47.1.5 Mobile food vendors shall be located a minimum of 100ft from the main entrance to any eating establishment or similar food service business and 100ft from any outdoor dining area that they may have, as measured from the property line of the food truck park.

5.47.1.6 Mobile food vendors shall be a minimum of 15ft from the edge of any public driveway or sidewalk, utility box or vaults, H/C ramp, building entrance, exit or emergency access/exit, emergency call box or fire

hydrant.

5.47.1.7 Mobile food vendors shall not be located within any area of the lot or parcel that impedes, endangers, or interferes, with pedestrian or vehicular traffic.

5.47.1.8 Mobile food vendors shall not occupy any parking spaces required to fulfill the minimum requirements of a land use, unless allowed per the UDO shared parking standards.

5.47.1.9 A minimum of 3 parking spaces per food trucks/trailers/carts shall be provided.

5.47.1.10 If provided, electrical, water, and sewer utility services shall run to a central structure and shall be used by the individual operators instead of generators.

5.47.1.11 The operator shall keep all areas of the food truck park free and clean of grease, trash, paper, cups, cans and other materials associated with the operation. No liquid waste or grease is to be disposed in tree pits, storm drains, or onto sidewalks, streets, or other public spaces. Under no circumstances shall grease be released or disposed of in the City/Town sanitary sewer system.

5.47.1.12 All food preparation, storage, sales, and distribution shall comply with all applicable local, State, and Federal Health Department sanitary and safety regulations and it is the responsible of the food truck park operator to verify that all requirements are met.

5.47.1.13 On site seating/dining areas within open space must be incorporated into the design. Due to the varying array of existing conditions on sites, developable area, safety concerns, etc. staff will review & approve the site seating/dining areas on a case-by-case basis.

5.47.1.14 Options that may be included as part of the food truck plaza/park:

(a) Permanent building(s) that accommodate more than just permanent restrooms
(b) Beer garden
(c) Vendor space for retail goods / wares / merchandise
(d) Farmer's market
(e) On-site commissary kitchen
(f) Electrical / water / sanitary sewer connections
(g) Limited dry storage area(s) that is screened from public view

5.48 FOOD TRUCK PARK

(UNINCORPORATED LEE COUNTY ONLY)

This section applies to a permanent location that people frequent to dine from various mobile food vendors that are on site. The mobile food vendors move in & out of this location, but the site – along with all of the required site improvements – remains at the fixed location. A mobile food vendor shall include vendors of food, drink, or other consumable products which may operate as a food truck, food trailer, food cart, or other similar mobile or temporary vehicle.

The specific standards provided below would be in addition to any general design standards that may be applicable, such as the standard size of parking spaces & driveways, landscaping, etc.

5.48.1 STANDARDS

5.48.1.1 Site must have permanent public restroom facilities (no "port-a john" type restrooms).

5.48.1.2 Site must have permanent garbage/refuse/recycling methods that are approved by staff, properly maintained and emptied at the end of each day or more frequently to maintain the health & safety of the public, and screened from view of all public streets. City/town trash receptacles shall not be used for this purpose.

5.48.1.3 Spaces designated for mobile food vendors shall not operate within any public right-of-way.

5.48.1.4 Spaces designated for mobile food vendors shall be located on an improved surface to include, but no limited to, asphalt or concrete.

5.48.1.5 Spaces for mobile food vendors shall be located a minimum of 100ft from the main entrance to any eating establishment or similar food service business and 100ft from any outdoor dining area that they may have, as measured from the property line of the food truck park.

5.48.1.6 Spaces designated for mobile food vendors shall be a minimum of 15ft from the edge of any public driveway or sidewalk, utility box or vaults, H/C ramp, building entrance, exit or emergency access/exit, emergency call box or fire hydrant.

5.48.1.7 Spaces designated for mobile food vendors shall not be located within any area of the lot or parcel that impedes, endangers, or interferes, with pedestrian or vehicular traffic.

5.48.1.8 Spaces designated for mobile food vendors

shall be designed so that they do not encroach in to any parking spaces required to fulfill the minimum requirements of a land use, unless allowed per the UDO shared parking standards.

5.48.1.9 A minimum of 3 parking spaces per mobile food vendor shall be provided.

5.48.1.10 Electrical, water, and sewer utility services shall be provided by the food truck park operator and shall be used by the mobile food vendors. The use of generators is not allowed.

5.48.1.11 The food truck park operator shall keep all areas of the food truck park free and clean of grease, trash, paper, cups, cans and other materials associated with the operation. No liquid waste or grease is to be disposed in tree pits, storm drains, or onto sidewalks, streets, or other public spaces. Under no circumstances shall grease be released or disposed of in the City/Town sanitary sewer system.

5.48.1.12 All food and other consumable products preparation, storage, sales, and distribution shall comply with all applicable local, State, and Federal Health Department sanitary and safety regulations and it is the responsible of the food truck park operator to verify that all requirements are met.

5.48.1.13 On site seating/dining areas within open space must be incorporated into the design. Due to the varying array of existing conditions on sites, developable area, safety concerns, etc. staff will review & approve the site seating/dining areas on a case-by-case basis.

5.45.1.14 Options that may be included as part of the food truck plaza/park:
(a) Permanent building(s) that accommodate more than just permanent restrooms
(b) Beer garden
(c) Farmer's market
(d) On-site commissary kitchen
(e) Electrical / water / sanitary sewer connections
(f) Limited dry storage area(s) that is screened from public view

SANFORD-BROADWAY-LEE COUNTY UNIFIED DEVELOPMENT ORDINANCE

ARTICLE 6. SUBDIVISION REGULATIONS.

Summary: This article establishes procedures for the subdivision of land. Included are requirements for the division of land into a subdivision, as defined in Appendix A of this Ordinance, as authorized by NCGS Chapter 160D, Article 8 (160D-801 through 808). This Article of the UDO shall officially be known, cited and referred to as the Subdivision Regulations of the County of Lee.

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6.1 GENERAL PROVISIONS

6.1.1 PURPOSE.

As authorized by NCGS Chapter 160D, Article 8 (160D-801 through 808), the purposes of establishing this Article are:

6.1.1.1 To provide for the coordination of transportation networks and utilities within proposed subdivisions with existing or planned streets and highways and with other public facilities.

6.1.1.2 Within larger subdivisions, to provide for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision or for provision of funds to be used to acquire recreation areas serving residents of the development or subdivision or more than one subdivision or development within the immediate area.

6.1.1.3 To provide rights-of-way or easements for street and utility purposes including the dedication of rights-of-way pursuant to NCGS §§136-66.10 or 136-66.11.

6.1.1.4 To provide for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions that substantially promote public health, safety, and the general welfare.

6.1.1.5 To provide that the final plat shows sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement boundary line, and other property boundaries, including the radius and other data for curved property lines, to an appropriate accuracy and in conformance with good surveying practice.

6.1.2 APPLICABILITY.

This Article shall apply to any subdivision, as defined in Appendix A of this Ordinance, within the unincorporated area of Lee County and the corporate limits of the City of Sanford and Town of Broadway or any extraterritorial jurisdiction established pursuant to NCGS § 160D-201; -202. Land that has been subdivided prior to the effective date of these regulations should, whenever possible, be brought within the scope of these regulations to further the purposes of this Ordinance. However, all existing preliminary plats that were approved under the prior Ordinance shall remain valid unless or until the approval expires.

6.1.3 AUTHORITY AND JURISDICTION.

6.1.3.1 (City of Sanford) The Technical Review Committee (TRC) is vested with the authority to review, approve, conditionally approve, and disapprove applications for preliminary plats in accordance with NCGS 160D-803(c).

(Unincorporated Lee County and the Town of Broadway) The Planning Commission is vested with the authority to review, approve, conditionally approve and disapprove applications for preliminary plats (see Table 6- 1, below).

6.1.3.1 DEPARTMENT OF COMMUNITY DEVELOPMENT.

The Department of Community Development, Administrator or his designee is vested with the authority to review and approve sketch plats and to approve, conditionally approve and disapprove applications for minor plats (minor subdivisions) and/or final plats (major subdivisions) (see Table 6-1).

6.1.3.2 DEPARTMENT OF PUBLIC WORKS.

The Department of Public Works is vested with the authority to review and approve Construction Plans, Subdivision Improvement Agreements, and Maintenance Bonds (see Table 6-1).

6.1.3.3 CITY COUNCIL, COUNTY COMMISSION, OR TOWN BOARD OF COMMISSIONERS.

The Governing Body is vested with the authority to accept all public dedications including, but not limited to right-of-way, easements, park facilities, and open space.

6.1.4 WHEN A SUBDIVISION PLAT IS REQUIRED.

6.1.4.1 From and after the effective date of this Ordinance, the owner or proprietor of any tract of land who desires to Subdivide land (to create a "Subdivision") shall be required to submit a plat of such Subdivision to the Department of Community Development, who is hereby charged with the responsibility for coordinating the processing of such plats. The subdivision plat submitted to the Department of Community Development must be

prepared in accordance with the regulations set forth in this Article.

6.1.4.2 No person shall Subdivide Land without making and recording a plat and complying fully with the provisions of this Article and all other state and local laws and regulations applying to Subdivisions.

6.1.4.3 No person shall sell or transfer ownership of any lot or parcel of land by reference to a plat of a subdivision before such plat has been duly recorded with the Register of Deeds, unless such subdivision was created prior to the adoption of this Ordinance and any other subdivision ordinance applicable thereto.

6.1.4.4 No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of this Ordinance, and no construction of any public or private improvements shall be commenced, except in conformity with the requirements of this Ordinance.

6.1.4.5 A final subdivision plat shall be approved by the Department of Community Development before the subdivision of a parcel may be recorded. No land may be subdivided through the use of any legal description other than with reference to a plat approved by the Department of Community Development in accordance with these regulations, except that which is permitted within § 6.1.5, below.

6.1.5 WHEN SUBDIVISION PLAT APPROVAL IS NOT REQUIRED.

Pursuant to NCGS § 160D-802, a subdivision plat shall not be required for any of the following (see definition of "Subdivision" in Appendix A):

6.1.5.1 The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County of Lee as shown in this Ordinance;

6.1.5.2 The division of land into parcels greater than 10 acres where no street right-of- way dedication is involved.

6.1.5.3 The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.

6.1.5.4 The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality, as shown in this Ordinance.

6.1.5.5 The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

6.1.6 RECORDATION OF UNAPPROVED PLAT PROHIBITED.

The Register of Deeds shall not file or record any subdivision plat required by this Ordinance until such plat shall have been approved, and such approval evidenced thereon, in accordance with the regulations set forth in this Article.

6.1.7 SALE OF PROPERTY IN VIOLATION OF THIS ORDINANCE PROHIBITED.

No land described in this Section shall be subdivided or sold, or transferred until each of the following conditions has occurred in accordance with these regulations:

6.1.7.1 the subdivider or his authorized agent has submitted a conforming sketch plat of the subdivision to the Department of Community Development; and

6.1.7.2 the subdivider or his authorized agent has obtained approval of the sketch plat, a preliminary plat (when required), and a final plat as provided in this Article; and

6.1.7.3 the subdivider or his authorized agent files the approved final plat with the Register of Deeds.

6.1.8 CLASSIFICATION OF APPLICATIONS.

Before any land is subdivided, the owner of the property proposed to be subdivided, or his authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the procedures established in this Article 6.

6.1.9 COORDINATION OF FLEXIBLE ZONING APPLICATIONS WITH SUBDIVISION APPROVAL.

An application for a site plan (§3.6) or a Conditional Use District (§3.4) may be initiated concurrent with

the initiation of an application for approval of a preliminary subdivision plat.

6.1.10 LOTS REQUIRING A PRIVATE SEPTIC SYSTEM IN ORDER TO BE DEVELOPED

All proposed lots that would require a private septic system in order to be developed must be approved by either a licensed soil scientist or the Lee County Environmental Health Department prior to the plat being recorded.

6.2 MINOR SUBDIVISIONS

6.2.1 MINORSUBDIVISION DEFINED

6.2.1.1 CITY OF SANFORD

The City of Sanford, including the ETJ, defines a minor subdivision as:

(a) Any subdivision which contains not more than six (6) lots with frontage on an existing publicly-maintained street, and does not involve the extension of any public or private street for access to interior property; does not involve the extension of public water, sewer, or other public improvements; does not adversely affect the remainder of the parcel or adjoining property; or require an exception from any requirement of this ordinance; or

6.2.1.1.2 The creation of a single lot that does not have direct public street frontage. Such lots shall be allowed subject to the following conditions: (1) lot contains a minimum of two (2) acres in area, (2) lot shall be accessed via a recorded access easement of at least 30 feet in width, and (3) lot shall be restricted to development as one single-family dwelling. Creation of multiple lots (a subdivision) using this method shall be prohibited.

6.2.1.2 LEE COUNTY AND THE TOWN OF BROADWAY

(a) Lee County and the Town of Broadway, including the ETJ, defines a minor subdivision as either of the following:

(b) Any subdivision which contains not more than six (6) lots with frontage on an existing publicly-maintained street, and does not involve the extension of any public or private street for access to interior property; does not involve the extension of public water, sewer, or other public improvements; does not adversely affect the remainder of the parcel or adjoining property; or require an exception from any requirement of this ordinance.

(c) Any subdivision which contains not more than three (3) lots, and does not involve the extension of any public or private street for access to interior property; does not involve the extension of public water, sewer, or other public improvements; or require a variance from any requirement of this ordinance, provided that:

- No lot is less than the required minimum lot size of the respective zoning district.
- Access to interior lots is provided by a perpetual, private access easement, which has a minimum width of 30 feet, and connects directly to an existing publicly maintained road.
- Each lot fronts or abuts the private access easement or an existing, publicly maintained road.
- No more than three (3) lots are created along the 30-foot easement.

6.2.1.2.2 Any property which was included as part of a Minor Subdivision under either of the options as set forth in 6.2.1.2.1 shall be limited to a maximum cumulative total of six lots, including the parent tract.

6.2.2 GENERAL SUBMISSION REQUIREMENTS.

6.2.2.1 Only a final plat is required for approval of a minor subdivision.

6.2.2.2 Applications for final plat approval shall be submitted to the Administrator for completeness review. Appendix B outlines the information that is to be submitted with an application for any type of subdivision plat. The Administrator shall determine whether the application is complete and complies with the submission requirements set forth in Appendix B. If the application is incomplete or the submission requirements have not been complied with, the Administrator shall so notify the Applicant, specifying the deficiencies. Incomplete and/or non-compliant submissions shall not be processed.

6.2.2.3 The Administrator shall render a determination as to whether the plat is approved, approved with conditions or denied pursuant to TU§ 6.2UT of this Ordinance and NCGS §160D-804. If disapproved, the Administrator shall advise the subdivider of such action and shall indicate the reasons for denial.

6.2.3 RECORDING A FINAL PLAT.

6.2.3.1 Within 90 days of final plat approval, the applicant shall file the plat with the Register of Deeds as provided by law. The final plat approval shall expire within the above- referenced time period, unless the Administrator has granted an extension. The Administrator may grant up to two extensions of final plat approval, each of up to six (6) months. Failure to record the final plat within the time frame noted shall cause the final plat approval to be void. the applicant shall return a reproducible (mylar) copy of the recorded plat to the office of the Administrator. The final plat shall not be deemed a site-specific vesting plan pursuant to NCGS 160D-108 until it has been properly recorded.

6.2.3.2 As required by N.C.G.S. 47-30.2, a plat to be recorded shall be submitted to a Review Officer before the map or plat is presented to the register of deeds for recording. The Review Officer shall certify the map or plat if it complies with all statutory requirements for recording. A certification shall be substantially similar to that found in Appendix B. The register of deeds shall not accept for recording any map or plat required to be submitted to the Review Officer unless the map or plat has the certification of the Review Officer affixed to it.

6.3 MAJOR SUBDIVISIONS

6.3.1 MAJOR SUBDIVISION DEFINED

A major subdivision is defined as any subdivision which is not classified as a minor subdivision including, but not limited to (1) subdivisions of six (6) or more lots; or (2) any size subdivision which requires the extension of a public or private street; or (3) any size subdivision which requires the extension of public water, sewer or other public improvements; or (4) any size subdivision which requires an exception from the requirements of this ordinance. The following steps are required:

- Sketch Plat
- Preliminary Plat
- Final Plat

6.3.2 SKETCH PLAT SUBMISSION REQUIREMENTS.

6.3.2.1 PURPOSE

The sketch plat approval process and preapplication conference provides an opportunity for the applicant to present its basic concept to local planning officials and receive their input, suggestions and concerns. This procedure permits the developer to go before the Department of Community Development with the description, but not full engineering details of the project. The sketch plat lays out the approximate location of existing features and planned construction and provides ownership information. Because of the preliminary and summary description of the development, the sketch plat does not permit development. However, the developer is given the opportunity to learn of suggestions which can be incorporated into the formal preliminary plan application without incurring significant expenditures.

6.3.2.2 INITIATION

The applicant shall schedule an appointment and meet with the Department of Community Development to discuss a sketch plat. The Department of Community Development shall also advise the applicant, when appropriate, to discuss the proposed subdivision with those officials who must eventually approve those aspects of the subdivision plat coming within their jurisdiction. If the plat is to be submitted in two (2) or more phases, a Master Plan shall be submitted which shows the sketch plat and preliminary plat for the entire subdivision.

6.3.3 PRELIMINARY PLAT

6.3.3.1 PURPOSE (City of Sanford)

The preliminary plat application involves an examination of the proposal in much greater detail than at the sketch plat stage, since this stage determines whether the project will be approved, and if so, the conditions that will be required. Preliminary plat approval is the key discretionary decision-making point in the approval process. The applicant is required to submit, as applicable, detailed information as to all aspects of the development, including street layout, preservation of natural site features, and recreational and parking facilities, in order too assure that the decision-makers and all parties interested in the project have the opportunity to review all significant facets of the project.

6.3.3.2 APPLICABILITY (City of Sanford)

Approval of a Preliminary Plat is required for any tract where the eventual platting of the property involves a

major subdivision. No final plat shall be approved util a Preliminary Plat for the property has been approved.

6.3.3.3 INTIATION (City of Sanford)

After the Department of Community Development has approved a sketch plat for a major subdivision, then the subdivider may file an application for approval of a preliminary plat. The application shall be filed with the Department of Community Development.

6.3.3.4 DECISION (City of Sanford)

(a) After the application for preliminary plat approval is certified as complete, the Department of Community Development shall place the plat on the agenda of the next regular-scheduled meeting of the Technical Review Committee.

(b) The Department of Community Development shall refer copies of the plat and any accompanying materials to those public officials and agencies Concerned with new development, including, but not limited to, the building inspector, the appropriate jurisdiction's Fire Marshal, the appropriate jurisdiction's Public Works Department, Lee County Environmental Health Department, Lee County School Borad, the district engineer of the North Carolina Department of Transportation, the appropriate county soil conservation service office, and any consulting engineer retained by the jurisdiction, for review and recommendation. Such agencies may review can comment as to whether the application satisfies the requirements of this Ordinance or any requirements of state and federal law applicable to subdivision plats. A preliminary plat shall not be paced on the Technical Review Committee agenda until it has been deemed complete by the Department of Community Development.

(c) The Technical Review Committee shall approve, disapprove, or conditionally approved the application for a preliminary plat subject to the following:

- Approval shall be noted on a least two copies of the preliminary plat. One (1) copy shall be retained by the Department of Community Development, and one (1) copy shall be given to the subdivider.

- If the preliminary plat is disapproved, the minutes shall specify reasons for such actions in writing. One (1) copy of such reasons shall be retained by the Department of community Development, and one (1) copy of such reasons shall be given to the applicant. If the preliminary plat is disapproved, the subdivider may make the recommended changes as submit a revised preliminary plat.

- If the preliminary plat is conditionally approved, the minutes shall specify the reasons for such action in writing. One (1) copy of such reasons shall be retained by the Department of Community Development, and one (1) copy of such reasons shall be given to the applicant. If the preliminary plat is conditionally approved, the subdivider may make the recommended changes and submit a revised preliminary plat to the Zoning Administrator or his/her designee for review.

- A timey decision of the Technical Review Committee to approve, disapprove, or conditionally approve the application for a preliminary plat shall be considered final.

(d) For preliminary plats that require a subdivision exception pursuant to Section 6.3.6 of this Ordinance, the Technical Review committee shall only provide an initial review. Final review and approval of a preliminary plat with a subdivision exception, however, shall be determined by the Zoning Administrator or his/her designee.

6.3.3.5 SCOPE OF APPROVAL (City of Sanford)

6.3.3.5.1 Approval of the preliminary plat by the Technical Review Committee shall allow a subdivider to proceed with the preparation of the final plat.

6.3.3.5.2 Approval of the preliminary plat by the Technical Review Committee without approved construction plans shall not constitute the necessary approval for submittal of the final plat.

6.3.3.5.3 Should the plat be approved subject to conditions or labeling corrections, the plat shall be revised and resubmitted to the Department of Community Development with all corrections within 60 days of the Technical Review Committee's approval. Failure to return a corrected plat within this time period shall constitute a violation. Additionally, no final plat may be approved until a corrected copy of the preliminary plat has been filed with the Department of Community Development.

6.3.3.5.4 The preliminary plat shall serve as a guide in the preparation of the final subdivision plat, which must be submitted for final approval and recordation upon fulfillment of the requirements of this Article.

6.3.3.5.5 The preliminary plat shall be valid for five (5) years after its final approval. A preliminary plat shall become void if a final plat is not approved within this time period. Final approval of a phase or portion of a preliminary plat shall re-establish the effective date for measuring the time period of a preliminary plat approval.

6.3.3.1 PURPOSE (Unincorporated Lee County and Town of Broadway)

The preliminary plat application involves an examination of the proposal in much greater detail than at the sketch plat stage, since this stage determines whether the project will be approved, and if so, the conditions that will be required. Preliminary plat approval is the key discretionary decision-making point in the approval process. The applicant is required to submit, as applicable, detailed information as to all aspects of the development, including street layout, preservation of natural site features, and recreational and parking facilities, in order to assure that the decision-makers and all parties interested in the project have the opportunity to review all significant facets of the project.

6.3.3.2 REVISING APPROVED PRELIMINARY PLAT (City of Sanford)

6.3.3.2.1 Minor Amendments. The Department of Community Development shall have the authority to approve the following deviations from an approved preliminary plat.

- A change in the location of not more than 10 percent (10%) of the number of lots.
- A change in the location of any part of open space acreage by not more than ten percent (10%) of the gross acreage of the proposed subdivision; or
- A change in the location of any part of proposed street alignment and lot configuration of more than ten percent (10%) of the gross acreage so long as the number of external access points is not decreased and the minimum street connectivity ratio as set forth in Article 10 is maintained.
- Changes to within parcel boundaries which do not affect external property lines.

6.3.3.2.2 Major Amendments. All other changes to an approved preliminary plat that do not meet the standards of this section shall require the filing and approval of a new preliminary plat.

6.3.3.2 APPLICABILITY (Unincorporated Lee County and Town of Broadway)

Approval of a Preliminary Plat is required for any tract where the eventual platting of the property involves a major subdivision. No final plat shall be approved until a Preliminary Plat for the property has been approved.

6.3.3.3 PHASING OF PRELIMINARY PLAT (City of Sanford)

6.3.3.3.1 A preliminary plat may be approved with multiple phases where it is the intent of the landowners to process to final plats covering only a portion of the tract at any one time.

6.3.3.3.2 For each approved phase, the developer shall have up to five (5) years to submit the final plat for the respective phase.

6.3.3.3.3 The applicant may submit for an extension of the approved phase beyond the five (5) year limit. All subsequent extensions will be for two (2) years. Application shall be made to the Department of Community Development. Failure to record a plat for any phase within the aforementioned five-year period shall result in the expiration of the preliminary plat's approval. Expired preliminary plats shall not be subject to an extension of their approval, but the applicant must instead submit a new application for a preliminary plat and begin a new preliminary plat review and approval process using the current UDO standards, as opposed to the standards that were in place at the time of the original approval.

6.3.3.3.4 Any plat that was approved within the years of January 1, 2012 – December 31, 2023 will receive an automatic extension not to exceed five (5) years.

6.3.3.3 INITIATION (Unincorporated Lee County and Town of Broadway)

After the Department of Community Development has approved a sketch plat for a major subdivision, then the subdivider may file an application for approval of a preliminary plat. The application shall be filed with the Department of Community Development.

6.3.3.4 DECISION (Unincorporated Lee County and Town of Broadway)

(a) After the application for preliminary plat approval is certified as complete, the Department of Community Development shall place the plat on the agenda of the next regularly-scheduled meeting of the appropriate local Planning Board.

(b) The Department of Community Development shall refer copies of the plat and any accompanying material to those public officials and agencies concerned with new development, including, but not limited to, the building inspector, Lee County Health Department, Lee County School Board, the district engineer of the North Carolina Department of Transportation, the appropriate county soil conservation service office, and any consulting engineer retained by the Jurisdiction, for review and recommendation. Such agencies may review and comment as to whether the application satisfies the requirements of this Ordinance or any other requirements of state or federal law applicable to subdivision plats. A preliminary plat shall not be placed on the local Planning Board agenda until it has been deemed complete by the Department of Community Development.

(c) The Planning Board shall review and take action on each preliminary plat. The Planning Board shall approve, disapprove, or conditionally approve the application for a preliminary plat subject to the following:

- Approval shall be noted on at least two copies of the preliminary plat. One (1) copy shall be retained by the Community Development Department, and one (1) copy shall be given to the subdivider.
- If the preliminary plat is disapproved, the minutes shall specify the reasons for such action in writing. One (1) copy of such reasons shall be retained by the local Planning Board, and one

- (1) copy of such reasons shall be given to the applicant. If the preliminary plat is disapproved, the subdivider may make the recommended changes and submit a revised preliminary plat.

- If the preliminary plat is conditionally approved, the minutes shall specify the reasons for such action in writing. One (1) copy of such reasons shall be retained by the planning commission, and one (1) copy of such reasons shall be given to the applicant. If the preliminary plat is conditionally approved, the subdivider may make the recommended changes and submit a revised preliminary plat to the Administrator for review.

- A timely decision of the Planning Board to approve, disapprove, or conditionally approve the application for a preliminary plat shall be considered final and shall be referred to the appropriate Governing Body for review.

(d) The preliminary plat shall then be transmitted to the Governing Body for consideration at their next regular meeting. A timely decision of the Governing Body to approve or disapprove, the application for a preliminary plat shall be considered final.

6.3.3.5 SCOPE OF APPROVAL (Unincorporated Lee County and Town of Broadway)

6.3.3.5.1 Approval of the preliminary plat by the Governing Body shall allow a subdivider to proceed with the preparation of the final plat.

6.3.3.5.2 Approval of the preliminary plat by the Governing Body without approved construction plans shall not constitute the necessary approval for submittal of the final plat.

6.3.3.5.3 Should the plat be approved subject to conditions or labeling corrections, the plat shall be revised and resubmitted to the Department of Community Development with all corrections within 60 days of the Governing Body's approval. Failure to return a corrected plat within this time period shall constitute a violation. Additionally, no final plat may be approved until a corrected copy of the preliminary plat has been filed with the Department of Community Development.

6.3.3.5.4 The preliminary plat shall serve as a guide in the preparation of the final subdivision plat, which must be submitted for final approval and recordation upon fulfillment of the requirements of this Article.

6.3.3.5.5 The preliminary plat shall be valid for three (3) years after its final approval. A preliminary plat

shall become void if a final plat is not approved within this time period. Final Approval of a phase or portion of a preliminary plat shall re-establish the effective date for measuring the time period of a preliminary plat approval.

6.3.3.6 REVISING APPROVED PRELIMINARY PLAT (Unincorporated Lee County and Town of Broadway)

6.3.3.6.1 Minor Amendments. The Department of Community Development shall have the authority to approve the following deviations from an approved preliminary plat:

- A change in the location of not more than ten percent (10%) of the number of lots;
- A change in the location of any part of open space acreage by not more than ten percent (10%) of the gross acreage of the proposed subdivision; or
- A change in the location of any part of proposed street alignment and lot configuration of more than ten percent (10%) of the gross acreage so long as the number of external access points is not decreased and the minimum street connectivity ratio as set forth in Article 10 is maintained.
- Changes to within parcel boundaries which do not affect external property lines.

6.3.3.6.2 Major Amendments. All other changes to an approved Preliminary Plat that do not meet the standards of this Section shall require the filing and approval of a new Preliminary Plat.

6.3.3.7 PHASING OF PRELIMINARY PLAT (Unincorporated Lee County and Town of Broadway)

6.3.3.7.1 A preliminary plat may be approved with multiple phases where it is the intent of the landowners to proceed to final plats covering only a portion of the tract at any one time.

6.3.3.7.2 For each approved phase, the developer shall have up to three (3) years to submit the final plat for that respective phase.

6.3.3.7.3 The applicant may submit for an extension of the approved phase beyond the three-year limit. All subsequent extensions will be for two (2) years. Applications shall be made to the Department of Community Development for forwarding and review by the Planning Commission at their next regular meeting.

6.3.4 FINAL PLAT

6.3.4.1 PURPOSE

This section establishes procedures for the administrative approval of final plats. The purpose of a final plat is to ensure that all the conditions attached to preliminary approval (in the case of a major subdivision) and this Ordinance (in the case of major or minor subdivisions) are complied with. This section also permits a subdivider to take necessary actions to prepare maps, plats and documents, post a performance bond, and perform other minor acts. This section does not permit the Department of Community Development to attach new conditions to final approval or to deny final approval for reasons not presented during preliminary approval.

6.3.4.2 APPLICABILITY

There shall be a final plat for each subdivision which receives preliminary plat approval.

No final subdivision plat shall be recorded until a final plat has been approved as provided in this Section.

6.3.4.3 INITIATION

The materials required by Appendix B shall be submitted to the Department of Community Development for a determination as to whether it complies with the approved preliminary plat. The subdivider may submit final plat copies for only that portion of the approved preliminary plat which is proposed for recordation and development at that time, if such portion conforms to all requirements of this Article. The final plat shall conform to the approved preliminary plat. Any deviation from the approved preliminary plat which does not constitute a Minor Amendment as set forth in § 6.4.3.7 shall require additional review and approval by the Planning Commission.

6.3.4.4 DECISION

6.3.4.4.1 Upon submittal of the copies of the final plat and other required materials, the Department of Community Development shall review the application for completeness and shall initiate and coordinate review by affected local and state agencies in order to determine substantial compliance with the approved preliminary plat and general compliance with the provisions of this ordinance and other applicable laws and regulations.

6.3.4.4.2 The final plat and related materials shall be approved or disapproved by the Department of Community Development. Approval shall be in the form of a written letter to the subdivider (or contact person as listed on the application) advising that the final plat meets all requirements of this Ordinance and that the original final plat may be submitted to the Department of Community Development.

6.3.4.4.3 Upon receipt of all necessary signatures of the final plat, the applicant shall record it with the Register of Deeds.

6.3.4.4.4 Except as provided in §6.4.6 (Subdivision Improvement Agreements), all applicants shall complete, all street, sanitary, and other public improvements of the subdivision as required by this Ordinance before the final plat is recorded. Such public improvements shall be accepted by the Department of Community Development, the Department of Public Works (within the incorporated area and ETJ of the City), the North Carolina Department of Transportation (as applicable), and any other agency with jurisdiction to review and inspect such improvements.

6.3.4.4.5 The final subdivision plat application shall be accompanied by all formal irrevocable offers of dedication to the public of all streets, local government uses, utilities, parks, and easements, in a form approved by the respective Attorney; and the subdivision plat shall be marked with a notation indicating the formal offers of dedication as provided in Appendix B.

6.3.4.4.6 Whenever a subdivider applies for approval of a final plat which contains only a portion of the land encompassed in the approved preliminary plat and which includes required open space, the subdivider shall either apply for dedication of the land as included in the phase or provide a financial contribution which is proportional to the population expected to reside in the area of the final plat. The financial contribution shall be calculated in the same manner as set forth in Section 6.5.4 of this Ordinance.

6.3.4.5 RECORDING A FINAL PLAT

The applicant shall file the plat with the Register of Deeds as provided by law within ninety (90) days after final approval. The final plat approval shall expire within the above- referenced time period, unless the Department of Community Development has granted an extension. Failure to record the final plat within the time frame noted shall cause the final plat approval to be void, and shall require a new application. The final plat shall not be deemed a site-specific vesting plan pursuant to NCGS 160D-108 until it has been properly recorded. The applicant shall return a reproducible (mylar) copy of the recorded plat to the office of the Department of Community Development.

6.3.5 SUBDIVISION IMPROVEMENT AGREEMENTS.

6.3.5.1 COMPLETION OF IMPROVEMENTS

6.3.5.1.1 The Department of Community Development may delay the requirement for the completion of required improvements prior to recordation of the Final Plat if the applicant enters into a Subdivision Improvement Agreement by which the applicant agrees to complete all required on-site and off-site public improvements no later than one (1) year following the date upon which the final plat is recorded.. If improvements are not completed to the specifications of the local government, and the current performance guarantee is likely to expire prior to completion of the required improvements, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period; provided, however, that the extension shall only be for a duration necessary to complete the required improvements. The Applicant shall bear the responsibility to prepare a Subdivision Improvement Agreement. The City of Sanford, Town of Broadway, or Lee County Attorney shall approve any Subdivision Improvement Agreement as to form. The type of performance guarantee shall be at the election of the developer.

6.3.5.1.2 At the discretion of the Department of Public Works, the Department of Public Works may enter into a subdivision improvement agreement with the applicant for a development containing multiple final plats concerning the timing and sequence of roadway, water, wastewater, drainage, public school, and park or open space dedication and improvements. Notwithstanding any provision in this Ordinance to the contrary, the subdivision improvement agreement shall determine the time when the required improvement or dedication for multiple final plat developments shall occur.

6.3.5.2 PERFORMANCE SECURITY.

6.3.5.2.1 Whenever the Department of Public Works permits an applicant to enter into a Subdivision Improvement Agreement, the Applicant shall provide sufficient security to ensure completion of the

required public improvements. The security shall be any of the following: a surety bond issued by any company authorized to do business in North Carolina, a letter of credit issued by any financial institution licensed to do business in North Carolina, or other form of guarantee that provides equivalent security to a surety bond or letter of credit, The type of performance guarantee shall be at the election of the developer.

6.3.5.2.2 The performance guarantee shall be in an amount approved by the Department of Public Works as reflecting 125 percent of the reasonably estimated cost of the improvements in the approved construction plan and shall be sufficient to cover all promises and conditions contained in the Subdivision Improvement Agreement.

6.3.5.2.3 In addition to all other security, when the County of Lee participates in the cost of an improvement, the applicant shall provide a performance bond from the contractor, with the County of Lee as a co-obligee.

6.3.5.2.4 If security is provided in the form of a cash escrow, the applicant shall deposit with the Finance Department of Lee County, the Town of Broadway, or the City of Sanford, as applicable, a cash amount or certified check in an amount not less than the amount specified by the Department of Public Works.

6.3.5.2.5 The performance guarantee shall accrue to the County of Lee for administering the construction, operation and maintenance of the improvements.

6.3.5.2.6 Where oversized facilities are required, the Department of Public Works and applicant shall specify a reimbursement procedure in the Subdivision Improvement Agreement.

6.3.5.3 RELEASE OF PERFORMANCE SECURITY.

Upon completion of all improvements as covered by the Subdivision Improvement Agreement, the Department of Public Works (or his/her designee) shall inspect the work. If the Department of Community Development determines that the work is satisfactory and complete, and the improvements have been accepted, letters of credit or cash escrow shall be returned to the developer, and surety bonds shall be released. Upon satisfactory completion of improvements secured by a surety bond, upon request by a developer the appropriate local government shall timely provide written acknowledgement that the required improvements have been completed.

6.3.5.4 FAILURE TO COMPLETE IMPROVEMENTS.

If a Subdivision Improvement Agreement has been executed and security has been posted and required public improvements are not installed pursuant to the terms of the Agreement, the Department of Public Works may:

- Declare the Agreement to be in default thirty days prior to the expiration of the guarantee instrument, and require that all public improvements be installed regardless of the extent of completion of the development at the time the agreement is declared to be in default;
- Obtain funds pursuant to the surety and complete the public improvements by itself or through a third party;
- Assign its right to receive funds pursuant to the surety in whole or in part to any third party, including a subsequent owner of the subdivision or addition for whom the public improvements were not constructed, in exchange for the subsequent owner's Agreement to complete the required public improvements; and/or
- Exercise any other rights available under the law.

6.3.6 SUBDIVISION EXCEPTIONS. (City of Sanford)

6.3.6.1 Subdivision exceptions shall be available only for Major Subdivisions in conjunction with the application for Preliminary Plat approval pursuant to §6.3.3.4(d) of this Ordinance.

6.3.6.2 Where the Zoning Administrator or his/her designee finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve exceptions to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that the exception shall not have the effect of nullifying the intent and purpose of these regulations.

6.3.6.3 All such exceptions shall be approved by the Zoning Administrator or his/her designee as part of the preliminary plat approval.

6.3.6 SUBDIVISION EXCEPTIONS (Unincorporated Lee County and Town of Broadway)

6.3.6.1 Subdivision exceptions shall be available only for Major Subdivisions in conjunction with the application for Preliminary Plat approval.

6.3.6.2 Where the Planning Board and Governing Body finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve exceptions to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that the exception shall not have the effect of nullifying the intent and purpose of these regulations.

6.3.6.3 All such exceptions shall be approved by the Governing Body, upon recommendation from the Planning Board, as part of the preliminary plat approval.

6.4 RESERVED

6.5 OPEN SPACE

6.5.1 PURPOSE

The provisions of this Section require new development to provide open space. The provision of accessible open space, and the preservation of resource lands, provide the following benefits for landowners, applicants, and the community:

- Protection of property values;
- Protection of public health by the provision of recreational opportunities and opportunities for exercise and participation in community activities;
- Protection of health and safety through flood control, protection of water supply, cleansing of air, and separation from hazards;
- Protection of Environmentally Sensitive Areas and natural systems such as wetlands, marshes, streams, rivers, and wildlife diversity and habitat;
- Provision of boundaries between incompatible uses and edges from continuous development;
- Protection of water quality by the retention of existing vegetation and soils;
- The long-term stabilization of property tax rates by providing higher quality development; and
- Minimizing traffic congestion by providing for recreational opportunities within walking distance of new homes and businesses.

This Section implements the following provisions of the Land Use Plan:

- Provide adequate and accessible park and recreation facilities (Parks Recreation & Open Space, Goal 1)
- Achieve quality growth in the Community (Land Use, Goal 2)
- Provide long term quality development and attractive public space (Urban Design, Goal 2)
- Preserve stream valleys for open space corridors and passive recreation (Environmentally-Sensitive Areas, Goal 1)

6.5.2 APPLICABILITY

6.5.2.1 Open space as set forth in this § 6.5 shall be required only for major subdivisions or multi-family developments which are located within a R-6, R-10, R-12SF, R-12, R-14, MF- 12, or PUD zoning district and include 100 or more cumulative lots/dwelling units. Open space within a Traditional Neighborhood Development (TND) shall be governed as set forth in § 4.10 of this Ordinance.

Development within all other zoning districts other than those listed above shall be exempt from required Open Space.

6.5.2.2 For the purposes of this section, "cumulative lots/dwelling units" shall include the total number of lots or dwelling units as created within any single or multi-phased development or subdivision. Multiple developments that are adjoining one another and are developed under the same general ownership shall be considered as cumulative.

6.5.2.3 EXEMPTION. Major Subdivisions or Multi-family developments located within ½ mile from an existing or planned public park (or a public school with recreation facilities accessible to the general public) are exempt from the Open Space requirements. For purposes of this section, a "planned public park" means a park which is included in a capital improvements program or capital budget of the County of Lee, Town of Broadway, or City of Sanford.

6.5.2.4 The amount of open space to be reserved shall be the percentage of gross land area as set forth below:

Total Number of Lots and/or Dwelling units	Total Amount of Open Space
0-99	Not required
100-249	5%
250+	10%
Note: A maximum of fifty percent (50%) of the total required Open Space area can be within a FEMA designated Floodway. There is no limit on the amount used within a floodway fringe ("floodplain") area.	

For the purposes of this section, "gross land area" shall include the total amount of acreage as included within an undeveloped tract or group of parcels as planned or platted for development.

6.5.3 ACCESS TO OPEN SPACE.

All areas to be preserved for open space shall be accessible to pedestrians by one of the following:

- frontage (width as required in this Section) on a public street right-of- way; or
- a recorded pedestrian easement at least fifteen (15) feet wide; or
- fee simple property

6.5.4 FEES IN LIEU OF OPEN SPACE

6.5.4.1 In lieu of land dedication, the Planning Commission may permit the subdivider to contribute a cash payment to Lee County. The value of such payment shall be the pre-development tax value for the amount of dedicated land from the parcel for which the open space is being reserved as required under § 6.5.2 and, if the site is in Sanford or Broadway, the cash value of the minimum required improvements for the particular category of parks or open space. The specified contribution shall be determined by the tax value at the time final plat approval is granted. Such tax value shall consider zoning district changes that occur at any time up until final plat approval. Tax deferrals of any kind shall not be used in the calculation of the fees.

6.5.4.2 If, at the option of the Planning Commission it is determined that a cash dedication shall be made, said cash shall be paid to the Finance Department of Lee County, and shall be deposited into a special Parks and Recreation Service Area fund prior to final plat approval. Money in the fund, including accrued interest, shall be expended solely for acquisition, development or rehabilitation of park land or improvements related thereto. Money in the fund may only be spent by Lee County for acquisition.

6.5.4.3 Collected fees shall be appropriated by Lee County for a specific project to serve residents of the subdivision in a budgetary year within seven years upon receipt of payments or within seven years after the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If such fees are not so committed, these fees shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lots bears to the total area of all lots in the subdivision.

6.5.5 CONNECTION TO EXISTING PUBLIC PARKS, OPEN SPACE AND/OR GREENWAYS.

6.5.5.1 The Department of Community Development shall require connection to a community parks and/or open space network and/or trails system (greenways) if the proposed development is adjacent to the boundary of a park and/or open space area as included in a parks or open space plan adopted by the County of Lee which specifically recites this section. The open space/trail system shall be maintained by the applicant or subsequent owners provided, however, that the applicant may request to publicly dedicate any trail specifically delineated in the Plan.

6.5.6 MAINTENANCE

6.5.6.1 GENERALLY.

Land designated as Open Space shall be maintained as a park or open space and may not be separately sold, subdivided, or developed except as provided below.

6.5.6.2 OPEN SPACE MAINTENANCE PLAN REQUIRED.

Any areas reserved as parks or open space shall be indicated on a preliminary and/or final subdivision plat. An Open Space Maintenance Plan shall be submitted as a part of the application for development approval including the project phasing schedule. This plan shall designate and indicate the boundaries of all open-space areas required by this Ordinance. The plan shall:

- Designate areas to be reserved as open space; and
- Specify the manner in which the open space shall be perpetuated, maintained, and administered

6.5.6.3 MAINTENANCE REQUIREMENTS.

6.5.6.3.1 Open Space areas shall be maintained so that their use and enjoyment as Open Space are not diminished or destroyed. Open-space areas may be owned, preserved, and maintained by any of the following mechanisms or combinations thereof:

6.5.6.3.2 Dedication of Open Space to the County of Lee, an appropriate public agency, or a non-profit entity (such as a land conservancy) if such an agency or entity is willing to accept the dedication and is financially capable of maintaining such Parks and/or Open Space.

6.5.6.3.3 Common ownership of the Open Space by a property owner's association which assumes full responsibility for its maintenance. The restrictive covenants shall provide that, in the event the homeowner's association fails to maintain the Open Space according to the standards of this Ordinance, the County of Lee may, following reasonable notice:

- demand that the maintenance deficiency be corrected; or
- enter the Open Space to maintain same.

The cost of such maintenance, if performed by the County of Lee, shall be charged to the homeowners' association.

6.6 LOT DESIGN STANDARDS

6.6.1 APPLICABILITY

6.6.1.1 The provisions of this § 6.6 shall apply to any newly created or proposed Lot or Parcel resulting from a subdivision of land as provided for this Article.

6.6.1.2 All newly created lots shall meet or exceed the zoning district dimensional standards of § 4.7 and shall be designed for their potential uses, so that adequate buildable area is provided and adequate room for required setbacks (see § 4.7) and buffer yards (see Article 7) will exist on the lot.

6.6.2 CORNER LOTS.

6.6.2.1 Side lot lines of lots abutting a public or private right-of- way shall, to the extent practicable:

- run at right angles to the right-of-way line, or
- in the case of cul-de-sacs or curvilinear street rights-of-way, radial to the curve.

6.6.3 LOT FRONTAGE REQUIREMENTS.

6.6.3.1 Unless otherwise permitted herein, every lot resulting from a subdivision of land as provided for in Article 6 of this Ordinance shall abut and have direct access to a publicly maintained street or other public right-of-way legally dedicated, except as provided in this section.

6.6.3.2 For proposed subdivisions with frontage on an Arterial or Collector Street, the maximum number of lots to be created shall be limited to six (6) lots. Any proposed subdivision proposing more than five lots shall require the additional lots to be served by a newly constructed internal public street.

6.6.3.3 Frontage on a public street shall not be required in the following situations; provided, however, that an easement providing access to the public street shall be recorded and submitted with the application for development approval:

- A single lot for the purpose of development of a single-family dwelling pursuant to Section 6.2.1.1 of this Ordinance (option available only within zoning jurisdiction of the City of Sanford)
- Minor subdivisions in which a private access easement is permitted pursuant to Section 6.2.1.2 of this Ordinance (option available only within zoning jurisdiction of the Town of Broadway and Lee County).
- Outparcel lots within nonresidential subdivisions;
- Townhouse or Rowhouse lots where the individual lots are separated from a public right-of-way by a strip of land under common ownership by the owners of the lots;
- Lots fronting on approved private shared driveways/roadway as part of an approved conditional zoning (planned development)

6.6.4 CUL-DE-SAC LOTS.

6.6.4.1 A lot located on a cul-de-sac shall provide:

- A minimum lot frontage of at least 35 feet;
- A minimum lot width of 60 feet at the Building Line; and

- A lot area equal to or greater than the minimum lot area.

6.6.5 PUBLIC UTILITY LOTS EXEMPT.

6.6.5.1 Lots to be created for the express purposes of public utilities, using land or an unoccupied building of generally less than 2,500 square feet of site area, are exempt from minimum lot standards of this Ordinance. Exempted utility lots which exceed 2,500 square feet may be permitted subject to review and approval by the Administrator.

6.6.6 LOTS WITHIN A SPECIAL FLOOD HAZARD AREA.

No new lot created as part of a major subdivision shall be permitted within a FEMA designated special flood hazard area unless such lot maintains at least 1,200 square feet of buildable area that is located outside of the boundary of the special flood hazard area.

6.7 STREET DESIGN STANDARDS

6.7.1 STREET DESIGN

6.7.1.1 CONTINUATION OF STREETS.

Where necessary to provide access or to permit the reasonable future subdivision of adjacent land, rights-of-way shall be extended to the boundary of the development. A temporary turnaround may be required where the dead end exceeds 500 feet in length. The platting of partial width rights-of-way shall be prohibited except where the remainder of the necessary right-of-way has already been platted, dedicated or established by other means.

6.7.1.2 ACCESS.

6.7.1.2.1 Secondary access shall be provided for major residential subdivisions of 30 or more lots.

6.7.1.2.2 All exterior points of access streets should be designed so as to avoid hazard areas such as floodways.

6.7.1.3 SIGHT DISTANCE AND SITE TRIANGLES.

Sight Distance and Site Triangles shall comply with the North Carolina Department of Transportation, Subdivision Roads - Minimum Construction Standards (July 1, 1985) or the most recently officially adopted version, G.2 and Figures 3 and 4 in the unincorporated area of the County, and with the Public Work's Policy Manual (Chapter 3) in the incorporated areas of Lee County.

6.7.1.4 CUL-DE-SAC STREETS.

6.7.1.4.1 Cul-de-sacs shall be subject to the same design guidelines as local roads, above, except as modified herein.

6.7.1.4.2 The radius for the circular terminus, or turnaround, shall be not less than 40 feet. If the radius exceeds fifty (50) feet, an island may be planted in the center of the turnaround. The island shall have a minimum radius of 10 feet.

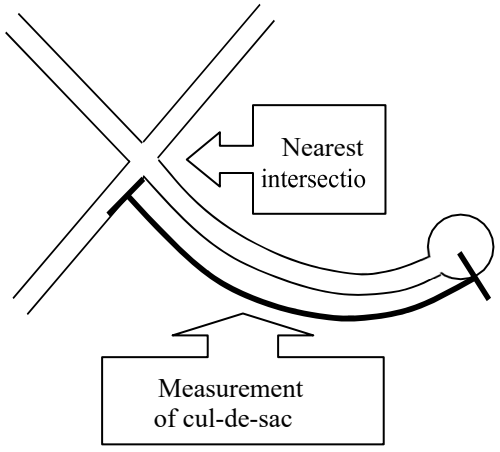
6.7.1.4.3 The length of a cul-de-sac street shall be measured from the center of the cul-de-sac terminus to the first point of an intersection. Except as allowed in § 6.7.1.4.4, In no event shall the cul-de-sac exceed the lengths set forth in Table 6.7-1 below.

TABLE 6.7-1 Maximum Length for Cul-de-sac Streets

Average Lot Size*	Maximum Length (in feet)
20,000 sq. ft. or greater	1,000
Less than 20,000 sq. ft.	600

* Average lot size shall be determined by calculating the average of all the lot sizes as proposed within a subdivision.

FIGURE 6.7-1 Example of how a cul-de-sac street is measured.



6.7.1.4.4 Exemption to maximum cul-de-sac length. A subdivision which is designed to include only one street which is terminating in a cul-de-sac may be

allowed to exceed the maximum length as stated in § 6.7.1.4.3 provided certain physical conditions exists which prohibit the logical or practical extension of additional streets. The Planning Board shall make this determination as part of their review of an application for preliminary subdivision plat approval.

6.7.1.5 CURB AND GUTTER

6.7.1.5.1 New single-family residential subdivisions composed of lots with a minimum lot size of less than 20,000 square feet shall be required to provide curb and gutter. In determining the lot size for a given development, the following shall be considered:

- The actual lot sizes as proposed, not the underlying zoning, shall be used in determining if the project will be required to provide curb and gutter.
- For projects with a range of lot sizes, the average of all the lots shall be calculated and used to determine if the project will be required to provide curb and gutter.

6.7.1.5.2 Specific design standards for the curb and gutter shall be obtained from the respective jurisdiction's engineering department or other authorized agency.

6.7.2 BLOCK DESIGN.

6.7.2.1 The purpose of this section is to encourage appropriately sized street blocks that encourage street connectivity and efficiency of public and safety services.

6.7.2.2 All new subdivision streets shall maintain a minimum block length of 400 feet, except that cul-de-sac streets shall be governed in accordance with § 6.7.1.4 of this Ordinance.

6.7.2.3 All new single-family residential subdivisions composed of lots with a minimum lot size of less than 20,000 square feet shall be limited to a maximum of 1,200 feet for block lengths. In determining the lot size for a given development, the following shall be considered:

- The actual lot sizes as proposed, not the underlying zoning, shall be used in determining if the block design standards of this Section 6.7.2 shall be applied.
- For projects with a range of lot sizes, the average of all the lots shall be calculated and used to determine if the project will be subject to a maximum block length.

6.7.3 SIDEWALKS

6.7.3.1 New single-family residential subdivisions composed of lots with a minimum lot size of less than 20,000 square feet shall be required to provide pedestrian sidewalks along one side of a new public street. In determining the lot size for a proposed subdivision, the following shall be considered:

- The actual lot sizes as proposed, not the underlying zoning, shall be used in determining if the subdivision will be required to provide sidewalks.
- For subdivisions with a range of lot sizes proposed, the average of all the lots shall be calculated and used to determine if the project will be required to provide sidewalks.

6.7.3.2 Specific design standards for sidewalks shall be obtained from the respective jurisdiction's engineering department or other authorized agency.

6.7.4 BUFFER YARD REQUIRED ALONG SPECIFIC THOROUGHFARES.

6.7.4.1 A Class "D" buffer yard per § 7.5 of this Ordinance shall be required along the perimeter of a residential subdivision where abutting the following thoroughfares:

- U.S. 1
- U.S. 15-501
- U.S. 421
- N.C. 42
- N.C. 78
- N.C. 87
- All other U.S. or N.C. numbered highways

6.7.4.2 Public streets and/or pedestrian accessways shall be allowed to cross the buffer yard. All required buffer yards shall be platted as common areas and may be included as "open space" subject to the standards and criteria as set forth in § 6.5 of this Ordinance.

SANFORD-BROADWAY-LEE COUNTY UNIFIED DEVELOPMENT ORDINANCE

ARTICLE 7. LANDSCAPING AND BUFFERING STANDARDS

Summary: This Article sets forth standards for landscaping and screening of adjoining properties through a variety of different planting yards. The use of a "points" system provides for flexibility in meeting the minimum planting requirements of this section.

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7.1 PURPOSE

7.1.1 The purpose of these landscaping, screening, and buffer requirements is to provide standards that will protect the health, safety and general welfare of the public, enhance property values, improve the appearance of the community, and preserve natural resources, trees, and native plants. Planting yard regulations are established herein to minimize potential conflicts between abutting developments, enhance the appearance of buildings and parking lots, and create a unified and attractive streetscape. These minimum requirements will:

- Reduce soil erosion and increase infiltration in permeable land areas essential to storm water management and aquifer recharge;
- Mitigate air, dust, noise, heat and chemical pollution;
- Reduce the "heat island" effect of impervious surfaces, such as parking lots, by cooling and shading the surface area and breaking up large expanses of pavement;
- Establish a landscape theme including street trees and streetscape designs to be used throughout the County of Lee to promote the overall character and identity of the community;
- Address the design of entryways into the County of Lee to express the community's values;
- Preserve existing native vegetation as an integral part of the wildlife habitats, and incorporate native plants and ecosystems into landscape design;
- Promote innovative and cost-conscious approaches to the design, installation, and maintenance of landscaping while encouraging water and energy conservation;
- Promote planting techniques that ensure long term health of plant materials;
- Screen unsightly equipment or materials from the view of persons on public streets or adjoining properties and buffering from incompatible land uses;
- Promote walkable pedestrian-scale streetscapes, traditional neighborhoods, and compact centers by exempting uses which relate to each other functionally and visually from certain requirements of this Section.

7.2 APPLICABILITY

7.2.1 This Article 7 shall apply to all new construction projects that include (a) non-residential development and/or (b) multi-family development (three or more dwelling units), except as follows:

- Agricultural uses as listed in the Use Matrix (NAICS Code 11; LBCS Function Code 9110 and Structure Code 8000);
- Any use, building or structure for which only a change of use is requested, and which requires no structural modifications which would increase its volume, scale or intensity;
- Any site containing an unoccupied public utility equipment structure that is less than 1,000 square feet in area, except that all electrical substations shall install a minimum Type B buffer per § 7.5, below.
- Developments in the Central Business District (CBD) zoning district shall be exempt from this Article 7, except that in instances where off-street parking is provided voluntarily, such parking area shall include the planting yards as set forth in § 7.6 Parking Lot Yards and § 7.7 Street Yards.

7.2.2 Single-family detached homes and individual duplexes on individual lots are exempt from the standards of this Article 7.

7.2.3 Public streets, created as part of a subdivision of land, shall not be required to install street trees as set forth in Section 7.7 of this Ordinance.

7.3 ADMINISTRAT1IVE PROVISIONS

7.3.1 PLAN REQUIRED.

Landscape plans shall accompany any application for a building permit. Such plans shall conform to the requirements of this Article 7 and Appendix B of this Ordinance.

7.3.2 PERMITS REQUIRED.

The buffer shall be planted and fencing or other barriers constructed as required prior to the issuance of a Certificate of Occupancy.

7.3.3 INTERPRETATION OF LANDSCAPING TERMS.

Where necessary to interpret the precise meaning of technical landscaping terms used in this Section, reference shall be made to the following:

- Appendix A of this Ordinance; and
- Where a term is not defined in Appendix A, to the American Nursery and Landscape Association ("ANLA") (formerly the American Association of Nurserymen), American Standard For Nursery Stock (2004), the most recent officially adopted version of which document is hereby incorporated by reference.

7.3.4 VIOLATIONS.

Failure to maintain required landscaping or to adhere to an approved landscaping plan shall constitute a zoning violation, subject to any and all remedies set forth in § 1.6 of this Ordinance.

7.4 PLANTING YARDS

7.4.1 PURPOSE.

Planting yards are intended to aesthetically enhance and separate different land uses and zoning districts from each other, as well as to beautify individual sites, the roadside or streetscape, and are intended to eliminate or minimize potential nuisances such as dirt, litter, glare of lights, and unsightly buildings or parking areas.

Planting yards shall include the following:

- Buffer Yards (see § 7.5 of this Article)
- Parking Lot Yards (see § 7.6 of this Article)
- Street Yards (see § 7.7 of this Article)

7.4.2 APPLICABILITY.

Planting yards shall be required for all uses except:

7.4.2.1 Subdivisions;

7.4.2.2 agricultural uses as listed in the Use Matrix (NAICS Code 11; LBCS Function Code 9110 and Structure Code 8000);

7.4.2.3 any use, building or structure for which only a change of use is requested, and which requires no structural modifications which would increase its volume, scale or intensity;

7.4.2.4 developments in the "CBD" Central Business District (except that the Parking Lot yard requirements of § 7.6 shall apply);

7.4.2.5 sites containing unoccupied public utility equipment that are less than 1,000 square feet in area, except that all electrical substations shall install a minimum Type B buffer per § 7.5, below.

7.4.3 RELATIONSHIP TO BUILDING SETBACK YARDS.

For purposes of this section, building setback yards (as listed in § 4.7) shall be concurrent with planting yard requirements. Landscaping as required within a planting yard shall be counted for only that planting yard and shall not be used in calculating the minimum quantity for any other planting yard.

7.4.4 RELATIONSHIP TO SIGHT TRIANGLES/TRAFFIC VISIBILITY.

No plantings as required within this Article 7 shall be installed such that the planting will create a traffic hazard or otherwise inhibit the view for vehicular traffic at intersections or other vehicular traffic movements. No plantings in excess of three feet shall be permitted within any designated sight triangle.

7.5 BUFFER YARDS

7.5.1 PURPOSE.

The purpose of buffer yards is to provide a transitional buffer between uses that may differ in development intensity and density, or to provide a minimum buffer between uses of similar intensity and density. These landscaped planting yards are intended to ensure that a natural area of appropriate size and density of plantings is planted or preserved between zoning districts and/or uses. Buffer yards

shall be of different types, based upon the relationship between the two adjacent land uses between which the buffer yard is to be located. The width of the buffer yard and the density of plantings increase as the difference between adjacent land uses increases.

7.5.2 APPLICABILITY.

In addition to the exemptions as set forth in § 7.4.2, certain uses are exempt from the buffer requirements as described in this section.

Exemptions include, but are not limited to, the following:

- Lots or parcels separated by a public street right-of- way greater than 30 feet in width;
- Lots or parcels separated by a railroad right-of-way.

7.5.3 YARD TYPES.

7.5.3.1 There are five different classes of land uses for purposes of determining the buffer yard type. Land use classes are based upon the specific land use to be developed, which is permitted either by right or conditionally, or the groupings of zoning districts or land use groupings as provided in Table 7.2.

7.5.3.2 Table 7-3 identifies the buffer yard type required for a given development, based on the relationship between the adjacent land uses. If an adjoining parcel is undeveloped, the minimum buffer shall be determined based on the zoning of the adjoining property.

7.5.3.3 Table 7-4 contains the required plantings and dimensions of the respective buffer yard types. The width of the buffer yard and the density of plantings increase as the difference in the nature and intensity of development in the respective adjacent land uses increases.

7.5.4 STANDARDS FOR BUFFER YARD DEVELOPMENT.

7.5.4.1 PROHIBITED USES.

The construction of any building or the placement of any mechanical equipment within the buffer yard is not permitted except for equipment necessary for the provision of utilities. Signs may be placed within the buffer yard consistent with the Sign Regulations (Article 11) of this Ordinance.

Circulation drives, parking lots, and other vehicular surfaces are not permitted in the buffer yard. However, the buffer requirements of Table 7-3 may be waived for non-residential uses which abut one another and can provide evidence of an appropriately designed shared vehicular area along the common property line. In such cases, Parking Lot Yard landscaping of Section 7.6 of this Ordinance shall be required.

7.5.4.2 CALCULATING REQUIRED LANDSCAPING

7.5.4.2.1 Required Planting Area. Total landscaping required within a buffer yard is set forth in § 7.5.4.2.2, below. Width for a buffer yard shall be measured from the respective property line, except where buffer yards are permitted to straddle property lines, as set forth in § 7.5.4.4. Where buffer yards turn at property corners, the length measurements determining plant quantities are not required to overlap.

7.5.4.2.2 Calculating Required Plantings. The total amount of required landscaping within a required buffer yard shall be calculated based on a point system. The point system, as established in Table 7-1 below, ensures that a minimum level of landscaping is achieved during development while maintaining flexibility. Five different plant types are assigned a unique point value. Table 7-1 is to be used in conjunction with the Table 7-4 to determine the specific total of required landscaping. When calculating points, or quantities of plants, fractions shall be rounded upward to the higher whole number for decimals of 0.5 and higher. Decimals below 0.5 shall be rounded downward to the lower whole number. Table 7-1 shall be used to determine minimum amounts for new planting areas, as well as in determining credits for preservation of existing vegetation as permitted under § 7.5.4.3, below.

TABLE 7-1: POINTS FOR INDIVIDUAL PLANT TYPES

TYPE OF PLANT	POINTS
Large Tree	12
Small Tree	6
Large Shrub	3
Medium Shrub	2
Small Shrub	1

7.5.4.3 EXISTING VEGETATION.

Existing healthy vegetation may be counted toward the required landscaping, if it is used as a year-round sight obstruction buffer. The Community Development Department may conduct site inspections in order to determine whether the existing vegetation is useable as a sight obstruction buffer. In order to do so, the landscape plan shall indicate the type, number and size of existing plants which are sufficient to comply with the respective buffer yard. It shall not be necessary to indicate the total inventory of existing plants. Only plants required to meet the provisions of this Ordinance are required to be listed.

7.5.4.4 BUFFER YARD ON PROPERTY LINE.

Applicant may establish a buffer yard that straddles the property line, provided the cumulative buffer width is maintained for both yards.

7.5.4.5 VISUAL SEPARATION.

This Section 7.5.4.5 applies only where complete visual separation is required by another provision of this Ordinance. Where complete visual separation is required, it may be accomplished through the use of landscaping which provides year-round opaque screening, earth berms, masonry walls, or fences constructed of pressure-treated wood or other wood resistant to deterioration due to exposure to weather, moisture and insects, or a combination of two or more of these techniques. Even where complete visual separation is achieved, the landscaping and buffer yard requirements still apply.

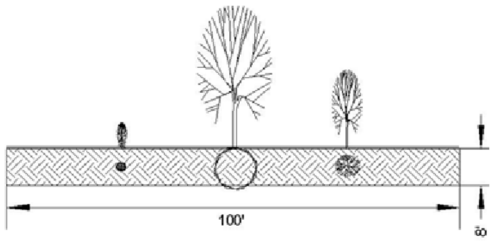
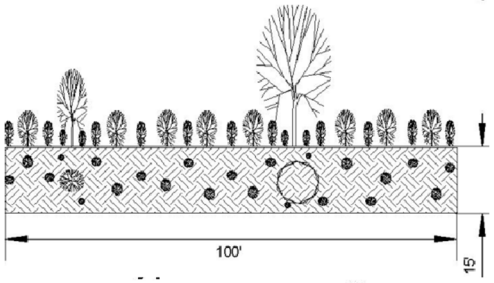
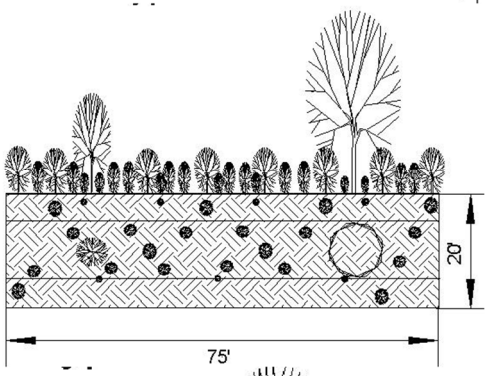
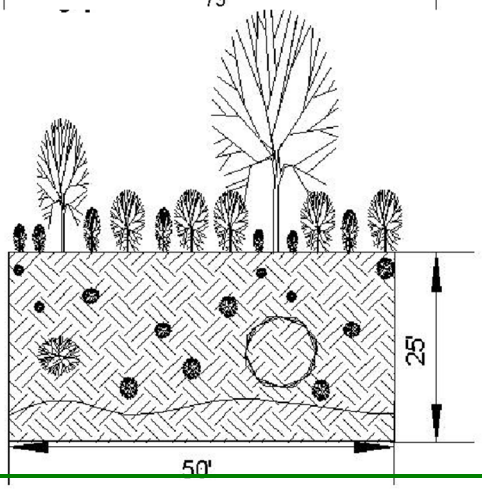
TABLE 7-2

Class 1	*Class 2*	*Class 3*	*Class 4*	*Class 5*
RA Residential Agricultural ***RR Residential Restricted*** ***R-20 Residential Single-Family*** ***R-14 Residential Single-Family*** ***R-12 SF Residential Single-Family*** ***R-12 Residential Mixed*** ***R-10 Residential Mixed***	***R-6 Residential Mixed*** ***MF-12 Multifamily***	***NC Neighborhood Commercial*** ***O&I Office and Institutional*** ***C-1 Light commercial and Office***	***C-2 General Commercial*** ***HC Highway Commercial***	***LI Light Industrial*** ***HI Heavy Industrial***
Residential uses – single-family detached homes and individual duplex on individual lot only	***Residential uses – other than Class 1***	***Commercial, Office, Institutional and Civic uses***	***Retail Trade uses*** ***Wholesale Trade uses***	***Manufacturing and Industrial uses*** ***Transportation, Warehousing and Utilities uses***

TABLE 7-3: BUFFER YARD CHART: BUFFER YARD TYPES FOR ADJACENT LAND USE CLASSES

Land Use Classification	**1 Existing**	**2 Existing**	**3 Existing**	**4 Existing**	**5 Existing**
1 Proposed	N/A	N/A	N/A	N/A	N/A
2 Proposed	A	A	A	A	A
3 Proposed	B	B	A	A	A
4 Proposed	C	C	B	A	A
5 Proposed	D	D	C	B	N/A

TABLE 7-4: BUFFER YARD LANDSCAPING REQUIREMENTS

Buffer Yard Type	Minimum Width	Minimum Required Large Trees	Minimum Required Small Trees	Minimum Required Points per Linear Foot	Illustration
A	8’	1 per 100’	optional	0.2	
B	15’	1 per 75’	1 per 100’	0.7	
C	20’	1 per 50’	1 per 75’	1.0	
D	50’ or 25’ with 6’ high berm	1 per 50’	1 per 50’	1.2 or 0.6 with 6’ high berm	

7.6 PARKING LOT YARDS

7.6.1 PURPOSE

The purpose of parking lot yards is to aesthetically and visually enhance the appearance of parking lots.

7.6.2 APPLICABILITY.

Parking lot yards are based upon the size of the respective parking lot. The size of the required parking lot yard increases as the size of the respective parking lot increases. Minimum dimensions shall apply, and shall be measured, horizontally. The requirements of this section shall apply to all new and expanded (5 or more added spaces) parking lots and parking lots for land uses that have substantially changed. If an existing parking lot (paved or unpaved) is expanded or improved to add 5 or more spaces, it shall comply with the parking lot landscaping requirements within the expanded or improved portion. If a parking lot is expanded or developed, then street yard, buffer yard and parking lot yard landscaping requirements shall apply.

7.6.3 DESIGN CRITERIA.

7.6.3.1 MINIMUM QUANTITY OF LANDSCAPE PLANTINGS.

Landscaped planting areas and islands for parking lot yards shall have one (1) large tree or two (2) small trees, and eight (8) small shrubs per each twenty (20) parking spaces.

7.6.3.2 MINIMUM DIMENSIONAL REQUIREMENTS FOR INTERIOR PLANTING ISLANDS.

Interior planting islands shall be not less than nine (9) feet in width and shall include a minimum of 150 square feet of open planting area for trees. Shrubs or ground covers may be planted within the required open planting area for trees without increasing the area. All landscaped areas shall be protected from vehicular encroachment by concrete curb and gutter where curb and gutter is required for adjoining streets by Article 6. Landscaped areas shall be covered with mulch, ground cover or grass between shrub and tree plantings.

7.7 STREET YARDS

7.7.1 PURPOSE.

The purpose of street yards is to aesthetically and visually enhance the appearance of a site or development along a public street frontage, creating a pleasing view from the road, and establishing a transition from vehicular thoroughfares, pedestrian areas or the built environment.

7.7.2 APPLICABILITY.

Site plans shall require street yards in accordance with the design specifications of this Ordinance. A street yard shall be required on a site along all frontages where a project or development abuts a public street right-of-way.

Minimum dimensions shall apply, and shall be measured, horizontally. Widths shall be measured from the respective right-of- way/property line. Where street yards turn at street corners, the length measurements determining plant quantities are not required to overlap.

7.7.3 DESIGN REQUIREMENTS.

7.7.3.1 Required street yards shall maintain a width of eight (8) feet and shall include a minimum of one large (1) tree or two (2) small trees for every fifty linear feet of required street yard as measured parallel to the adjoined street right-of-way.

7.7.3.2 In situations where required street yard landscaping may create a sight distance conflict with an existing or proposed driveway/intersection, the required trees may be clustered with other plantings so as to maintain a proper sight distance.

7.7.3.3 The construction of any building or the placement of any mechanical equipment within a street yard is not permitted except for equipment necessary for the provision of utilities. Signs may be placed within a street yard consistent with the Sign Regulations (Article 12) of this Ordinance.

7.8 SPECIFICATIONS FOR PLANT MATERIALS AND INSTALLATION

7.8.1 SIZE STANDARDS.

The minimum allowable plant size for new installations shall be as set forth herein. Due to the variation between genus and species, the caliper or height necessary for newly installed plant materials may vary.

7.8.1.1 LARGE TREES.

Large trees (see also Appendix C) shall measure a minimum 1.5 to 2 inches in caliper, and 8 to 10 feet in height at the time of planting.

7.8.1.2 SMALL TREES.

Small trees (see also Appendix C) shall measure a minimum 1.5 to 2-inches in caliper for single-stem trees or 1 to 1.5-inches in caliper for multi-stem trees, and at least 6 to 8 feet in height at the time of planting.

7.8.1.3 LARGE SHRUBS.

Large shrubs (see also Appendix C) shall measure a minimum of 3 to 3½ feet in height at the time of planting. Shrubs planted for screening purposes shall form the required density to block visibility within three (3) years from the date of installation.

7.8.1.4 MEDIUM SHRUBS.

Medium shrubs (see also Appendix C) shall measure a minimum of 2 to 3 feet in height at the time of planting. A mix of deciduous and evergreen shrubs is encouraged in order to obtain a variety of color and texture throughout the year.

7.8.1.5 SMALL SHRUBS.

Small shrubs (see also Appendix C) shall measure a minimum of 18 to 24 inches in spread and/or height at the time of planting. A mix of deciduous and evergreen shrubs is encouraged in order to obtain a variety of color and texture throughout the year.

7.8.1.6 GROUND COVER (ORGANIC).

Living ground covers shall provide 100 percent coverage on the ground within one (1) year of installation, except for mulch or turf which shall provide 100 percent coverage upon installation. Organic mulch may be used around plantings to maintain soil moisture and prevent the growth of weeds, but cannot be substituted for required plantings. Inorganic ground covers consisting of river rock or similar materials may be substituted for organic ground cover.

7.8.2 SELECTION OF PLANT MATERIALS.

All plant material, except Ground Covers, shall be selected from Appendix C (Acceptable Plant Species) or a species to be approved by the Community Development Department. Consideration shall be given to the environmental conditions of the site, such as soil, topography, climate, microclimate, pattern of sun movement, prevailing winds and precipitation, and air movement to ensure that plant materials will be established successfully. Tree selection for street yards, or other locations within utility rights-of-way, shall consider the presence or planned addition of overhead utility lines. Such trees shall be small and medium trees that are pest- and disease- resistant and are slow growing. The Department of Community Development may approve the installation of comparable substitution plant materials to satisfy the requirements of the approved landscape plan when the approved plants and landscape materials are not available at the time that installations are to occur, or when other unforeseen conditions prevent the use of the exact materials shown on the approved landscape plan. Significant changes that require the replacement and relocation of more than 25 percent of the plant materials shall require a new landscape plan and approval through the plan review process.

7.8.3 MIX OF GENUS AND SPECIES ENCOURAGED.

Except for Street Yard trees (§ 7.7), a mix of genus and species of trees, shrubs, ground covering, perennials and annuals is encouraged, but not required, in order to avoid potential loss due to infectious disease, blight, or insect infestation. Street Yard Trees should retain a reasonably uniform pattern along a street within the same block or corridor.

7.8.4 STANDARDS FOR INSTALLATION OF LANDSCAPING MATERIALS.

Preparation of plant pits, hedge trenches and shrub beds should be done in conformance with accepted installation practices. Leaflet #601, Planting Techniques for Trees and Shrubs, as published by the

North Carolina Cooperative Extension Service, (1997), is a suggested resource.

7.8.5 GENERAL MAINTENANCE OF LANDSCAPING AND SITE.

7.8.5.1 The property owner, including subsequent or successor owner, and their authorized agents are jointly and severally responsible for maintenance of landscaping on the property on a continuing basis for the life of the development as specified in this Section. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but is not limited to, mowing, edging, pruning, fertilizing, watering, weeding and other activities common to the maintenance of landscaping.

7.8.5.2 Landscaped areas shall be kept free of trash, litter, weeds and other materials or plants not a part of the landscaping.

7.8.5.3 Required landscaping shall be maintained in perpetuity. After initial installation, the owner of the property upon which the landscaping is installed shall maintain all required plantings in a healthy, vigorous and attractive state.

7.8.5.4 All required plant material shall be maintained in a healthy, growing condition as is appropriate for the season. Plant materials which exhibit evidence of insect pests, disease and/or damage shall be appropriately treated. Dead plants shall be promptly removed and replaced within the next planting season after removal. If replacement is necessary, all plants and other non-living landscape materials shall be equal in size, density and appearance as originally required at the time of the approval of the development permit.

In the event that required landscaping cannot be installed at the time of requested certificate of compliance, the applicant may request an extension as set forth in § 3.2.3.9 of this Ordinance.

SANFORD-BROADWAY-LEE COUNTY UNIFIED DEVELOPMENT ORDINANCE

ARTICLE 8. OFF-STREET PARKING AND PRIVATE DRIVEWAY STANDARDS

Summary: This Article provides standards for the design and construction of off-street vehicular parking areas and related driveways. This section also provides standards for off-street loading areas.

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8.1 APPLICABILITY

8.1.1 The provisions of this Section shall apply to any application for a Zoning Clearance Permit or Site Plan approval. The provisions of this section do not apply to parking areas which constitute the Principal Use of a lot or parcel.

8.1.2 EXEMPTIONS.

8.1.2.1 The standards of this Article 8 shall not apply to developments within the "CBD" Central Business District.

8.1.2.2 The standards of this Article 8 shall not apply to single-family residential developments or individual duplex developments except that the minimum land to accommodate sufficient off-street parking as set forth in Table 8.1 of this Ordinance shall be maintained.

8.2 GENERAL DESIGN STANDARDS

8.2.1 Required off-street parking area(s) shall be provided on the same parcel as the principal structure or use, unless shared parking is provided as set forth in § 8.3.7 of this Ordinance.

8.2.2 No parking spaces shall be allowed in a required street (landscaping) yard or buffer yard as set forth in Article 7.

8.2.3 The area reserved for off-street parking or loading in accordance with the requirements of this Article shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified, except where equivalent parking or loading space is provided or as allowed in § 8.3. Street parking allowed adjacent to any land use shall not reduce the off-street parking requirements where required, except as permitted in a TND development per Article 4.

8.2.4 Landscaping shall be provided in accordance with Article 7 Landscaping and Buffering Standards.

8.2.5 Lighting sources shall be designed and constructed so as to direct light away from public rights-of-way and residentially zoned or developed areas.

8.2.6 PAVING REQUIRED.

8.2.6.1 All required parking and vehicular traffic surfaces shall be graded for drainage and shall be surfaced with concrete or bituminous asphalt pavement, except as follows:

(a) Overflow parking areas and /or event parking areas may use a turf or gravel surface. Overflow parking shall be defined as off-street parking in excess of the minimum required by this Ordinance. Parking area landscaping as set forth in Section 7.6 of this UDO shall not be required within overflow parking areas.

(b) Paving of parking areas and access ways for assembly uses (churches, sports facilities, fairgrounds, and similar uses) may be waived if evidence is presented to the Administrator that these spaces will not be used regularly on a daily basis or at least five times per week. Parking areas for which paving is waived shall maintain a turf or approved gravel surfaces. All parking areas for which paving is waived shall meet the minimum requirements of Volumes I-C and V of the North Carolina State Building Code for Accessibility and for Fire Prevention. Parking areas landscaping as set forth in Section 7.6 of this UDO shall not be required for assembly uses as defined in this section.

(c) Required parking and/or loading areas as located in the side yard or rear yard areas of a site for land uses as found within the land use classification of Table 4.6-1 as follows:

- All land uses found in the land use subheading Industrial and Manufacturing Uses
- Wholesale trade, generally, with operations conducted and merchandise stored entirely within a building and not otherwise listed (as found in the land use subheading General Sales or Service.)

All yard area that fronts a public street shall be considered front yard areas. Required parking and/or loading areas as located in the side yard or rear yard areas of a site shall be required to construct and maintain a gravel surface. Parking area landscaping as set forth in Sect. 7.6 of this UDO shall still be required in these side yard and rear yard areas.

8.2.6.2 All parking and vehicular traffic surfaces shall be maintained in sound condition free of weeds, dust, trash and debris.

8.3 REQUIRED AMOUNT OF OFF-STREET PARKING

8.3.1 Table 8-1 establishes the minimum number of parking spaces permitted for the uses indicated.

8.3.2 Parking Structures Exempted. The maximum parking requirements shall not apply to parking spaces within an above-ground or an underground parking

structure. For the purposes of parking calculations, the gross area of any parking garage within a building shall not be included within the Gross Floor Area of the building.

8.3.3 The minimum requirement for the number of vehicle parking spaces shall not apply within the following zoning districts: "CBD" Central Business District; "TND" Traditional Neighborhood Development; and "TOD" Transit-Oriented Development.

8.3.4 If a use is not identified in Table 8-1, the Department of Community Development shall determine the parking requirement for uses which do not correspond to the categories listed in Table 8-1. In such instances, the applicant shall provide adequate information by which the proposal can be reviewed, which includes but may not necessarily be limited to the following:

- type of use(s);
- number of employees;
- the Occupant Load (per Building Code) of the building;
- square feet of sales area and service area;
- parking spaces proposed on-site;
- parking spaces provided elsewhere; and
- hours of operation.

8.3.5 Except as provided in § 8.3.7, the total required parking for a site containing multiple uses shall include the cumulative total of the minimum required off-street parking for each distinct use. Accessory uses which are considered incidental to a primary use shall not contribute to the requirements for additional off-street parking.

8.3.6 Off-street parking requirements of a given use may be met with off-site, off-street parking facilities of another use when, and if, all of the following conditions are met:

8.3.6.1 The parking area shall be not more than one-thousand (1,000) feet from the principal structure;

8.3.6.2 The parking demands of the individual uses, as determined by the Department of Community Development, based upon minimum off-street parking requirements, are such that the total parking demand of all the uses at any one time does not exceed the total parking spaces required; and

8.3.6.3 In those instances where off-site, off- street parking is necessary to meet the minimum parking requirements, a copy of a written agreement between the property owner(s) and lessee shall be submitted to the Department of Community Development. Should the lease expire or otherwise terminate, the use for which the off-site parking was provided shall be considered to contain nonconforming site improvements. Future expansion of the use shall be prohibited unless the use is brought into compliance with the parking regulations of this Ordinance.

8.3.7 Developments which contain a mix of uses on the same parcel, as set forth in Table 8-2, below, may reduce the amount of required parking in accordance with the following methodology: (1) determine the minimum parking requirements in accordance with Table 8-1 for each land use as if it were a separate use, (2) multiply each amount by the corresponding percentages for each of the five time periods set forth in Columns (B) through (F) of Table 8-2, (3) calculate the total for each time period (Columns), (4) select the Column with the highest total, and (5) use this number as the required minimum number of parking spaces.

TABLE 8-1: Required Minimum Parking

Key to Table 8-1: "sf" means square feet of gross floor area, unless otherwise indicated. "Outdoor area" means the area outside of enclosed buildings or structures that is devoted to the use only, and does not include areas devoted to parking. “GFA” means Gross Floor Area of a structure(s) to be used for said use, unless otherwise indicated.

Residential Uses	
Accessory Dwellings (Carriage Houses, Granny Flats, Echo Homes, Garden Apartment)	Not applicable
Duplex (two-family dwelling)	2 per dwelling unit (4 per duplex)
Dwelling, Manufactured home, Type I or Type II	2 per unit
Multifamily Dwelling, 1-2 bedroom units	1.5 per dwelling unit
Multifamily Dwelling, 3+ bedroom units	2 per dwelling unit
Single room occupancy units	1.5 per unit
Single-family attached dwelling	2 per dwelling
Single-family detached dwelling	2 per dwelling
Accommodations and Group Living	
Adult Care Homes (see NCGS § 131D-20 and 160D-907) / Group Care Facilities	0.3 per room
Bed and breakfast inn	1 per guest bedroom plus 2 for owner
Boarding house/Room Renting	1.5 per unit
Dormitories for the students of colleges, commercial schools, staff of hospitals	1 per 2 beds
Family Care Homes (see NCGS § 160D-907)	2 per dwelling
Hotel, Motel, and tourist court	1 per room plus 1 per 800 sf of public meeting and restaurant space
Child, and Youth Services	1 per 375 sf
Nursing, Supervision, and other rehabilitative services	0.3 per room
General Sales or Service	
ABC Store (liquor Sales), incorporated areas only	1 per 300 sf of GFA
Administrative Services, Travel Arrangement and Reservation Services, Investigation and Security Services, Locksmiths	1 per 300 sf of GFA
Animal Shelter	1 per 1,000 sf of GFA
Animal Hospitals, Veterinary services/Animal Pet Services	1 per employee at maximum shift, plus 1 per 1,500 sf of GFA
Antique Shops	1 per 300 sf of GFA
Appliance Sales, Repair and Maintenance	1 per 300 sf of GFA
Art dealers, supplies, sales and services	1 per 300 sf of GFA
Auction sales, generally	1 per employee plus 1 per 4 spaces of seating area, plus 1 per 300 sf of office area GFA
Bakeries, retail, including manufacturing of goods for sale on the premises only	1 per 300 sf of GFA
Bar or Drinking establishment	1 per 3 seating accommodations, plus 1 per employee at maximum shift
Bicycle (non-motorized) Sales and/or Repair	1 per 300 sf of GFA
Books, Magazines, music, etc.	1 per 300 sf of GFA
Cafeterias and snack bars to serve the employees of office building within which they are located	No additional parking required
Camera and Photographic Supplies	1 per 300 sf of GFA
Car Wash, or Car Care Centers	2 per service bay, plus 1 per employee at maximum shift
Clothing, Jewelry, Luggage, Shoes, etc.	1 per 300 sf of GFA

TABLE 8-1: Required Minimum Parking

Key to Table 8-1: "sf" means square feet of gross floor area, unless otherwise indicated. "Outdoor area" means the area outside of enclosed buildings or structures that is devoted to the use only, and does not include areas devoted to parking. “GFA” means Gross Floor Area of a structure(s) to be used for said use, unless otherwise indicated.

Use	*Minimum Parking Spaces*
Computer and Software Sales	1 per 300 sf of GFA
Consumer Goods, not otherwise listed	1 per 300 sf of GFA
Convenience stores, without gas sales	1 per 200 sf of GFA
Convenience stores, with gas sales	1 per 200 sf of GFA, plus 1 stacking space per pump
Consignment Shops, Used Merchandise Store (not otherwise listed)	1 per 300 sf of GFA
Dry cleaning and laundry	1 per 500 sf of GFA
Farm, landscape, and garden supply sales (feed, seed, fertilizer, farm hardware, lawn furniture, mulch, fencing, fountains, statuaries, and other incidental sales of products or related items) (Note: does not apply to bona fide farms in unincorporated area of Lee County or the ETJ of Sanford or Broadway. See 160D-903)	1 per 500 sf of GFA
Farmers Markets and market shops, including open markets	1 per 300 sf of market area
Finance and Insurance Services (Bank, Credit and Finance, Insurance-related)	1 per 300 sf , plus 5 stacking spaces per drive-thru lane
Flea markets (indoor or outdoors)	1 per 150 sf sales area GFA
Florist	1 per 500 sf of GFA
Gasoline stations	1 per 200 sf of GFA, plus 1 stacking space per pump
Grocery stores and Supermarkets	1 per 300 sf of GFA
Hardware, home centers, lumber yards, etc.	1 per 300 sf of GFA
Heating and Plumbing Equipment sales	1 per 500 sf of GFA
Leasing/Rental Recreational Goods (Furniture, Party Supplies, Sporting Goods)	1 per 500 sf of GFA
Leasing, Commercial and Industrial Machinery and Equipment	1 per 500 sf of GFA
Gunshops and Gunsmiths	1 per 500 sf of GFA
Mail order or direct selling establishments / Electronic Shopping and Mail-Order Houses	2 per 3 employees at maximum shift, plus 1 per 300 sf of walk-in sales area GFA
Manufactured home, modular home, mobile home, or storage building sales	2 per salesperson, plus 1 per other employees at maximum shift
Medical equipment sales, rental or leasing	1 per 300 sf of GFA
Mini-warehousing/Self-service storage leasing	1 per 300 sf of office area GFA
Motor Vehicle (Cars, Trucks Motorcycles, Boats, RV’s, etc.) Sales, Leasing or Rental	2 per salesperson, plus 1 per other employees at maximum shift
Motor Vehicle Parts and Supply	1 per 300 sf of GFA
Motor Vehicle repair and service	2 per service bay, plus 1 per employee at maximum shift
Motor Vehicle towing with incidental storage, excluding Salvage Yards & Junkyards	1 per 1,000 sf of office area GFA, plus 1 per employee at maximum shift
Nurseries and greenhouses, commercial	1 per 500 sf of GFA
Office building (general)	1 per 300 sf of GFA
Palmistry services, Fortune Tellers, Astrologers	1 per 300 sf of GFA
Pawnshops (NCGS 66 Article 45)	1 per 300 sf of GFA
Personal Services (e.g., nail salons, barbers, shoe repair, and similar establishments), not otherwise listed	1 per 300 sf of GFA
Pet store or pet supply store	1 per 300 sf of GFA
Pharmacy or Drugstore	1 per 300 sf of GFA
Professional Services (Legal, Accounting, Architectural, Graphic, Consulting Services, Research and Development, Advertising, etc.)	1 per 500 sf of GFA
Real Estate, Sales, Rental & Leasing	1 per 500 sf of GFA

TABLE 8-1: Required Minimum Parking

Key to Table 8-1: "sf" means square feet of gross floor area, unless otherwise indicated. "Outdoor area" means the area outside of enclosed buildings or structures that is devoted to the use only, and does not include areas devoted to parking. “GFA” means Gross Floor Area of a structure(s) to be used for said use, unless otherwise indicated.

Use	*Minimum Parking Spaces*
Restaurants (with or without drive-through facilities)	1 per 3 seating accommodations, plus 1 per employee at maximum shift, plus 5 stacking spaces per drive-through lane
Retail outlets for products manufactured on premises	1 per 300 sf of the sales area GFA
Retail sales or service establishments, not listed elsewhere, and conducted within an enclosed building	1 per 300 sf of GFA
Rural family occupation - commercial or industrial	1 per employee
Services to buildings and dwellings (extermination, Janitorial, Landscaping, Carpet and Upholstery cleaning, Packing and crating, etc.)	1 per employee at maximum shift, plus 1 per 500 sf of sales area GFA
Shopping Center, less than 25,000 sq. ft.	1 per 275 sf of GFA
Shopping Center/Superstore, 25,000 sq. ft. or greater	1 per 250 sf of GFA (also see footnote[1])
Sporting goods, toys, and hobby sales, not listed otherwise	1 per 300 sf of GFA
Tattoo Parlor/Tattoo Studio and/or Body Piercing	1 per 300 sf of GFA
Tobacco or Tobacconist	1 per 300 sf of GFA
Upholstery and furniture refinishing	1 per 600 sf of GFA
Vehicle Parts, Accessories, Tire Sales, enclosed building only	1 per 300 sf of GFA
Wholesale trade, generally, with operations conducted and merchandise stored entirely within a building and not otherwise listed	1 per 1,000 sf of GFA
Industrial & Manufacturing Uses	
Contractors' offices/shop, equipment storage yard	1 per 600 sf of office area GFA
Landfill, all types	2 per 3 employees at maximum shift
Manufacturing, All types unless otherwise specified	2 per 3 employees at maximum shift
Quarry & mining operations	2 per 3 employees at maximum shift
Salvage Yards / Junk Yards, Recycling Centers, Auto and Scrap processing	2 per 3 employees at maximum shift
Sawmills or Planing Mills	2 per 3 employees at maximum shift
Natural Gas Distribution, Flammable Liquid, Petroleum, Bulk Stations and Terminals and Above Ground Storage	2 per 3 employees at maximum shift
Warehouse, all types unless otherwise specified	2 per 3 employees at maximum shift
Arts, Recreation & Entertainment	
Aquarium or Planetarium	1 per every 4 seats or 1 per every 40 sf of GFA in largest assembly area, whichever is greater
Adult establishments	1 per 3 seating accommodations or 1 per 300 sf of sales area GFA, whichever is greater
Amphitheater	1 per every 4 seats or 1 per every 40 sf of GFA in largest assembly area
Amusement or Theme Park Establishment	1 per 600 sf of outdoor entertainment area
Drive-in theaters	1 per each viewing space the facility is designed to accommodate
Exhibition, convention, or conference structure	1 per every 4 seats or 1 per every 40 sf of GFA in largest assembly area, whichever is greater
Fitness and recreational sports, gym, health spa, reducing salon, swimming pool/auditorium, racquet club or athletic club (not otherwise listed)	1 per 600 sf of GFA

[1] Shopping Centers/Superstores of 25,000 square feet or greater also have a maximum parking restriction. See Section 10.2.7 of this Ordinance.

TABLE 8-1: Required Minimum Parking

Key to Table 8-1: "sf" means square feet of gross floor area, unless otherwise indicated. "Outdoor area" means the area outside of enclosed buildings or structures that is devoted to the use only, and does not include areas devoted to parking. “GFA” means Gross Floor Area of a structure(s) to be used for said use, unless otherwise indicated.

Use	*Minimum Parking Spaces*
Golf courses, public and private	4 per hole
Golf driving ranges	1 per tee
Golf, miniature	1 per hole
Movie Theater	1 per 4 seats
Museums and art galleries	1 per 1,000 sf of GFA
Park and playgrounds operated on a noncommercial basis	Not required
Race tracks, raceways and drag strips (motorized and non-motorized)	1 per 4 seats
Recreation or amusement enterprises (for-profit), not otherwise listed	1 space per 4 seats, 1 per 200 sf of indoor GFA, or 600 sf outdoor entertainment area, whichever is greater
Recreation, indoor commercial (e.g., bowling alley, billiards/pool)	1 per 600 sf of GFA
Recreation, outdoor commercial (defined in Article 5)	1 per 600 sf outdoor area
Recreational vehicle parks/campgrounds	2 per campsite
Skating Rink - Ice Or Roller Skating	1 per 600 sf of GFA
Sports stadiums or arenas	1 per every 4 seats or 1 per every 40 sf of GFA in largest assembly area, whichever is greater
Studios for artists, designers, musicians, photographers, sculptors (not as home occupation)	1 per 1000 sf of GFA
Zoos, botanical gardens, & arboreta	1 per 1,500 feet of outdoor area plus 2 per 3 employees during maximum shift
Education, Public Administration, Health Care, and Institutional	
Cemeteries, public and private	1 per employee on maximum shift
Civic, Social, and Fraternal Organizations, including community centers, meeting halls, community halls, reception halls, wedding halls, for assembly and recreation	1 space per each 3 seating accommodations, plus 1 space per each 2 employees on longest shift
Community food services	1 per 300 sf of GFA
Correctional facilities	2 per 3 employees on maximum shift
Crematorium & Embalming	1 per employee on maximum shift
Day Care facility, Child	1 per 300 sf of GFA, plus sufficient stacking spaces to accommodate drop-off/pickup area
Day care facility, Adult	1 per 300 sf of GFA
Funeral homes	1 per 3 seats
Governmental Facilities, not otherwise listed	1 per 600 sf of GFA
Hospitals	0.3 per room, plus 2 per 3 employees on maximum shift
Medical and dental clinics or offices, ambulatory or outpatient care, family planning and care, blood or organ banks, and laboratories	1 per 400 sf of GFA
Post office	1 per 600 sf of GFA
Religious Institutions	1 per 4 seats
Schools – adult (colleges and universities, technical and trade, fine arts, etc.)	1 per 200 sf of GFA or 1 per 4 students, whichever is greater
Schools – elementary and middle schools (public or private)	1 per classroom and 1 per administrative and custodial staff, plus sufficient spaces to accommodate buses
Schools – high schools (public or private)	1 per classroom, 1 per 4 students, and 1 per administrative and custodial staff, plus sufficient spaces to accommodate buses

TABLE 8-1: Required Minimum Parking

Key to Table 8-1: "sf" means square feet of gross floor area, unless otherwise indicated. "Outdoor area" means the area outside of enclosed buildings or structures that is devoted to the use only, and does not include areas devoted to parking. “GFA” means Gross Floor Area of a structure(s) to be used for said use, unless otherwise indicated.

Use	*Minimum Parking Spaces*
Social assistance, welfare and charitable services, do not offer accommodations or residential services (not otherwise listed)	1 per 600 sf of GFA
Transportation, Communication, and Utilities	
Airports, Heliports, and Support Establishments	1 per 4 seating accommodations for waiting passengers, plus 2 per 3 employees at maximum shift
Bus passenger stations/terminals/shelters	1 per 4 seating accommodations for waiting passengers, plus 2 per 3 employees at maximum shift
Environmental monitoring stations	Not applicable
Freight terminals & truck terminals	1 per 1,000 sf of office area GFA, plus 2 per 3 employees at maximum shift
Gas or electric generation distribution facilities, compressor stations, or substations	Not applicable
Hazardous waste storage or treatment (subject to NCGS § 130A-293)	Not applicable
Parking lots, parking structures or underground parking areas	Not applicable
Power generation plants	2 per 3 employees at maximum shift
Public utility storage and service yards	2 per 3 employees at maximum shift
Radio / Television Station With Transmitter Tower	2 per 3 employees at maximum shift
Radio and TV stations and studios with no tower transmissions	2 per 3 employees at maximum shift
Railroad freight yards, repair shops/sheds and marshalling yards	2 per 3 employees at maximum shift
Solid Waste Landfill	2 per 3 employees at maximum shift
Sewage treatment plant, pump stations, or lift stations	2 per 3 employees at maximum shift
Solid Waste Collection, Transfer and/or disposal (Non-Hazardous)	2 per 3 employees at maximum shift
Solid waste combustor or incinerator	2 per 3 employees at maximum shift
Taxi and Limousine Service	Not applicable
Telecommunication towers	Not applicable
Telephone repeater stations	Not applicable
Utility lines (including electric lines, phone and cable lines, distribution circuits, gas and fuel lines, water lines, steam and air conditioning lines, irrigation channels, and sewer and waste water lines)	Not applicable
Water supply facilities including pump stations, dams, levees, culverts, water tanks, wells, treatment plants, reservoirs, and other irrigation facilities	Not applicable
Agriculture	
Agricultural Uses and Support Services (unincorporated areas and municipal ETJ)	Not applicable
Animal Production and Support Services, incorporated areas	Not applicable
Crop Production and Support Functions, incorporated areas	Not applicable
Hunting and trapping, game retreats, game and fishing preserves	Not applicable
Forestry and Logging and Support Services, unincorporated areas	Not applicable
Livestock sales, and markets	2 per 3 employees at maximum shift
Riding academies/stables	1 per 1,500 sf of outdoor training area
Stable, Accessory to Dwelling	Not applicable

TABLE 8-2: SHARED PARKING PERCENTAGES

(A) Land Use	Weekday		Weekend		(F) Nighttime (midnight - 6 a.m.)
	(B) Daytime (9 a.m. - 4 p.m.)	(C) Evening (6 p.m. - midnight)	(C) Daytime (9 a.m. - 4 p.m.)	(E) Evening (6 p.m. - midnight)	
Office/Industrial	100%	10%	10%	5%	5%
Retail	60%	90%	100%	70%	5%
Hotel	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%

8.4 PARKING SPACE DIMENSIONS

8.4.1 MINIMUM DIMENSIONS.

Off-Street parking spaces shall have minimum dimensions of nine (9) feet in width and eighteen (18) feet in length, exclusive of access or maneuvering area, ramps and other appurtenances and except as provided in § 8.4.2.

8.4.2 HANDICAPPED SPACES.

Handicapped parking spaces shall be a minimum of 13 feet by 18 feet for a single non- van space (8 feet in width in addition to a 5 foot access aisle); a minimum of 16 feet by 18 feet for a single van space (8 feet in width in addition to an 8 foot access aisle); or 24 feet by 18 feet for a double van space, or a non-van and van double space (8 feet in width for each space with an 8 foot access aisle between spaces). Parking spaces for handicapped or disabled persons shall comply with Volume 1C, Chapter 11 (Accessibility) of the Uniform Statewide Building Code (or any future Building Code provisions or amendments regulating handicapped parking spaces) and the Americans with Disabilities Act of 1990 (42 U.S.C § 12181 et seq., and implementing regulations at 28 C.F.R. parts 35 and 36).

8.5 DRIVEWAYS AND TRAFFIC AISLES

8.5.1 DRIVEWAY WIDTHS.

8.5.1.1 The minimum width of access aisles internal to a parking lot or structure shall be as follows:

TABLE 8-3: MINIMUM AISLE WIDTH (FEET)

Parking angle	One-Way Operation (min. aisle width)	Two-Way Operation (min. aisle width)
30°	12	20
45°	12	19
60°	16	20
75°	22	22
90°	24	24

8.5.1.2 In instances where a one-way operation is planned, the minimum width of 12 feet may not be sufficient due to conflicts with other development codes (such as the Fire Code). Determination as to the sufficiency of minimum aisle width shall be determined by the Administrator in conjunction with other respective local officials at the time of permit application

8.5.2 DRIVEWAY PERMITS.

Applicants within the incorporated or unincorporated areas of Lee County shall provide a copy of any driveway permit issued by the NCDOT for a connection to any State roadway (19A NCAC §§ 2B.0601-2B.0605). A Zoning Clearance Permit shall not be issued until a copy of an approved driveway permit is submitted to the Administrator.

8.5.3 DRIVEWAY SPACING.

8.5.3.1 Table 8-4 shall govern the required spacing on a parcel or tract which includes either (a) multiple access locations (driveways) and/or (b) the tract is a corner lot where minimum spacing is required from the intersection of two public streets.

8.5.3.2 Nothing in this Section 8.5 or in Table 8-4 shall prohibit a legally established lot from obtaining at least one point of access onto a public street. In situations where a legally established lot does not have enough frontage to satisfy the minimum spacing requirements from an intersection as set

forth in Table 4-8, access shall be designed so as to maximize the distance from the intersection.

8.5.3.3 Access separation between driveways shall be measured from inside edge to inside edge of driveway. Access separation between a driveway and an intersection shall be measured from the nearest edge of the driveway to the intersecting street right-of-way.

TABLE 8-4. DRIVEWAY SEPARATION STANDARDS (ON THE SAME PARCEL)

Road Classification	Minimum Separation Between Driveways	Minimum Separation Between Driveways and intersecting Streets
Local Streets	40 feet	60 feet
Collector Streets (including Avenues, Main Streets, Boulevards & Parkways)	120 feet	120 feet
Arterial Streets	400 feet	250 feet

8.6 OFF-STREET LOADING/UNLOADING AREA STANDARDS

8.6.1 There shall be provided on the same lot with each nonresidential building or structure, adequate space for off-street loading, unloading and the maneuvering of shipping and delivery vehicles. Off-street maneuvering space shall be provided so that no backing onto or from a public street is required. Off-street loading space shall be screened from adjacent residentially zoned or developed property as provided in Article 7 (Landscaping Standards) of this Ordinance.

8.6.2 Off-street loading/unloading spaces shall be sized such that any reasonably anticipated vehicles utilizing the space will not protrude into any required Parking Space and/or Street right-of-way.

SANFORD-BROADWAY-LEE COUNTY UNIFIED DEVELOPMENT ORDINANCE

ARTICLE 9. ENVIRONMENTAL CONTROL REGULATIONS

Summary: This Article includes regulations that are intended to promote conservation and protect our natural environment. This section shall include local regulations as well as make reference to certain State and/or Federal programs that assist in meeting these objectives.

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9.1 SEDIMENTATION AND EROSION CONTROL

9.1.1 Land-disturbing activities, as defined in NCGS § 113A-52, shall conform to the Sedimentation and Pollution Control Act of 1973 (NCGS §§ 113A-50 to 113A-68, as may be amended from time to time).

9.1.2 A Zoning Clearance Permit shall not be issued for projects which require a Sedimentation and Erosion Control Permit from the State of North Carolina, unless or until a copy of said permit or other approval notification is submitted to the Administrator.

9.2 STORMWATER MANAGEMENT
(RESERVED FOR FUTURE REGULATIONS)

THIS SECTION INTENTIONALLY RESERVED FOR FUTURE REGULATIONS AND STANDARDS FOR THE MANAGEMENT OF STORM WATER.

9.3 TREE PRESERVATION (RESERVED FOR FUTURE REGULATIONS)

THIS SECTION INTENTIONALLY RESERVED FOR FUTURE REGULATIONS AND STANDARDS FOR TREE PRESERVATION.

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ARTICLE 10. SITE DESIGN STANDARDS

Summary: This Section establishes standards to guide the design and review of certain types of residential development as well as large-scale commercial development. This section also includes standards for open storage and solid waste storage.

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10.1 OUTDOOR STORAGE AND SOLID WASTE STORAGE STANDARDS

10.1.1 OUTDOOR STORAGE DEFINED.

The provisions of these §§ 10.1.1-10.1.3, herein, shall apply to all uses of land that include outdoor storage. Outdoor storage shall include any site or use of land that includes the outdoor storage of machinery, equipment, towed vehicles or other bulk material or item. Finished products as included on a business site and placed out of doors for the purposes of sale or display of product shall not be considered as outdoor storage for the purposes of these §§ 10.1.1-10.1.3.

10.1.2 OUTDOOR STORAGE IN RESIDENTIAL ZONING DISTRICTS.

10.1.2.1 Open storage of materials for legal non-residential uses operating within a residential zoning district shall conform to the standards of § 10.1.3, Non-residential Zoning Districts. Open storage shall not be permitted in residential zoning districts unless such storage is associated with a legal conforming or legal non-conforming business use.

10.1.3 OUTDOOR STORAGE IN NON-RESIDENTIAL ZONING DISTRICTS.

For those uses which are permitted outdoor storage, such storage areas shall comply with the following:

10.1.3.1 Outdoor storage areas shall be prohibited within any building setback yard and/or required buffer yard. This provision shall not apply to nursery stock in non- residential zoning districts.

10.1.3.2 Outdoor storage areas shall be screened by a Type C bufferyard in accordance with § 7.5 of this Ordinance.

10.1.3.3 Except for integral units (see Definitions, Appendix A), openly stored items shall not project above the screening. Notwithstanding this requirement, no item may exceed the building height restrictions in Table 4.7-1 for the zoning district within which the item is located.

10.1.3.4 No open storage area shall be maintained in the required front yard area.

10.1.3.5 Fences of chain link, sheet metal and barbed and razor wire, with or without slats of wood or metal inserted, shall not be considered as sufficient materials to screen outdoor storage areas or operations.

10.1.3.6 The provisions of this § 10.1.3 shall not apply to any existing use(s) that is considered a legal nonconforming use as set forth in Article 12 of this Ordinance, provided however, that no existing outdoor storage area may be expanded or enlarged except in accordance with the provisions herein this Ordinance.

10.1.4 SOLID WASTE STORAGE AREAS/DUMPSTERS

The provisions of this § 10.1.4 shall apply to all non-residential development, multi-family residential developments and/or single-family attached residential developments, which do not use roll-out containers for curbside solid waste pickup.

10.1.4.1 Solid waste dumpsters or other large containers for solid waste storage shall be located in such a manner so as to be screened from view from a public street or other such public location. Fencing, landscaping, building walls, or any other material may be used to provide the necessary screening. No solid waste storage area shall be located in any front building yard setback as described in Table 4.7- or any street yard or buffer yard as set forth in Article 7.

10.1.4.2 The Administrator shall have the authority to waive all or a portion of the requirement as set forth in § 10.1.4.1, above, if evidence can be presented by the developer or property owner that the required screening can not be accomplished due to physical constraints or layout of the property being developed.

10.2 SHOPPING CENTERS AND SUPERSTORES

10.2.1 APPLICABILITY.

The following standards and guidelines apply to any Shopping centers and/or superstores in excess of 25,000 square feet of Gross Floor Area (GFA) and as listed in the Use Matrix, Table 4.6-1.

10.2.2 SITE DESIGN.

10.2.2.1 Outdoor Space. Commercial Uses shall provide at least one outdoor space, or site amenity, to beautify the site in addition to the minimum landscaping requirements of Article 7. The outdoor space or site amenity is intended to enhance the vehicular and pedestrian entryways to the site and the

buildings on the site. An "outdoor space" or "site amenity" may include, but is not limited to, the following and other landscaping design alternatives:

- A public plaza or courtyard on the site;
- A landscaped median for the driveway(s) leading into the site and landscaped pedestrian areas; or
- A public square or park on the site, or on adjacent land.

10.2.2.2 Design Features. The outdoor space or site amenity shall be improved with features which may include, but are not limited to:

- Landscaping
- Seating walls
- Benches
- Fountains
- Clock towers.

Seating walls, benches, fountains and clock towers are not mandatory, but instead are listed only as examples of outdoor spaces or design amenities that satisfy the requirements of this section.

10.2.2.3 Building Setbacks. The minimum setback for any facade shall be seventy-five (75) feet from the nearest perimeter property line. Perimeter property lines are those that establish the boundaries of the development, including any and all perimeter outparcels.

10.2.3 LANDSCAPING.

A landscaping plan shall be submitted which shall incorporate all applicable landscaping requirements as set forth in Article 7 and Section 10.2.7 of this Ordinance.

10.2.4 PEDESTRIAN CIRCULATION.

10.2.4.1 Sidewalks shall be constructed within the interior of the development to link buildings with other destinations such as, but not limited to: parking, adjoining streets, adjoining sidewalks, or adjoining developments or amenities where appropriate pedestrian connections can be reasonably accomplished. These interior sidewalks shall be constructed in accordance with the standards for sidewalks as set forth in Article 10 of this Ordinance.

10.2.4.2 Sidewalks, in combination with curb and gutter, shall be required adjacent to all public streets that provide access to the development. Such improvements may be subject to road widening and other related improvements. Road widening, sidewalks, curb and guttering, utility relocations, and all other related improvements shall be the responsibility of the developer and/or owner. Design standards shall be subject to review and approval as described in Article 10.

10.2.5 OUTDOOR STORAGE.

Standards for outdoor storage and/or display shall be regulated in accordance with § 10.1 of this Article.

10.2.6 BUILDING DESIGN.

10.2.6.1 This section contains recommended building design features that should be considered when designing a new shopping center or superstore. The intent of this section is to provide design elements that will result in interesting and aesthetically attractive retail developments and to avoid monotony in design.

- Facades of greater than 150 feet in length, measured horizontally, should incorporate wall plane projections or recesses to create an interesting and attractive architectural design which is comprised of more than flat walls with minimal features.
- Ground floor facades that face public streets should have arcades, display windows, entry areas, awnings, or other such features along no less than 60 percent of their horizontal length.
- Consider using parapets along wall edges to assist in concealing flat roofs and rooftop equipment, such as HVAC units from public view.
- Three or more roof slope planes should be considered.
- Recommended predominant exterior building materials include brick, wood, stucco, sandstone, other native stone, or tinted, textured, or concrete masonry units.
- Facade colors should be low reflectance, subtle, neutral or Earth Tone colors except as provided herein. High intensity colors, metallic colors, black or fluorescent colors should only be used to accent elements, such as door and window frames and architectural details.
- It is recommended that no more than 50% of exterior building materials shall include smooth-faced concrete block, smooth-faced tilt-up concrete panels or pre-fabricated steel panels.
- To the greatest extent possible, mechanical appurtenances should be located within the structure. External mechanical appurtenances such as heating and air conditioning equipment

should be screened from public view and finished to match the colors of adjacent building materials.
- Entryway design elements and variations should provide orientation and aesthetically pleasing character to the building. It is recommended that such entryways include one or more of the following:
  - canopies or porticos
  - overhangs
  - recesses/projections
  - arcades
  - raised corniced parapets over the door
  - peaked roof forms
  - arches
  - outdoor patios
  - display windows
  - architectural details such as tile work and moldings which are integrated into the building structure and design
  - integral planters or wing walls that incorporate landscaped areas and/or places for sitting

10.2.7 PARKING STANDARDS.

In addition to the minimum off-street parking and vehicular standards in Article 8 of this Ordinance, Shopping Centers and Superstores shall conform to the following:

- Limited to a maximum of 1 space per 150 square feet of gross floor area, unless the developer can provide evidence that a greater amount of permanent off-street parking is necessary for the proposed use(s).
- Required parking area landscaping trees (Article 7) shall be located within or adjacent to parking lots as tree islands, medians, at the end of parking bays, traffic delineators, or between rows of parking spaces in a manner such that no parking space is located more than 100 feet from a parking lot tree.

10.2.8 SIGNAGE.

10.2.8.1 All proposed shall conform to the dimensional requirements as set forth in Article 11 of this Ordinance.

10.2.8.2 In addition to the standards as set forth in Article 11 for signage, Shopping Centers/Superstores in excess of 25,000 square feet shall be required to submit a Common Signage Plan to be reviewed and approved by the Administrator. The common signage plan shall consist of the following elements:

- Location and size of all proposed signs. All ground mounted sign locations shall be identified on a site plan and all wall mounted signs shown on a set of building elevation drawings.
- Materials. Description of the type of sign including construction materials, mounting style, and method of lighting. Use of the similar materials and mounting style throughout the development is encouraged to maintain a uniform and attractive appearance.

10.2.8.3 The requirements of the common signage plan shall apply to all businesses within a related project, even if the properties have been subdivided (i.e. outparcels within a shopping center).

10.2.9 EASEMENT AGREEMENTS.

Easement agreements, for the purposes of vehicular access and/or extension of public utilities, shall be reviewed by the appropriate jurisdictional Attorney prior to recordation. All such easements shall also be shown on related subdivision plat(s) as set forth in Article 6 of this Ordinance.

10.3 MULTI-FAMILY RESIDENTIAL DEVELOPMENT

10.3.1 PURPOSE.

10.3.1.1 The purpose of this Section is to provide reasonable design standards for multi- family residential developments and single- family attached residential developments which:

- provide design flexibility;
- accommodate affordable housing for current and future residents of the County;
- protect the health, safety and general welfare of the general public and occupants of the units;
- protect the property values of surrounding dwelling units;
- promote a pedestrian-friendly, walkable streetscape; and
- provide for aesthetically pleasing development patterns.

10.3.1.2 This Section applies to Multi-Family Dwelling Units as permitted by the Use Matrix (§ 4.6, Table 4.6-1 of this Ordinance).

10.3.1.3 For purposes of computing the number of dwelling units to determine applicability of the standards of this Section, the number of existing or

proposed dwelling units within any tract of land plus all existing or proposed Multi-family Dwellings on any adjacent property under Common Ownership shall be counted.

10.3.2 DESIGN STANDARDS.

10.3.2.1 OPEN SPACE.

10.3.2.1.1 Common open space areas shall be required in accordance with the Parks and Open Space Standards (§ 6.5) of this Ordinance.

10.3.2.1.2 The Community Development Department may waive up to fifty percent (50%) of the open space requirement if all units within the development are located within 1,000 feet of a public park as measured along a public sidewalk, trail or bikeway.

10.3.2.1.3 The open space requirements of this Section shall not apply to multi-family residential developments which are second floor units above first floor commercial development, or to any residential developments in the "CBD" zoning district which are above the first floor.

10.3.2.1.4 Open space provided pursuant to this requirement shall be accessible to all residents of the development and shall measure at least thirty (30) feet across its narrowest dimension.

10.3.2.2 PEDESTRIAN IMPROVEMENTS.

10.3.2.2.1 Sidewalks shall be constructed within the interior of the development to link residential buildings with other destinations such as, but not limited to: parking, adjoining streets, mailboxes, trash disposal, adjoining sidewalks or greenways and on-site amenities such as recreation areas. These interior sidewalks shall be constructed in accordance with the standards for sidewalks as set forth in Article 6 of this Ordinance.

10.3.2.2.2 Sidewalks, in combination with curb and gutter, shall be required adjacent to all public streets which provide access to the development. Improvements located in the City of Sanford shall be subject to review and approval by the Department of Public Works.

10.3.2.3 BUILDING STANDARDS.

The following standards shall apply to building design:

(a) The minimum spacing between buildings is 20 feet, plus one (1) foot for each one (1) foot of building height in excess of 30 feet.

(b) The setbacks and building height standards shall otherwise comply with § 4.7 of this Ordinance.

(c) Facades greater than 80 feet in length, measured horizontally, shall incorporate wall plane projections or recesses. Ground floor facades that face public streets shall have arcades, windows, entry areas, awnings, or other such features along no less than 40 percent of their horizontal length.

(d) Buildings should be arranged on multi-family sites in patterns that are not strictly linear. Placement of buildings in continuous straight lines should be avoided.

(e) Entryways shall face a street, sidewalk, or common area. Buildings shall not face the rear of other buildings on the same lot or parcel.

10.3.2.4 GENERAL STANDARDS.

10.3.2.4.1 All utility lines shall be located underground, except as noted herein. If a developer can provide evidence that it is physically impossible to underground such utilities without undue hardship, staff can waive this requirement. However, please note that a hardship based solely on the additional cost of undergrounding the utilities must be a significant amount above the normal cost of doing such work.

10.3.2.4.2 Outdoor area lighting shall be provided for security. Such lighting shall be shielded to direct light downward and not into dwelling units on, or adjacent to, the multi- family site. Lighting shall be provided to illuminate the intersections of primary interior driveways and building entryways.

10.3.2.4.3 A landscaping plan shall be submitted which shall incorporate all applicable landscaping requirements as set forth in Article 7 of this Ordinance.

10.4 ACCESSORY DWELLINGS (RA & RR DISTRICTS ONLY)

10.4.1 Accessory dwellings shall only be permitted as set forth in Table 4.6-1 Permitted Use Matrix of this Ordinance.

10.4.2 STANDARDS FOR ACCESSORY DWELLINGS IN THE RA AND RR ZONING DISTRICTS.

- Only one (1) Accessory Dwelling shall be permitted per lot.
- An Accessory Dwelling unit shall be sited to the side or the rear of the principal dwelling.
- An Accessory Dwelling unit shall meet all setback requirements as established for principal uses within the zoning district within which it is located.
- Adequate off-street parking shall be provided for any vehicles owned by occupants of the Accessory Dwelling. Such parking areas shall not include grassed or turf areas.

10.5 DESIGN STANDARDS FOR INDIVIDUAL MANUFACTURED HOMES

10.5.1 CLASS A MANUFACTURED HOMES.

Class A manufactured homes (see Definitions, "Manufactured Home") which are allowed to be placed on individual lots which are not part of a manufactured home park (mobile home park), shall be required to conform to the following design standards:

(a) The pitch of the manufactured home's roof has a minimum vertical rise of two and two-tenths feet for each twelve feet of horizontal run (2.2' in 12') and the roof is finished with shingles;

(b) The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding, wood or hardboard;

(c) A continuous, permanent masonry foundation, unpierced except for ventilation and access, is installed under the manufactured home;

(d) The tongue, axles, removable towing apparatus, and transporting lights are removed after final placement on the site.

10.5.2 CLASS B MANUFACTURED HOMES.

Class B manufactured homes (see Definitions, "Manufactured Home") which are allowed to be placed on individual lots which are not part of a manufactured home park (mobile home park), shall be required to conform to the following design standards:

(a) The home shall include a continuous, uniform foundation enclosure, unpierced except for required ventilation and access.

(b) The enclosure may consist of brick, concrete block, wood, vinyl or metal fabricated for this purpose. Any wood to be used for this purpose, shall consist of treated lumber.

10.6 ""MANUFACTURED HOME FOR HARDSHIP (UNINCORPORATED AREA ONLY)

10.6.1 For hardship situations, an application for a Special Use Permit for the placement of a manufactured home on a site which already contains an existing dwelling may be applied for on tracts or parcels located in a RA zoning district within the unincorporated areas of Lee County. Hardship shall be defined as:

- The person or persons occupying the manufactured home are physically dependent upon the person or persons occupying the existing principal dwelling;
- The person or persons planning to occupy the manufactured home must provide evidence that they cannot, because of financial or other conditions, locate elsewhere.

10.6.2 The manufactured home shall meet the standards for Class A or Class B home as defined in this Ordinance. (see Definitions, "Manufactured Home")

10.6.3 The placement of the manufactured home adjacent to the existing dwelling unit shall not create unhealthy or unreasonable living conditions.

10.6.4 The manufactured home must be located such that it can be served by a water and sewer system as approved by the Lee County Environmental Health Department.

10.6.5 The manufactured home shall conform to the respective design criteria as set forth in Section 10.5. of this Ordinance.

10.6.6 EXPIRATION. An approved Special Use Permit for a manufactured home for hardship shall be valid for two (2) years.

10.6.7 If during the time of a valid Special Use Permit for hardship, it is determined that the foregoing conditions cease to be complied with or the hardship no longer exists, the Permit shall automatically be revoked and the manufactured home removed.

10.7 DESIGN STANDARDS FOR COMMERCIAL DEVELOPMENT ALONG THOROUGHFARES AND FREEWAYS

10.7.1 PURPOSE.

The purpose of this Section 10.7 is to provide a regulatory tool that will assist in ensuring that future commercial development and/or redevelopment that may occur along the Town of Broadway, City of Sanford and Lee County's thoroughfares maintains a minimum level of quality in design. The standards as found within this Section require specific design elements that promote a consistent, attractive appearance along our most visible travel corridors. The standards as found within this § 10.7 are supplemental and intended to compliment other design standard as found within this UDO.

10.7.2 APPLICATION.

10.7.2.1 COMMERCIAL DEVELOPMENT.

The standards as found within this § 10.7 shall apply to all development or redevelopment (see § 3.2.3.3) that is defined as follows:

(a) To be located on a parcel that has direct frontage onto the right-of-way of a "Freeway/Expressway" or "Thoroughfare" as defined by § 10.7.2.2, below.

(b) Classified in Table 4.6-1 of this UDO under any of the following land use subheadings:

- Accommodations and Group Living
- General Sales and Service (except for Wholesale Trade)
- Arts, Recreation and Entertainment
- Education, Public Administration, Health Care, and Institutional
- Industrial and Manufacturing Uses (except as exempted under § 10.7.2.3)
- Transportation, Communication, and Utilities

10.7.2.2 The following highways and roadways are classified as a "Freeway/Expressway" or "Thoroughfare" as included in the City of Sanford/Lee County Thoroughfare Plan (adopted April 1992), except segments that parallel U.S. 1 as identified by an (*) below:

- US 15-501
- US 1 (including parallel roadway segments as described below*)
- US 421/Horner Blvd.
- US 421 Bypass
- NC 87
- NC 78/Tramway Rd./Main St./ Broadway Rd. (from US 1-15-501 to the County line, east of Broadway)
- Hawkins Avenue
- Colon Road/7th Street/Bragg Street (between US 1 and Horner Blvd.)
- Spring Lane (between Wilkins Drive and Gulf Street)
- NC 42/Wicker St. (between Cool Springs Rd. and Horner Blvd.)
- Carthage St. (between US 1-15-501 and Hawkins Avenue)
- Kelly Drive (between Nash St. and Pumping Station Rd.)
- * Those portions of Beechtree Drive, Charleston Drive, McNeill Road, Douglas Drive, Tiffany Drive, Legion Drive, Westover Drive and Keller-Andrews Road that parallel the US 1 right-of-way.

Unless otherwise noted, the Corridor Overlay shall be applied to the entire length of the corridor as located within the zoning jurisdiction of Lee County, the Town of Broadway and/or the City of Sanford.

10.7.2.3 EXEMPTIONS. The following commercial land uses are not subject to the standards of this § 10.7:

- Multi-family residential development (which is addressed in § 10.3 of this Ordinance).
- Shopping centers or other large retail "Superstores" that are in excess of 25,000 square feet (which are subject to design standards of § 10.2 of this UDO).
- Any land use as classified in Table 4.6-1 of this UDO under the land use subheading Industrial and Manufacturing Uses and includes a total site acreage of five acres or greater and/or a total amount of structures with a GFA of 25,000 square feet or greater. See § 10.8 of this Ordinance for industrial design standards.

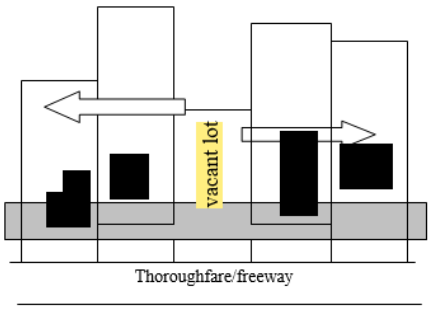
- Building lots that were created as part of an office/business park or an industrial park if such lots do not take vehicular access directly from a thoroughfare or freeway as identified in § 10.7.2.2. Such lots shall be exempt only if access is via a secondary street.
- This shall not apply to the CBD Central Business District zoning classification except as located within the Town of Broadway.

10.7.3 BUILDING DESIGN STANDARDS.

10.7.3.1 SCALE. One of the most important concerns regarding development within our gateway corridors is to ensure that new buildings or structures are designed so as to conform to the built environment in terms of massing and location. The location and height of all proposed structures shall be designed so as to maintain an appropriate sense of scale (proportional relationship between building and spaces to people) as established by existing development along a given corridor. New structures shall be designed so as to be in conformity with the surrounding environment. Large expanses of building mass shall be avoided, however, where large structures are necessary, mass shall be broken by the use of setbacks, projecting and recessed elements and other similar design techniques.

10.7.3.2 BUILDING LINE. Buildings shall be located on the site such that the façade closest to the adjoining thoroughfare or freeway will be consistent with the established building line along a given street corridor. If such a building line is not clearly established, then the front building line shall be located somewhere between the closest and deepest building lines as measured parallel to the street corridor's right-of-way for a distance of 500 feet in each direction. If it is determined that this § 10.7.3.2 cannot be complied with due to existing physical or topographic constraints which cannot be reasonably corrected, the Administrator shall have the authority to waive this requirement.

Figure 10.7-1. Illustration of building line determination.

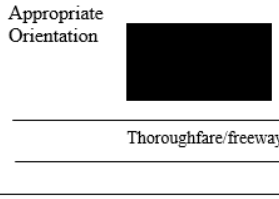


Determining building line with varying existing building fronts – measure 500' in both directions. Location of closest façade shall be within gray box.

10.7.3.3 BUILDING ORIENTATION & EXTERIOR MATERIALS.

10.7.3.3.1 All buildings should be designed such that the closest exterior façade is generally parallel to the adjoining thoroughfare or freeway.

Figure 10.7-2. Building Orientation.



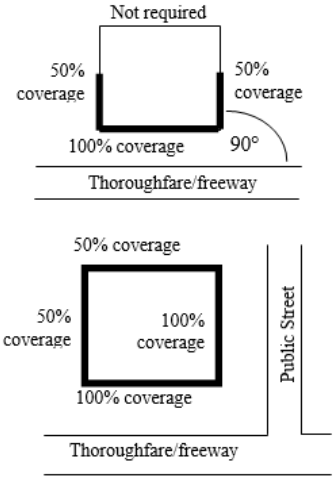
10.7.3.3.2 Exterior building facades that are in view from an adjoining thoroughfare or freeway shall include one or more of the following elements: brick, wood, stucco, sandstone or other native stone. Use of concrete block, smooth-faced tilt-up concrete panels or pre-fabricated steel panels shall be avoided.

10.7.3.3.3 The following shall be used to determine if a façade shall be required to conform to the exterior finish as set forth in this § 10.7.3.3.2.

- All facades that are parallel to an adjoining thoroughfare or freeway shall maintain an exterior finish that conforms to this § 10.7.3.3.2. For lots at the corner of intersection, the secondary street side façade shall also maintain an exterior finish that conforms to this § 10.7.3.3.2.

- Side yard façades that are perpendicular from the adjoining thoroughfare or freeway (or secondary street for corner lots) shall have the exterior façade conform to this § 10.7.3.3.2 for a minimum distance of 50% as measured from the corner of the façade closest to the adjoining street (see Figure 10.7-3).
- Any façade that is located such that cannot be viewed from the adjoining thoroughfare or freeway shall be exempt from the requirements of this § 10.7.3.3.2. (see Figure 10.7-3)

Figure 10.7-3. Façade orientation and applicability of § 10.7.3.3. Facades with bold line conform to exterior building material requirement.



10.7.3.3.4 Due to the varying degree of existing architectural styles along our thoroughfares and freeways, the Administrator shall be authorized to allow the use of an exterior building material that does not conform to the standards of § 10.7.3.3.2 if it can be clearly determined that:

- The preponderance of existing structures adjoining the thoroughfare or freeway in the vicinity of the proposed development include the same alternative exterior material/design as requested for the new construction; and
- The requested alternative material does not consist of concrete block, smooth-faced tilt- up concrete panels or pre-fabricated steel panels.

10.7.3.4 EXTERIOR BUILDING COLORS. 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.

10.7.3.5 ENTRYWAY. If an entrance to a principal building is visible from a corridor street, such entrances shall feature at least one of the following design elements: canopies or porticos, arcades, arches, or wing walls.

10.7.3.6 MECHANICAL EQUIPMENT. To the greatest extent possible, mechanical appurtenances and equipment should be located within the structure. External mechanical appurtenances, such as heating and air conditioning equipment, shall be screened from view from the adjoining thoroughfare or freeway. Screening materials shall be finished to match the colors of the adjacent building exterior.

10.7.3.7 ACCESSORY STRUCTURES. To the greatest extent possible, all accessory structures shall conform to the building design standards of this § 10.7.3. Accessory structures that are to be placed on sites with existing structures that do not conform to the standards within this § 10.7.3 may be designed to conform to the appearance of the existing principal building(s).

10.8 DESIGN STANDARDS FOR INDUSTRIAL DEVELOPMENT ALONG THOROUGHFARES AND FREEWAYS

10.8.1 PURPOSE.

The purpose of this Section 10.8 is to provide a regulatory tool that will assist in ensuring that future industrial development and/or redevelopment that may occur along the Town of Broadway, City of Sanford and Lee County's thoroughfares maintains a minimum level of quality in design. The standards as found within this Section require specific design elements that promote a consistent, attractive appearance along our most visible travel corridors. The standards as found within this § 10.8 are supplemental and intended to compliment other design standard as found within this UDO.

10.8.2 APPLICATION.

10.8.2.1 INDUSTRIAL DEVELOPMENT. The standards as found within this § 10.8 shall apply to all industrial development or redevelopment (see § 3.2.3.3) that is:

(a) To be located on a parcel that has direct frontage onto the right-of-way of a "Freeway/Expressway" or "Thoroughfare" as defined by § 10.7.2.2 of this UDO.

(b) Classified in Table 4.6-1 of this UDO under the land use subheading Industrial and Manufacturing Uses

(c) Classified in Table 4.6-1 of this UDO as "Wholesale trade, generally, with operations conducted and merchandise stored entirely within a building and not otherwise listed" as found in the land use subheading General Sales or Service.

10.8.2.2 EXEMPTIONS. The following industrial land uses are not subject to the standards of this § 10.8:

- Building lots that were created as part of an office/business park or an industrial park if such lots do not take vehicular access directly from a thoroughfare or freeway as identified in § 10.7.2.2. Such lots shall be exempt only if access is via a secondary street.

10.8.3 FRONT YARD AREA

For the purposes of this Section 10.8 all design standards as set forth herein, shall apply only to the designated front yard area (see Appendix A for definition). For corner lots or multiple frontage lots, all property boundaries that face a public street shall be considered a front yard area and shall be subject to the design standards as contained herein.

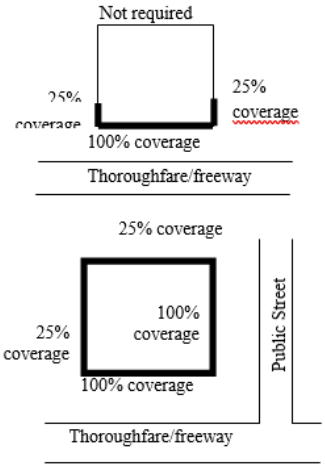
10.8.4 BUILDING DESIGN STANDARDS.

10.8.4.1 Exterior building facades that are in view from an adjoining thoroughfare or freeway shall include one or more of the following elements: brick, wood, stucco, sandstone or other native stone. Use of concrete block, smooth-faced tilt-up concrete panels or pre-fabricated steel panels shall be avoided.

10.8.4.2 The following shall be used to determine if a façade shall be required to conform to the exterior finish as set forth in this § 10.8.4.

- All facades that are parallel to an adjoining thoroughfare or freeway shall maintain an exterior finish that conforms to this § 10.8.4.1. For lots at the corner of intersection, the secondary street side façade shall also maintain an exterior finish that conforms to this § 10.8.4.1.
- Side yard façades that are perpendicular from the adjoining thoroughfare or freeway (or secondary street for corner lots) shall have the exterior façade conform to this § 10.8.4.1 for a minimum distance of 25% as measured from the corner of the façade closest to the adjoining street (see Figure 10.8-1).
- Any façade that is located such that cannot be viewed from the adjoining thoroughfare or freeway shall be exempt from the requirements of this § 10.8.4.1.

Figure 10.8-1. Façade orientation and applicability of § 10.8.4. Facades with bold line conform to exterior building material requirement.



10.8.4.3 Due to the varying degree of existing architectural styles along our thoroughfares and freeways, the Administrator shall be authorized to allow the use of an exterior building material that does not conform to the standards of § 10.8.4.1 if it can be clearly determined that:

- The preponderance of existing structures adjoining the thoroughfare or freeway in the vicinity of the proposed development include the same alternative exterior material/design as requested for the new construction; and
- The requested alternative material does not consist of concrete block, smooth-faced tilt- up concrete panels or pre-fabricated steel panels.

10.8.4.4 EXTERIOR BUILDING COLORS. 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.

10.8.4.5 MECHANICAL EQUIPMENT. To the greatest extent possible, mechanical appurtenances and equipment should be located within the structure. External mechanical appurtenances, such as heating and air conditioning equipment, shall be screened from view from the adjoining thoroughfare or freeway. Screening materials shall be finished to match the colors of the adjacent building exterior.

10.8.4.6 ACCESSORY STRUCTURES. To the greatest extent possible, all accessory structures shall conform to the building design standards of this § 10.8.4. Accessory structures that are to be placed on sites with existing structures that do not conform to the standards within this § 10.8.4 shall be designed to conform to the appearance of the existing principal building(s).

SANFORD-BROADWAY-LEE COUNTY UNIFIED DEVELOPMENT ORDINANCE

ARTICLE 11 SIGN REGULATIONS

Summary: This Article provides minimum standards for signage. It defines which types of signs are allowed without a permit being required, which are allowed subject to a permit being obtained, and those that are prohibited. This Article includes standards for all manner of signs including permanent, on -premise signage and temporary signage.

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11.1 PURPOSE & FINDINGS

11.1.1 This sign ordinance is adopted under the zoning authority of the County of Lee in furtherance of the more general purposes set forth in this Ordinance. The purposes of these sign regulations are:

(a) to encourage the effective use of signs as a means of communication in the County of Lee while preserving the rights of free speech under the First Amendment to the United States Constitution;

(b) to maintain and enhance the aesthetic environment and the County of Lee's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety;

(c) to minimize the possible adverse effect of signs on nearby public and private property; and

(d) to enable the fair and consistent enforcement of these sign restrictions.

11.2 APPLICABILITY

A sign may be constructed, erected, placed, established, painted, created, or maintained in the County of Lee only in conformance with the standards, procedures, exemptions, and other requirements of this Ordinance. The effect of this Ordinance as more specifically set forth herein is:

11.2.1 To establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this Ordinance;

11.2.2 To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Ordinance, but without a requirement for permits;

11.2.3 To prohibit all signs not expressly permitted by this Ordinance; and

11.2.4 To provide for the enforcement of the provisions of this Ordinance.

11.2.5 The physical alteration of a sign face or supporting structure shall be considered the same as construction of a new sign, which shall require a permit and conformity to all the dimensional requirements of this Ordinance. However, repainting of a sign or replacement of a sign face shall be considered maintenance or repair and shall not require a permit.

11.2.6 Notwithstanding any provision in this Article to the contrary, non-commercial copy may be placed on any otherwise permissible sign in place of commercial copy.

11.2.7 Existing signs that are required to be moved as a result of a public infrastructure improvement project (e.g., a road widening project) may be relocated and shall not be deemed because of that relocation to violate the requirements of this article, provided there is not any expansion, addition or structural change or new sign plan and/or design for that sign. If a pylon sign is to be relocated, the sign shall be relocated to meet the appropriate setback as set forth in this Article 11.

11.3 SIGN PERMIT

11.3.1 APPLICABILITY.

Except for those signs explicitly permitted by this Article without a permit, no sign shall be erected or established unless and until a Sign Permit has been issued by the Department of Community Development.

11.3.2 INITIATION.

The Applicant shall file a complete application for a Sign Permit with the Department of Community Development. The application shall include the information required for issuance of a building permit as prescribed by the Building Code. A master Sign Permit application may be requested for all signs to be included as part of a Planned Unit Development, a shopping center, a Commercial Retrofit, or a Traditional Neighborhood Development.

11.3.3 SIGNAGE PLAN REQUIRED.

For any lot on which the owner proposes to erect one or more signs requiring a permit the owner shall submit to the Department of Community

Development a Signage Plan containing the information required herein. For sites that contain multiple establishments, a signage plan that shows all proposed signage shall be required. Note that shopping centers and/or superstores in excess of 25,000 square

feet shall meet the additional criteria as set forth in § 10.2.8 of this Ordinance. The Department of Community Development shall review the application in accordance with the criteria established in this Ordinance. Permanent signs for planned unit developments, Traditional Neighborhood Developments and Special Uses shall be reviewed as part of the site plan. The Signage Plan shall include the following information:

- The location of buildings, parking lots, driveways, and landscaped areas on such lot or parcel;
- Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the lot(s) or parcel(s) included in the plan under this Ordinance; and

An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not. Incidental signs need not be shown.

11.4 SIGN AREA COMPUTATIONS

The following principles shall control the computation of sign area and sign height:

11.4.1 COMPUTATION OF AREA OF SINGLE-FACED SIGNS.

The area of a sign face shall be computed by means of the smallest square or rectangle that will encompass the extreme limits of the writing, representation, emblem, or other copy, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

11.4.2 COMPUTATION OF AREA OF MULTI-FACED SIGNS.

The sign area for a sign with more than one face shall be the maximum total area of all sign faces visible from any one point. When two sign faces are placed back to back, they cannot be more than forty-two (42) inches apart.

11.4.3 HEIGHT.

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be either of (1) existing grade prior to construction or (2) newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the Principal Structure on the lot or parcel, whichever is lower.

11.5 CONSTRUCTION AND MAINTENANCE

All signs shall be designed, constructed and maintained in accordance with the following standards:

11.5.1 CONSTRUCTION.

11.5.1.1 All signs shall be designed, constructed, and maintained to retain sound structural condition, and shall comply with all applicable provision of the State Building Code, all applicable electrical codes, and this Ordinance, at all times.

11.5.1.2 Except for flags, temporary signs, and window signs conforming in all respects with the requirements of this Ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

11.5.2 MAINTENANCE.

11.5.2.1 All sign supports, braces, poles, wires and anchors shall be kept in good repair. They shall be maintained in a safe condition, free from deterioration and missing parts.

11.5.2.2 Any sign not in compliance with these standards shall be deemed a nuisance, and shall be subject to a violation of this Ordinance as set forth in Section 1.6.

11.6 PROHIBITED SIGNS

11.6.1 The following signs are prohibited within the City of Sanford and Town of Broadway, including their extraterritorial jurisdictions, and Lee County:

- Banners, except when used as an otherwise permissible temporary sign
- Beacons
- Flashing or Intermittent Signs
- Signs with indirect illumination, such as floodlights, erected in such a manner as to cause glare that impairs driver vision on streets or roadways or pilot vision approaching or departing Sanford/Lee County Regional Airport runways, or that causes a nuisance to adjoining property
- Temporary off-Premise signs
- Permanent off-Premise signs except to the extent expressly allowed by this Article
- Pavement markings for purposes other than traffic control
- Pennants
- Portable signs, except portable signs may be used as temporary signs within the Central Business District in the City of Sanford to the extent such temporary signs are otherwise allowed by this Article
- Roof signs
- Signs attached to or painted on utility poles, telephone poles, trees, parking meters, bridges and overpasses, rocks, or other signs
- Signs containing or consisting of pennants, ribbons, streamers, festoon lighting, balloons (or inflatable signs), or spinners
- Signs placed within any required Sight Triangle, except approved traffic control signage
- Signs on public property or in any public right of way, except for: (i) signs placed by or on behalf of a duly constituted governmental body with authority to do so or (ii) signs permitted by N.C.G.S. §136- 32(b) or by Subsection 11.10.4 of this Article
- Signs that contain copy obscene to the general public as defined by N.C.G.S. §14- 190.1
- Signs that imitate traffic control devices or that might reasonably be confused for traffic control devices
- Signs placed on private property without consent from the property's owner or from someone else with authority to consent to the sign height. Any flag not meeting these conditions shall be considered a banner.

11.7 SIGNS THAT DO NOT REQUIRE A PERMIT

11.7.1 APPLICABILITY.

No permit is required for the following signs, provided they are not prohibited as defined in § 11.6 hereto, and provided they comply with the conditions set forth in this section. Signs permissible in this section shall not be considered in determining the total area of signs located on a property to the extent that this Article limits the total sign area allowed on that property. However, if a sign exceeds the size permitted by this Article, or in any other way does not comply with these limitations, it shall be considered as a prohibited sign and/or shall be subject to all other provisions in this section.

11.7.2 ETCHED BUILDING SIGN

For a building that is on the National Register of Historic Places or that otherwise has been designated a landmark or historic place by a federal, state, or local public body, a single sign not exceeding one (1) square foot in area may be displayed on the building if it is cut or etched into the building's masonry, bronze, or similar material.

11.7.3 IDENTIFICATION SIGN.

Signs not exceeding one (1) square foot in area may be attached to a building that houses one or more nonresidential uses or that houses three or more residential dwellings. One sign is permitted per entrance.

11.7.4 DRIVE-THROUGH MENU SIGNS.

An establishment with a drive-through window may have On-premise drive-through signs that shall be limited to a maximum size of thirty-two (32) square feet and that shall generally be legible only to the occupants of cars in line to use the drive-through window.

11.7.5 FLAGS.

Up to four (4) flags are allowed per property. Such a flag shall not be flown from a pole the top of which is more than forty (40) feet in height. Any flag not meeting these conditions shall be considered a banner.

11.7.6 GOVERNMENTAL SIGNS.

Any signs posted by local, state, or federal governmental bodies. Governmental Signs are not subject to regulation under this Article.

11.7.7 INCIDENTAL SIGNS.

Signs not exceeding three (3) square feet in area (and three (3) feet in height for freestanding signs) and that have copy that only: (i) provides information to assist with direction or safety with respect to the premises on which they are located, such as signs that state "entrance," "exit," "one way," "telephone," "parking," "no parking," and similar instructions, or (ii) provides information pertinent to the immediate safety or legal responsibilities of passersby or the public, such as signs warning of hazards like high voltage, signs warning that a property is protected by a security system, and "no trespassing" signs. Such signs shall not obstruct any vehicular Sight Triangle, and signs delineating entrances or exists shall be located no farther than fifteen (15) feet away from the edge of the entrances or exits which they delineate. No more than two signs delineating an entrance or exit shall be permitted per entrance or exit. Incidental Signs may be illuminated.

11.7.8 OCCUPANT/STREET NUMBER SIGNS.

Non-illuminated signs affixed to structures, mailboxes, decorative light posts, driveway entrances, or similar fixtures, which serve to identify only the street address of the structure or occupant. All such signs are required to be placed in such a manner as to be visible from the street.

11.7.9 WINDOW SIGNS.

Window signs shall include any sign placed or painted on the interior or exterior of glass windows or doors and which face a public street or other such public location, including common public parking areas as included in the interior of a shopping center. Such window signs shall cover no more than 30 percent of the glass area of the respective storefront. Window signs that cover more than 30 percent of the glass shall be considered as wall signs and shall meet the requirements for wall signs within the appropriate zoning district.

11.7.10 NOSTALGIC SIGNAGE IN CENTRAL BUSINESS DISTRICT (ALLOWED IN CITY OF SANFORD ONLY).

All historical painted wall signs in the Central Business District within the City of Sanford are exempt from the requirements of this ordinance provided that the signs are restored to their original condition and appearance. No enhancements as to illumination or animation shall be added which were not original to the sign. A painted wall sign is considered historic if it predates 1975. Property owners wishing to restore the historical painted wall sign must verify with the designated City Historic Preservation Staff Planner the original state of the painted wall sign through photographic documentation or a discernable outline. Any person wishing to renovate a sign located within the local Downtown Sanford Historic District will be required to obtain a Certificate of Appropriateness before proceeding with any work.

11.7.11 SANDWICH BOARD SIGNS

11.7.11.1 Sandwich board signs are A-frame signs constructed with two (2) panels back-to- back joined together at the top and configured in the shape of an inverted "V" so that the bottom of the sign rests upon or near the ground. These signs are intended to be pedestrian oriented during hours of operation, readily movable, and without permanent attachment to a building, structure, or the ground.

11.7.11.2 Districts: Sandwich board signs are allowed on public sidewalks only in the Neighborhood Commercial (NC), Central Business District (CBD), Traditional Neighborhood Development (TND), and Planned Unit Development (PUD) zoning districts, subject to standards 11.7.11.3 through 11.7.11.8.

11.7.11.3 Location: A sandwich board sign on a public sidewalk must be located in front of the associated business either with some portion of the base of the sign within one (1) foot of the curb or within a one (1) foot of the building, provided that a minimum five (5) foot-wide pedestrian clearance zone is maintained along the sidewalk. Signs are not allowed if a minimum five (5) foot-wide pedestrian clearance zone cannot be provided.

11.7.11.4 Hours: Sandwich board signs may be displayed only during the associated business' hours of operation. Any sandwich board signs found on the sidewalk after the associated business' hours

will be deemed abandoned and subject to being removed.

11.7.11.5 Area: Neither panel shall exceed 30'' in width or 42'' in height. Within these specified maximum dimensions, creative shapes that reflect the theme of the business being advertised are encouraged (e.g., an ice cream shop may display a sign in the shape of an ice cream cone).

11.7.11.6 Materials: The sandwich board sign frame shall be constructed of a non-reflective material and/or color. The sign must be constructed of materials that present a finished appearance and is compatible with the historic nature of the districts, such as wood and/or metal. Rough cut plywood and PVC pipe framing are not acceptable. The sign lettering should appear professionally painted or applied. Chalkboard or white board signs shall be permitted. Signs may not be illuminated.

11.7.11.7 Number: Any single building, including those containing multiple businesses, may place only one (1) sandwich board sign per street.

11.7.11.8 Liability: Any person or business erecting a sandwich board sign shall in writing agree in advance to indemnify and hold harmless the City and its officers, agents, and employees from any claim arising out of the presence of the sign on City property or the public right-of-way.

11.7.12 SIGN ON A PROPERTY WITH A ONE- OR TWO-FAMILY DWELLING.

For a property with a one- or two-family dwelling, sign(s) may be erected in accordance with this subsection. Such signs shall comply with the following:

- The size of each sign shall not exceed six (6) square feet in area.
- The sign shall contain only noncommercial copy.

11.8 SIGNS THAT REQUIRE A PERMIT

11.8.1 APPLICABILITY.

This Section shall govern signs permanently installed on a site. The signs governed by this Section may be displayed only in accordance with a sign permit obtained in accordance with §11.3 of this Article. Only on premises signs are permitted pursuant to this Section 11.8 except where this Section 11.8 expressly authorizes off premises signs.

11.8.2 SIGNS FOR AGRIBUSINESSES IN RA AND RR.

In the RA and RR zoning districts, any agribusiness may erect one (1) non-illuminated ground sign not to exceed sixteen (16) square feet.

11.8.3 WALL SIGNS.

The maximum permitted sign area, location, characteristics, and number of Wall Signs shall be determined in accordance with Tables 11-1 through 11-4 and as outlined in this section. The following additional regulations shall apply to on-premise wall mounted signs:

11.8.3.1 SIGNS ON BUILDING WALLS WHICH DO NOT FACE PUBLIC STREETS.

The maximum allowable size for a wall sign on a wall that does not face a public street shall be calculated as if the wall faces a public street. The maximum allowable size for a sign on one wall is not transferable to a wall with less frontage.

11.8.3.2 ADDITIONAL WALL SIGN PERMITTED ON CORNER OR DOUBLE FRONTAGE LOTS.

Lots with more than one street frontage shall be allowed to erect one additional wall sign on the secondary street frontage. The secondary wall sign may not be placed on the same wall as the primary sign.

11.8.3.3 ADDITIONAL WALL SIGN PERMITTED TO FACE SIDE OR REAR PARKING LOT.

Lots with parking to the side or rear of a building shall be allowed to erect one additional wall sign facing the parking lot, provided that at least 50 percent of the required parking for the establishment is located to the side or rear of the building and an entrance to the building faces the parking lot. The secondary wall sign may not be placed on the same wall as the primary sign.

11.8.3.4 LOCATION REQUIREMENTS FOR WALL SIGNS.

No wall sign may extend more than eighteen (18) inches from the exterior of the wall and no portion of a sign shall extend above the wall on which it is mounted.

11.8.3.5 CHANGEABLE COPY.

As permitted in Table 11-4 of this Article, changeable copy or "reader board" area and electronic message board area are permitted as wall signs provided that the changeable copy or electronic message board area does not exceed 50 percent of the total area of the sign.

11.8.3.6 ADDITIONAL WALL SIGN PERMITTED IN NC, CBD, TND, and PUD ZONING DISTRICTS.

Lots within these districts with off-street parking or an alley to the side or rear of a building shall be allowed to erect one additional wall sign facing the parking lot or alley. The secondary wall sign may not be placed on the same building wall as the primary sign.

11.8.4 CANOPY/AWNING SIGNS.

11.8.4.1 The maximum permitted sign area, location, characteristics, and number of Canopy/Awning Signs shall be determined in accordance with Tables 11-1, 11-2, and 11-4 and as outlined in this Section. The following additional regulations shall apply to canopy/awning signs:

11.8.4.1.1 Canopy signs may be attached to the canopy at the face of or under the canopy. No sign may be attached to the support structures.

11.8.4.1.2 Signs attached to the top of the canopy are considered wall signs and must meet the size requirements for wall signs.

11.8.4.1.3 Signs which are suspended under a canopy and/or cantilevered roof shall be at least eight (8) feet above the sidewalk at their lowest point.

11.8.4.1.4 No support structures shall be visible.

11.8.4.1.5 To encourage uniqueness and originality, the canopy sign or projecting sign may be of an irregular shape. These signs must comply with all regulations as stated in this section.

11.8.4.2 VALANCE AND COPY SIZE FOR CANOPY/AWNING SIGNS.

The valance, or apron, for any canopy shall in no case exceed twelve (12) inches in height. Individual letters or symbols on these valances shall not exceed nine (9) inches in height. This provision shall apply only to valances to which sign copy is affixed.

11.8.4.3 ILLUMINATION FOR CANOPY/AWNING SIGNS.

Canopy/ awning signs that may be illuminated shall have no bare bulbs present on or around the sign face.

11.8.4.4 CLEARANCE REQUIREMENTS FOR CANOPY/ AWNING SIGNS AND SUSPENDED SIGNS.

All canopy/awning signs attached to the underside of a canopy/awning shall maintain the minimum clearance above the ground level of any sidewalk or vehicular access area as specified in the most recent edition of the North Carolina State Building Code.

11.8.4.5 CANOPY/AWNING AND WALL MOUNTED SIGNS FOR MULTIPLE BUSINESS COMPLEXES.

All establishments within Multiple Business Complexes shall use, exclusively, canopy/awning or wall signs. No mixing of sign types within a Multiple Business Complex shall be permitted. Plain canopies and awnings without any copy may be used in combination with wall mounted signs.

11.8.4.6 ADDITIONAL CANOPY/ AWNING SIGN PERMITTED ON CORNER OR DOUBLE FRONTAGE LOTS.

Lots with more than one street frontage shall be allowed to erect one additional canopy/awning sign on the secondary street frontage. The secondary sign may not be placed on the same wall as the primary sign.

11.8.4.7 ADDITIONAL CANOPY/ AWNING SIGN PERMITTED TO FACE SIDE OR REAR PARKING LOT.

Lots with parking to the side or rear of a building shall be allowed to erect one additional canopy/awning sign facing the parking lot, provided that at least 50 percent of the required parking for the building is located to the side or rear of the building and an entrance to the building faces the parking lot. The secondary sign may not be placed on the same wall as the primary sign.

11.8.5 ON-PREMISE GROUND OR PYLON SIGNS.

The maximum permitted sign area, location, characteristics, and number of On-Premise Ground-Mounted Signs shall be determined in accordance with

Table 11-1 through 11-4 and as outlined in this Section. The following additional regulations shall apply to on-premise ground- mounted signs:

11.8.5.1 BASE LANDSCAPING FOR GROUND-MOUNTED SIGNS.

All ground-mounted signs located within parking or vehicular use areas, and not in yard areas, shall be located in a bed of landscaping at least 30 square feet in area. This area shall contain low growing materials such as ground covers, perennials, and shrubs, and shall be bordered by acceptable curbing materials as specified in Article 7 of this Ordinance.

11.8.5.2 DISTANCE REQUIREMENTS FROM EXISTING GROUND SIGNS.

No proposed ground-mounted sign shall be placed within forty (40) feet of an existing ground-mounted sign.

11.8.5.3 GROUND-MOUNTED SIGNS FOR MULTIPLE BUSINESS COMPLEXES.

All uses within a Multiple Business Complex shall share the permitted ground-mounted sign(s) that is (are) permitted in accordance with Tables 11-1 through 11-4. These regulations shall not apply to outparcels of the development, as outparcels are separate parcels of land.

11.8.5.4 CHANGEABLE COPY.

As permitted in Table 11-4 of this Article, changeable copy or "reader board" area and electronic message board area are permitted as on-premise ground signs provided that the changeable copy or electronic message board area does not exceed 50 percent of the total area of the sign. Electronic message board area is included in the calculation of the total sign area.

11.8.5.5 ADDITIONAL GROUND SIGNS.

Lots with more than one street frontage shall be allowed to erect one ground sign per frontage, provided that each frontage is at least thirty (30) feet in width at the street right-of-way. No two ground signs shall be placed on the same street frontage.

11.8.5.6 DISTANCE REQUIREMENTS FROM EXISTING GROUND SIGNS.

No proposed ground sign shall be placed within forty (40) feet of an existing ground sign. In the event that this requirement will not allow a site to have at least one ground sign, the Administrator shall have the authority to allow one ground sign subject to all other standards of this Ordinance.

11.8.6 ON-PREMISE PROJECTING SIGNS.

The maximum permitted sign area, location, characteristics, and number of Projecting Signs shall be determined in accordance with Tables 11-1, 11-2, and 11-4 and as outlined in this Article. The following additional regulations shall apply to projecting signs:

11.8.6.1 A projecting sign shall not extend into the public right-of-way. In no case shall this category of sign be permitted to encroach over a motorized vehicle travel way such a public or private street, alley, or driveway.

11.8.7 ON-PREMISE FUEL ISLAND CANOPY.

11.8.7.1 Canopy signs on fuel islands at gas stations and any other uses where fuel is sold shall be allowed in addition to the permitted number of signs otherwise allowed under this Article for the property, subject to the following conditions:

- The size of the letters or other characters may not exceed eighteen (18) inches in height, nor may the letters or other characters extend above the parapet of the canopy
- No more than two such signs may be placed on the canopy;
- A fuel canopy sign may not exceed sixteen (16) square feet in area.

11.8.8 SUBDIVISION ENTRANCE SIGNS.

11.8.8.1 At the entrance of a residential subdivision, apartment complex, office park or industrial park, there may be an off-premise ground sign within a common area at exterior entrance points, provided that each access point connects to collector street or other higher order of street. Such signage shall not be located within a public street right-of-way, except that such signs may be located within a designed center median if approval is obtained from the respective controlling right-of-way agency.

11.8.8.2 Subdivision entrance signs may be erected at entrance locations in two forms: (a) as a single sign (single- or double-faced) or (b) as two separate single-sided signs.

11.9 OUTDOOR ADVERTISING (BILLBOARD) SIGNS

11.9.1 STANDARDS FOR THE CITY OF SANFORD AND THE TOWN OF BROADWAY.

Outdoor Advertising (billboard) signs are prohibited within the City of Sanford and the Town of Broadway.

11.9.1.1 *City of Sanford Billboards Modernization.* Nonconforming pre-existing off- premises outdoor advertising signs which existed as of July 1, 2016, can be modernized as follows, provided they also meet the Outdoor Advertising Control Act (NCGS Chapter 136, Article 11):

(a) Replace multipole with monopole;

(b) Change wooden supports to metal;

(c) 50 feet or less in height;

(d) 300 square feet maximum sign face;

(e) Electronic digital displays;

(f) Same number of sign faces; 1 face per side;

(g) Stacked signs may only be replaced with one level of digital face;

and, provided the sign is located in the same physical location of the pre-existing nonconforming sign. Same location means in the footprint of, with the leading edge set back the same distance from the right of way of the highway.

No relocation of signs are allowed under the guise of modernization.

11.9.1.2 *Permits.* A sign permit is required to modernize a pre-existing nonconforming off premise outdoor advertising sign.

11.9.1.3 *Digital signs.* Upon the issuance of a sign permit, as specified in this section, owners of qualified pre-existing signs may replace existing face panels on qualified signs with digital faces as defined below, subject to the following conditions:

(a) Digital signs shall not change or alternate displays (words, symbols, figures or images) more frequently than

once every fifteen (15) seconds, except that digital changeable copy signs may change or alternate displays as frequently as once every eight (8) seconds if: (i) the sign displays public service announcements on a permanent basis once within every sixty (60) second period, and (ii) the sign operator displays as part of the normal advertising rotation public emergency messages hereinafter defined until such time as such message is no longer reasonably necessary. "Public emergency messages" shall mean: Amber Alert and Silver Alert emergency information and information about terrorist attacks, natural disasters, public infrastructures failures, and public safety emergencies. Public emergency messages shall be displayed in accordance with protocols developed by the city in conjunction with the issuing agencies and the qualified sign owners. For the purposes of this section, a public service announcement shall be any announcement for which no charge is made and which promotes programs, activities, or services of federal, state or local governments or the programs, activities or services of nonprofit organizations and other announcements regarded as serving community interests, excluding time signals, routine weather announcements and promotional announcements.

(b) Any digital sign shall meet the following display requirements:

i. The images and messages displayed shall be complete in themselves, without continuation in content to the next message or image, or to any other sign.

ii. The transition between images shall be instantaneous and without special effects. Special effects are those listed in iv. below.

iii. The display shall not be configured to resemble a warning, danger signal, official signage used to control traffic, or to cause a viewer to mistake the sign for a warning or danger signal.

iv. No electronic animation, movement, scrolling, flashing text, or streaming video shall be permitted.

v. All digital signs shall be designed and equipped to freeze the device in one (1) position or immediately discontinue the display if a malfunction occurs.

vi. No sign may be brighter than is necessary for clear and adequate visibility and shall not exceed a maximum of seven thousand five hundred (7,500) candela per square meter (cd/m^2) during daylight hours and one thousand (1,000) cd/m^2 during non-daylight hours. No sign shall display such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, or signal or is distracting to drivers. All digital signs shall be equipped with both a dimmer control and photocell that automatically adjusts the intensity of the display according to natural ambient light conditions.

vii. Prior to the issuance of a sign permit, the applicant shall provide written evidence that the light intensity has been factory pre-set not to exceed seven thousand five (7,500) cd/m^2 and that the intensity level is protected from end-user manipulation by password- protected software or other method determined appropriate by the Department of Community Development.

11.9.1.4 Reserved.

11.9.1.5 Maintenance.

1. All signs shall be maintained in a state of good repair.

2. Whenever it shall appear to the Department of Community Development that any sign has been constructed or is being maintained in violation of the terms of this section or is unsafe or unsecured, such sign shall either be made to meet all sign regulations, or shall be removed at the expense of the owner, within ten (10) days after written notification thereof by the Department of Community Development or City Manager, or his designee.

11.9.1.6 *Inspection.* The owner and the Department of Community Development shall inspect all off-premise outdoor advertising signs periodically to determine that the same are in a safe condition and meet the requirements set forth in this section.

11.9.1.7 *Penalties.* In addition to removal or conformity with section 11.9.1.5 above, violations of

this section shall be enforced in accordance with Article 1, Section 1.6.6. of the Unified Development Ordinance.

11.9.2 STANDARDS FOR LEE COUNTY.

11.9.2.1 Outdoor advertising signs (off-premise signs) are permitted only in the following zoning districts: HC, LI, and HI.

11.9.2.2 Where erected, outdoor advertising signs shall not be located within one hundred (100) feet of any residential zoning district.

11.9.2.3 There shall be a minimum radius between any two- (2) outdoor advertising signs of one thousand (1,000) linear feet.

11.9.2.4 Dimensions of outdoor advertising signs shall not exceed three hundred (300) square feet per sign area and thirty-five (35) feet in height.

11.9.2.5 No sign structure shall support more than one (1) sign, as defined in Appendix A.

11.10 TEMPORARY SIGNS

11.10.1 Temporary signs must conform to all regulations in this section. These signs shall not be required to obtain a sign permit. The owner of the property where a temporary sign is located is deemed to have authorized the sign and is empowered to remove any temporary sign that is on his property without his authorization.

All temporary signs with commercial copy must be on-premise signs. Off-premise temporary commercial signs are not permitted. Temporary signs may not be illuminated.

11.10.2 TEMPORARY SIGNS FOR ALL PROPERTIES OTHER THAN ONE- OR TWO-FAMILY DWELLINGS.

For a property other than a property with a one- or two-family dwelling, one temporary sign per street frontage may be erected in accordance with this subsection. Such temporary signs shall comply with the following:

- The size of each temporary sign shall not exceed thirty-two (32) square feet, except that a temporary sign displayed along the frontage of a controlled access highway shall not exceed sixty-four (64) square feet.
- Once temporary signs have been removed from a property, at least thirty (30) days must pass before any temporary signs can be displayed on the property.
- A property may not display one or more temporary signs for more than ninety (90) days during any calendar year.

Note: Please refer to Section 11.7.11 regarding signage rules for one- or two- family dwellings.

11.10.3 POLITICAL SIGNS IN STREET RIGHTS-OF-WAY.

"Political signs," as that term is defined in N.C.G.S. §136-32(c), are permitted within the right-of-way of the state highway system to the extent permitted by N.C.G.S. §136-32(b). Within all other street rights-of-way, signs that contain noncommercial copy and that are not otherwise prohibited by this Article are permitted during the time periods prescribed by N.C.G.S. §136-32(b) if such signs comply with N.C.G.S. §136-32(d).

TABLE 11-1: STANDARDS FOR PERMANENT SIGNAGE IN THE O&I, C-1, C-2, HC, LI AND HI ZONING DISTRICTS

Sign Type	Use	Maximum Sign Area	Maximum Height	Maximum Number	Sign Location
Ground Signs (Monument or Pylon-style)	Individual Business/Use	80 square feet	25 feet for pylon-style; 8 feet for monument-style	1 per frontage per § 11.8.4.5 for each lot or parcel	Pylon-style: 15 feet from right-of-way and outside site triangle. Monument-style: Outside of street right-of-way and site triangle
	Shopping Centers, Industrial Parks, or Business Parks - generally	150 square feet (combined)	25 feet for pylon-style; 8 feet for monument-style	1 per frontage per § 11.8.4.3 and 11.8.4.5 for each development	
	Shopping Centers, Industrial Parks, or Business Parks - signs located within 200 feet of limited access highway right-of-way	200 square feet (combined), only 1 sign may exceed 150 square feet	40 feet; only one such sign shall be permitted.	1 per frontage per § 11.8.4.3 and 11.8.4.5 for each development	
Wall Signs	Individual Business/Use and Multiple Business Complexes	2 square foot per lineal frontage of the building wall sign is attached, up to 120 square feet	shall not extend above the vertical wall	1 per frontage per § 11.8.2.2 and 11.8.2.3 for each business or tenant	n/a
Canopy / Awning Signs	Individual Business/Use and Combined Developments	9 square feet	n/a	May be substituted for allowed wall signs	n/a
Projecting Signs	Individual Business/Use and Multiple Business Complexes	Projecting sign –16 square feet	n/a	May be substituted for allowed wall signs	No portion of a projecting sign shall extend more than 5 feet from building wall

Rules of Interpretation for Table 11-1: (1) For shopping centers, an additional wall sign may be substituted for a permitted ground sign. (2) Frontage shall be measured by a distance extending from lines drawn perpendicular to the street and extending to the nearest edge of the front building façade (see illustration).

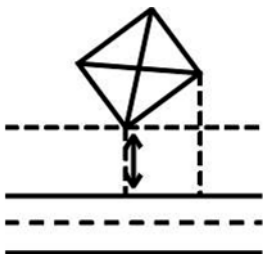

TABLE 11-2: STANDARDS FOR PERMANENT SIGNAGE IN THE NC, CBD, TND, AND PUD ZONING DISTRICTS

Sign Type	Use	Maximum Sign Area	Maximum Height	Maximum Number	Sign Location
Ground Signs	Individual Business/Use	32 square feet	8 feet	1 per frontage per § 11.8.4.5 for each lot or parcel	Outside of street right-of-way and site triangle
	Combined Development	16 square feet plus 8 square feet per additional tenant up to a maximum of 40 square feet	8 feet	1 per frontage per § 11.8.4.3 and 11.8.4.5 for each development	
	Subdivision Entrance Sign	40 square feet	8 feet	1 per entrance per § 11.8.7.1 and 11.8.7.2	
Wall Signs	Individual Business/Use and Multiple Business Complexes	0.5 square feet per lineal frontage or 48 sq ft maximum	shall not extend above the vertical wall	1 per frontage per § 11.8.2.2 and 11.8.2.3 for each business or tenant	N/a
Canopy/ Awning Signs	Individual Business/Use and Combined Developments	16 square feet. Signs that are attached to the face or side of a canopy may not exceed 12 inches in height.	n/a	May be substituted for allowed wall signs	N/a
Projecting Signs	Individual Business/Use and Multiple Business Complexes	Projecting sign –16 square feet	n/a	May be substituted for allowed wall signs	No portion of a projecting sign shall extend more than 5 feet from building wall

Rules of Interpretation for Table 11-2: (1) Frontage shall be measured by a distance extending from lines drawn perpendicular to the street and extending to the nearest edge of the front building façade (see illustration).

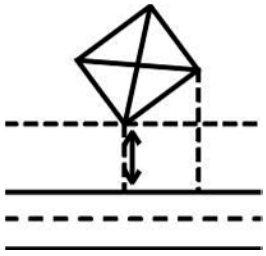

TABLE 11-3: STANDARDS FOR PERMANENT SIGNAGE IN THE RESIDENTIAL DISTRICTS (RA, RR, R-20, R-14, R-12, R-12SF, R-10, R-6, AND MF-12)

Sign Type	Use	Maximum Sign Area	Maximum Height	Maximum number	Sign Location
Ground Signs	Home Occupation	RA zoning district – 9 sq. ft.; All other zoning districts – not allowed	4 ft. (where permitted)	1 per lot or parcel	Outside of street right-of-way and site triangle
	Churches, Schools, Community Centers, and Public Buildings	40 square feet	8 feet	1 per frontage per § 11.8.4.5 for the lot or parcel (also see note 1)	
	Other Uses	40 square feet	8 feet	1 per frontage per § 11.8.4.5 for the lot or parcel	
	Subdivision Entrance Signs	40 square feet per sign	8 feet	1 per entrance per § 11.8.7.1 and 11.8.7.2	Same as above, and must be located along entrance wall of development
Wall Signs	Home Occupation	RA zoning district - 12 sq. ft; All other zoning districts – 4 sq. ft.	n/a	1 per lot or parcel	Must be mounted flush to dwelling surface
	Churches, Schools, Community Centers, and Public Buildings	1.0 square foot of signage for each linear foot of wall length, up to 80 square feet	n/a	1 per frontage per § 11.8.2.2 and 11.8.2.3	n/a
	Other Uses	16 square feet	n/a	1 per frontage per § 11.8.2.2 and 11.8.2.3	n/a
	Apartments, Condominiums, Residential Subdivisions, and Manufactured Home Parks	n/a	n/a	Not permitted	n/a

Note 1: One bulletin board sign shall be permitted in addition to the identification signage as allowed, provided that the bulletin board sign does not exceed six feet in height or 18 square feet in size.

Rules of Interpretation for Table 11-3: (1) Frontage shall be measured by a distance extending from lines drawn perpendicular to the street and extending to the nearest edge of the front building façade (see illustration).

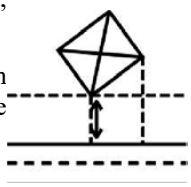

TABLE 11-4: STANDARDS FOR SIGN CHARACTERISTICS

	RA, RR, R-20, R-14, R-12, R-10, R-6, MF-12, PUD, TND	**CBD**	**C-1, O&I, LI, HI**	**NC, C-2, HC**
Animated	-	-	-	-
Changeable Copy	P (See Note 2	P	S/B	P
Illumination, Internal (Including ECMS)	P (See Note 2)	P	P	P
Illumination, Indirect	P (See note 1)	P	P	P
Illumination, Indirect, Exposed Bulbs or neon	-	P	-	-

Rules of Interpretation for Table 11-4.

- "P" indicates that the specified type of illumination is permitted in designated zoning district within all zoning jurisdictions.
- "S/B" indicates that the specified type of illumination is permitted in designated zoning district within the zoning jurisdiction of the City of Sanford and/or Town of Broadway only.
- Dash ("-") indicates that the specified type of illumination is prohibited in designated zoning district.
- Note 1 - Indirect illumination is allowed for ground signs for non-residential and multi-family uses, except that home occupation ground signs may not be illuminated.
- Note 2 – Internal Illumination and Changeable Copy, including Electronic Changeable Message Signs (ECMS), are allowed for ground signs for non-residential uses that are permitted by right with no supplemental development standards within residential zoning districts, subject to the flowing development standards:
    - ECMS shall be located on-premise only.
    - One (1) ECMS sign permitted per lot.
    - The minimum duration of message display is eight (8) seconds.
    - Any transition shall be two (2) seconds or less.
    - Brightness levels shall be automatically adjusted to be 0.3-foot candles above the ambient light levels.
    - Measurement shall be taken from 150ft away for signs < or = 40 square feet.
    - Automatic dimmers to maintain brightness measurements are required. Light levels shall be confirmed by the applicant and submitted to the Department of Community Development in writing prior to approval of the sign.
    - Signs that blink, flash, flicker, oscillate, rotate, scroll, strobe, make noise or show pyrotechnics or animation are not permitted.
    - ECMS shall not be permitted on sites where existing freestanding signs are nonconforming unless such freestanding signs are mad conforming.
    - ECMS shall not be permitted in any local Historic District overlay zone.

For signs that are allowed under this Article to be illuminated, a sign may be (but is not required to be) illuminated by a light source concealed or contained within the sign itself, such as a tube containing neon or LED lights. However, if such a tube can itself be seen, the entire length of the tube must be illuminated. The lighting along such a tube cannot be intermittent such that only part of the tube is illuminated.

If Table 11-4 conflicts with provisions elsewhere in this Article that govern illumination for the type of sign at issue, those other provisions shall control over Table 11-4.

SANFORD-BROADWAY-LEE COUNTY
UNIFIED DEVELOPMENT ORDINANCE

ARTICLE 12. NONCONFORMITIES AND VESTED RIGHTS

Summary: This Article defines legal nonconforming uses of land, nonconforming structures and lots. Further, it addresses the extent to which nonconforming situations may continue, the scope of permissible nonconformities, and permitted changes and extensions. This Article also includes the procedures necessary to obtain a vested right for a site specific vesting plan as well as rules regarding the expiration of time limits for development approvals.

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12.1 PURPOSE

12.1.1 The purpose of this Article is to address the continuation of nonconforming situations and to protect vested rights. Its purpose is to protect private landowners by protecting their right to continue uses or planned projects, while protecting the public from speculative projects which do not conform to modern planning and design principles. A nonconforming situation typically addresses a condition that legally existed when this Ordinance was adopted, but which is not now permitted by the Ordinance. By contrast, a vested right occurs where a property owner has proceeded to a given stage in the approval process, but does not require that the use already be in existence.

12.2 LEGAL NONCONFORMING SITUATIONS CONTINUED

12.2.1 Unless otherwise specifically provided in this Article and subject to the restrictions and qualifications set forth in this Article 12, nonconforming situations that legally existed prior to the effective date of this Article may be continued. Legal nonconforming situations shall include all lots, uses and/or structures that were considered substandard, but legally allowed to continue on or before the effective date of this Ordinance.

12.3 UNDEVELOPED NONCONFORMING LOTS

12.3.1 APPLICABILITY

This section applies only to undeveloped lots that are considered nonconforming or substandard with respect to their dimensional standards in relation to the current zoning. A lot is considered undeveloped if it has no substantial structures on it.

12.3.2 NONCONFORMITIES AS TO LOT SIZE

12.3.2.1 When a nonconforming lot can be used in conformity with all of the regulations applicable to the intended use, except that the lot is smaller than the required minimums set forth in § 4.7, then the lot may be used as proposed subject to the standards set forth in this Section 12.3. However, no use (e.g., a two-family residence) that requires a greater lot size than the established minimum lot size for a particular zone is permissible on a nonconforming lot.

12.3.2.2 Permits may be granted for structures to be built on a nonconforming lot, except that such structure shall conform to all setbacks as required in Table 4.7-1 and as set forth in § 4.7. If the proposed structure cannot comply with the building setbacks, the Administrator may allow a reduction not to exceed twenty-five percent (25%) in the dimension of any required setback yard. Approval shall depend upon a written finding that such reduction is reasonably necessary for practical use of the lot and will not have substantial adverse effects on adjacent property.

12.3.3 MERGER OF NONCONFORMING LOTS

If a property owners desires to develop an undeveloped nonconforming lot which adjoins and has continuous frontage with one or more other undeveloped lots (conforming or nonconforming) under the same ownership, the lots must be combined or merged prior to the issuance of any development permits. The intent of this requirement is to require that nonconforming lots be reassembled in as much as possible to create conforming lots.

12.4 NONCONFORMING USE OF LAND

12.4.1 PURPOSE

The purpose of this Section 12.4 is to address standards for the expansion, alteration, and/or discontinuance of nonconforming uses of land.

12.4.2 DISCONTINUANCE

12.4.2.1 When a nonconforming use is (i) discontinued for a consecutive period of 180 days, or (ii) discontinued for any period of time without a present intention to reinstate the nonconforming use, the property involved may thereafter be used only for conforming purposes.

12.4.2.2 For purposes of determining whether a right to continue a nonconforming situation is lost pursuant to this section, all of the buildings, activities, and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one apartment in a nonconforming apartment building for 180 days shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building as a whole is continuously maintained. But if a nonconforming use is maintained in conjunction with a conforming use, discontinuance

of a nonconforming use for the required period shall terminate the right to maintain it thereafter.

12.4.2.3 When a structure or operation made nonconforming by this Article is vacant or discontinued at the effective date of this Article, the 180-day period for purposes of this section begins to run on the effective date of this Article.

12.4.3 CHANGE OF USE

12.4.3.1 A Nonconforming Use shall not be changed to another Nonconforming Use.

12.4.3.2 A Nonconforming Use may be changed to a principal use that is permissible in the district where the property is located, provided compliance can be achieved with the Change of Use standards in Section 3.2.4.2 of this Ordinance.

12.4.4 EXPANSION OF USE

12.4.4.1 A nonconforming use may be extended throughout any portion of a completed, enclosed building that already houses or contains the same legal nonconforming uses. Open areas such as storage yards, loading docks, carports, etc. shall not be eligible for this expansion provision.

12.4.4.2 A nonconforming use of open land that involves the removal of natural materials from the lot (e.g., a sand pit) may be expanded to the boundaries of the lot where the use was established.

12.4.5 REPLACEMENT OF MANUFACTURED HOMES ON INDIVIDUAL LOTS

12.4.5.1 LEE COUNTY & CITY OF SANFORD. In any zoning district, an existing, nonconforming manufactured home on an individual lot may be replaced with a Class A or Class B manufactured home (see definition of Manufactured Home in Appendix A) provided the replacement home is placed on the site within 180 days of the removal of the previous home.

12.4.5.2 TOWN OF BROADWAY.

12.4.5.2.1 In any zoning district except as set forth in 12.4.5.2.2 below, an existing, nonconforming manufactured home may be replaced with a Class A or Class B manufactured home (see definition of Manufactured Home in Appendix A) provided the replacement home is placed on the site within 180 days of the removal of the previous home.

12.4.5.2.2 Within the Town's R-20 zoning district, existing nonconforming manufactured homes on individual lots may be replaced only with a "Class A" ("double-wide") manufactured home subject to the following additional conditions:

- The pitch of the roof of the home shall have a minimum vertical rise of five feet for each 12 feet of horizontal run (5' in 12') and the roof shall be finished with shingles.
- The exterior siding shall consist predominately of vinyl or aluminum lap siding, wood or hardboard.
- A continuous, permanent foundation (unpierced except for typical ventilation) shall be required.
- The tongue, axles, transporting lights, and any other removable towing apparatus shall be removed upon final placement on the site.
- A minimum of 1,200 square feet of interior space shall be required.

12.5 NONCONFORMING STRUCTURES

12.5.1 EXPANSION OF NONCONFORMING STRUCTURES

12.5.1.1 Except as stated below, no person may engage in the physical alteration of A nonconforming structure if such activity results in:

- An increase in the total amount of space devoted to a nonconforming use, or
- Greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations or density requirements or other requirements such as parking requirements.

12.5.1.2 EXCEPTION FOR SINGLE- FAMILY RESIDENTIAL.

Any structure used for single-family residential purposes and maintained as a nonconforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as setbacks and parking requirements. This paragraph is subject to the limitations stated in § 12.4.2 (discontinuance of nonconforming uses).

12.5.1.3 EXCEPTION FOR MODERNIZATION OF BILLBOARDS IN THE CITY OF SANFORD.

Within the City of Sanford, any billboard that existed as of July 1, 2016 as a legal nonconforming structure may be modernized in accordance with Section 11.9.

12.5.2 REPAIRS AND RENOVATION

12.5.2.1 Where a non-conforming building or other non-conforming structure is damaged or destroyed as a result of fire or other natural/uncontrollable factor, such building or structure may be reconstructed provided that any such reconstruction does not increase the degree of any nonconformance with respect to building setbacks, and only upon receipt of a Zoning Clearance Permit.

12.5.2.2 If a nonconforming structure is voluntarily altered or expanded, such structure and site shall be subject to all applicable design standards of this Ordinance.

12.5.2.3 Routine maintenance and general repair of an existing nonconforming structure shall be permitted provided such repair work does not constitute an expansion or enlargement.

12.6 VESTED RIGHTS

12.6.1 PURPOSE AND INTENT.

The purpose and intent of this Section is:

(1) To provide detailed administrative rules, regulations and procedures in order to guide officials in the administration, interpretation and implementation of the Unified Development Ordinance, and/or any other ordinances, regulations and or administrative rules adopted by the County of Lee in order to implement a comprehensive plan for development.

(2) To establish predictability and fairness for affected landowners;

(3) To recognize that development projects for which vested rights have been obtained must be accounted for in the Sanford/Lee County 2020 Land Use Plan, the Unified Development Ordinance, capital improvements programs, and other land development regulations.

(4) To provide a method for determining and quantifying the number of projects, development projects, and land uses, which do not now comply with this Ordinance, or which may in the future fail to comply with this Ordinance due to subsequent amendments to this Ordinance but which are vested, so that such projects, development projects and land uses can be accounted for in the existing and future general plans and this Ordinance.

(5) To establish uniform and non- burdensome procedures and specific criteria for the determination of vested rights and claims of equitable estoppel in order to aid in the accomplishment of sound and orderly planning;

(6) To define the scope of vested rights that have been obtained by virtue of prior development approvals, including the expiration of development permits;

(7) To protect legitimate investment- backed expectations;

(8) To protect the planning and implementation process;

(9) Settle potential disputes and to minimize protracted and costly litigation;

(10) To facilitate implementation of the goals, objectives and policies set forth in the Comprehensive Plan;

(11) To ensure that all applicable legal standards and criteria are utilized in the determinations to be made hereunder; and

(12) To implement the provisions of NCGS § 160D-108, Vested Rights.

12.6.2 APPLICABILITY.

This Section shall apply to any person(s) desiring to obtain a right to develop land beyond the time limitations as set forth in other sections of this Ordinance.

12.6.3 AUTHORIZATION

The provisions of this section 12.6 are authorized by NCGS § 160D-108, Vested Rights.

12.6.4 ESTABLISHMENT OF VESTED RIGHTS.

12.6.4.1 A Vested Right shall be deemed established for any property upon the approval (with or without conditions) of a Site Specific Vesting Plan or a Phased Development Plan by the appropriate decision-maker in accordance with the provisions of this section.

12.6.4.2 Any Site-Specific Vesting Plan that will require a Variance be obtained in order to conform to this Ordinance shall obtain said Variance prior to the establishment of any Vested Rights.

12.6.4.3 An amendment or modification of a Site-Specific Vesting Plan or Phased Development Plan shall not extend the Vested Rights period unless the approval shall specifically provide for such extension.

12.6.4.4 A Building Permit which is issued for a development for which Vested Rights have been established shall not expire or be revoked because of the time limitations on validity of permits under NCGS §

160D-1111 prior to the expiration of the Vested Rights period.

12.6.4.5 Where a Variance is required as a condition of the approval of a Site-Specific Development Plan, the effective date of the approval which commenced the period for development shall be the date on which the Variance is granted.

12.6.4.6 A right to develop a Building or Structure or Use which has been vested as provided in this section shall terminate at the end of the applicable vesting period for all Buildings or Structures and Uses for which no valid application for a Building Permit has been filed.

12.6.4.7 VOLUNTARY ANNEXATION.

12.6.4.7.1 In accordance with NCGS § 160A-31(h) and 160A-58.1(d), petitioners filing for voluntary annexation shall also submit a statement declaring whether or not vested rights with respect to the properties subject to the petition have been established. Whenever the County of Lee acquires jurisdiction over a territory that theretofore has been subject to the jurisdiction of another local government, any person who has acquired vested rights under a permit, certificate, or other evidence of compliance issued by the local government surrendering jurisdiction may exercise those rights as if no change of jurisdiction had occurred. The County of Lee may take any action regarding such a permit, certificate, or other evidence of compliance that could have been taken by the local government surrendering jurisdiction pursuant to its ordinances and regulations.

12.6.5 PROCEDURE FOR APPROVAL OF A VESTED RIGHT.

12.6.5.1 The procedures for approval of a Site-Specific Vesting Plan are set forth in § 12.6.7. The procedures for approval of a Phased Development Plan are set forth in § 12.6.7.

12.6.5.2 Upon approval of a Site-Specific Vesting Plan or a Phased Development Plan, each and every map, plat, site plan or other document prepared or used for the Development shall contain the following notation:

- "Approval of this Site Specific Vesting Plan establishes a Vested Right under North Carolina General Statutes [§ 160D-108]. Unless terminated at an earlier date, the Vested Right shall be valid until [date approved by Jurisdiction]."

12.6.6 SCOPE OF VESTED RIGHTS.

12.6.6.1 Following approval or conditional approval of a site-specific vesting plan or a phased development plan, nothing in this section shall exempt such a plan from subsequent reviews and approvals by the County of Lee to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with said original approval. Nothing in this section shall prohibit the County of Lee from revoking the Zoning Clearance Permit for failure to comply with applicable terms and conditions of the approval or this Ordinance as set forth in Section 1.6.

12.6.6.2 A vested right, once established as provided for in this section, precludes any zoning action by the County of Lee which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved site-specific vesting plan or an approved phased development plan, except:

(a) With the written consent of the affected landowner;

The Board shall fix a reasonable time for hearing the appeal and give notice thereof to the parties and shall decide the same within a reasonable time. At the hearing, any party may appear in person, by agent or by attorney. The Watershed Review Board shall hear and decide any appeal filed with it in compliance with all of the procedures and the process applicable to a board of adjustment in making quasi-judicial decisions.

(b) To the extent that the affected landowner receives compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and

other consultant's fees incurred after approval by the County of Lee, together with interest as is provided in NCGS 160D-106. Compensation shall not include any diminution in the value of the property which is caused by such action;

(c) Upon findings, after notice and a quasi-judicial hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the County of Lee of the vested right; or

(d) Upon the enactment or promulgation of a State or federal law or regulation which precludes development as contemplated in the approved vested right, in which case the County of Lee may modify the affected provisions, upon a finding that the change in State or federal law has a fundamental effect on the plan, after notice and a quasi-judicial hearing.

(e) The establishment of a vested right in a site specific vesting plan or a multi-phase development plan shall not preclude the application of overlay zoning which imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations which are general in nature and are applicable to all property subject to land-use regulation by the County of Lee, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new regulations shall become effective with respect to property which is subject to a site-specific vesting plan or a multi-phase development plan upon the expiration or termination of the vested rights period provided for in this section.

(f) Notwithstanding any provision of this section, the establishment of a vested right shall not preclude, change or impair the authority of the County of Lee to adopt and enforce development regulation provisions governing nonconforming situations or uses. (See Article 12 of this Ordinance).

12.6.6.3 A vested right obtained under this section is not a personal right, but shall attach to and run with the applicable property. After approval of a vested right, all successors to the original landowner shall be entitled to exercise such rights.

12.6.6.4 Nothing in this section shall preclude judicial determination, based on common law principles or other statutory provisions, that a vested right exists in a particular case or that a compensable taking has occurred. Except as expressly provided in this section, nothing in this Ordinance shall be construed to alter the existing common law.

12.6.7 SITE-SPECIFIC VESTING PLANS (SSVPs). (Formerly known as Site Specific Development Plans)

12.6.7.1 GENERAL.

The appropriate Governing Body may, but under no circumstances is it required, to approve a Site-Specific Vesting Plan (SSVP). The SSVP shall bind the applicant and the County of Lee (the "parties") and shall contain those terms and conditions agreed to by the parties and those required by this Section. The Department of Community Development and the Attorney for the City, Town or County, or their designees, are authorized to negotiate SSVPs.

12.6.7.2 APPLICABILITY.

The applicable Governing Body may approve a SSVP pursuant to this Section only if the proposed development to which the SSVP pertains is in conformity with the then adopted Comprehensive Plan and capital improvements program, zoning regulations, and other applicable requirements of this Ordinance. The SSVP shall be used solely as a means to enforce compliance with the terms of this Ordinance, and shall not be considered an inducement for the approval of any application for development approval.

12.6.7.3 DURATION.

12.6.7.3.1 Upon approval of a Site Specific Plan, the right to develop such Development or Use shall continue for a period of two (2) years from the date of approval of such Site-Specific Vesting Plan.

12.6.7.3.2 Notwithstanding the foregoing, the County of Lee, in its approval, may authorize a Vested Rights development period of longer than two (2) years, but in no event longer than five (5) years, if, in the County of Lee's sole discretion, such longer period is necessary because of the size and phasing of the

Development, the investment in the Development, the need for the Development, economic cycles, and such other conditions as the County of Lee may consider relevant.

12.6.7.4 APPLICATION.

12.6.7.4.1 An application for an SSVP may be made to the Department of Community Development in accordance with the procedures set forth herein. Application may be made by the landowner. If made by the holder of an equitable interest, the application shall be accompanied by a verified title report and by a notarized statement of consent to proceed with the proposed SSVP executed by the landowner. Application may also be made by the Planning Board or the Governing Body. If made by the Planning Board or the Governing Body, the applicant shall obtain and attach a notarized statement of consent to proceed with the proposed SSVP executed by the owner of the subject property.

12.6.7.4.2 It is the intent of these regulations that the application for an SSVP will be made and considered simultaneously with the review of other necessary applications; including, but not limited to, land-use approval designation as may be utilized by the County of Lee. If combined with an application for rezoning, subdivision plat approval, planned development or Special Use Permit, the application for a SSVP shall be submitted with said application and shall be processed, to the maximum extent possible, jointly to avoid duplication of hearings and repetition of information. A SSVP is not a substitute for, nor an alternative to, any other required permit or approval, and the applicant must comply with all other required procedures for development approval.

12.6.7.4.3 The provisions of this Section supplement, but do not replace, any additional information required by Appendix B for any site plan, Planned Unit Development plan, a TND application, a subdivision plat, a Special Use Permit, a Conditional District zoning plan, or any other application for development approval required for the proposed development.

12.6.7.5 APPROVAL.

No SSVP shall become effective until approved by the Governing Body. What constitutes a site-specific vesting plan under this section that would trigger a vested right shall be finally determined by the document that triggers such vesting shall be so identified at the time of its approval. The Governing Body shall consider the proposed SSVP consistent with any procedures as may be established pursuant to NCGS § 160D-108. The Governing Body, in approving an SSVP, shall expressly find that the agreement meets those criteria in this Ordinance for approval of the Applications for Development Approval. The Governing Body may:

(a) Approve the SSVP;

(b) Approve the SSVP with conditions; or

(c) Reject the SSVP, in whole or in part, and take such further action as it deems to be in the public interest.

12.6.7.6 RECORDATION OF SSVP.

No later than ten (10) days after the Governing Body approves an SSDP, the Department of Community Development shall record a copy of the SSVP with the county register of deeds, and the recordation constitutes notice of the SSVP to all persons. The burdens of the SSVP are binding on, and the benefits of the SSVP inure to, the parties to the agreement and to all their successors in interest and assigns.

12.6.7.7 COVENANTS.

Unless otherwise provided in the SSVP, any covenant by the Governing Body contained in the SSVP to refrain from exercising any legislative, quasi-judicial or other discretionary power, including rezoning or the adoption of any rule or regulation that would affect the proposed subdivision, shall be limited to a period not exceeding that specified in NCGS § 160D-108. . The covenant shall also contain a proviso that the Governing Body may, without incurring any liability, engage in action that otherwise would constitute a breach of the covenant if it makes a determination on the record after notice and a quasi-judicial hearing that the action is necessary to avoid a substantial risk of injury to public health, safety and general welfare. The covenant shall contain the additional provision that the Governing Body may, without incurring any liability, engage in action that otherwise would constitute a breach of the covenant if the action is required by federal or state law.

12.6.7.8 NOTICE OF DECISION.

Within ten (10) days following a decision of an SSVP, the Department of Community Development shall

give notice of such action to the applicant.

12.6.7.9 THIRD PARTY RIGHTS.

Except as otherwise expressly provided in the SSVP, the SSVP shall create no rights enforceable by any party who/which is not a party to the SSVP.

12.6.7.10 AMENDMENT OR CANCELLATION.

A SSVP may be amended, or cancelled in whole or in part, by mutual consent of the parties to the SSVP or by their successors in interest or assigns.

12.6.8 PHASED DEVELOPMENT PLANS (PDPs). (Also known as Multi-phase Developments)

The procedures and requirements pertaining to Phased Development Plans (PDPs) shall be the same as those set forth for SSVPs in § 12.6.7, except as provided below:

12.6.8.1 DURATION.

12.6.8.2 As provided in NCGS 160D-108(d)(4) the vested right in a SSVP for a Phased Development Plan shall be seven (7) years.

12.6.8.3 PROCEDURE.

The document that triggers such vesting shall be so identified at the time of its approval. The Governing Body still may require the landowner to submit a site specific plan for approval by the County of Lee with respect to each phase or phases in order to obtain final approval to develop within the restrictions of the vested zoning classification or classifications.

12.6.8.4 DISCRETION.

Nothing in this section shall be construed to require the Governing Body to confer vested rights upon a proposed site-specific development plan.

12.7 EXPIRATION OF DEVELOPMENT APPROVALS

12.7.1 TIME LIMITS ON APPROVALS.

12.7.1.1 Unless otherwise specifically provided for in this Ordinance, development permits shall automatically expire and become null and void, and all activities taken pursuant to such development application shall cease and become null and void, and all activities pursuant to such approval thereafter shall be deemed in violation of this Ordinance, when:

- the applicant fails to satisfy any condition that was imposed as part of the original or revised approval of the application for development approval, or that was made pursuant to the terms of any development agreement, including the failure to abide by specified time limits established therein; or
- the applicant fails to present a subsequent development application as required by this title within the time so required or as may be required by Articles 4 and 5 of this Ordinance or North Carolina law.

12.7.1.2 If no time limit for satisfaction of conditions is specified in the original or revised approval of the development application, the time shall be presumed to be twelve (12) months from the date of approval.

12.7.1.3 DATE FROM WHICH TIME LIMIT IS MEASURED.

Each time period referenced in Articles 4 and 5 relating to the scope of a Development Permit shall run from the final action of the appropriate official, officer, board, commission or the governing body with valid and legal jurisdiction to take such action or to approve such plans or to issue such permits. Except as may be otherwise indicated herein, the date of final action shall be the date such action was taken or such approval was granted or such permit was issued, as set forth on such action, approval or permit.

12.7.1.4 ANNOTATION OF DATES.

In order to assure that all applicants for actions, approvals or permits are informed of the applicable time limit, the date of final action and the expiration date shall be shown on each such action, permit or approval; but provided, however, that the Department of Community Development's failure to include either the date of final action or the expiration date shall not be deemed to be a waiver of such dates nor shall it be the basis of any action by the applicant to challenge the applicable expiration date. The burden is on the applicant to know the date of issuance and the expiration date. If either or both of such dates are not shown, the applicant may request, and the Department of Community Development shall promptly supply such date or dates.

12.7.1.5 EXPIRATION OF PERMITS.

All actions, approvals or permits shall expire on the expiration date prescribed within the various sections of this Ordinance unless a valid extension has been granted on or before the expiration date as provided in § 12.7.1.6, below, or the specific section relating to such Development Permit.

12.7.1.6 EXTENSIONS OF TIME LIMITS.

Unless otherwise prohibited by North Carolina law or this Ordinance, the Department of Community Development may extend the time for expiration of a development permit or approval for a period not to exceed one (1) year from the date of the original expiration date, if the application for extension is made in writing within the original period of validity. Subsequent extensions may be made by the final approval body upon finding that conditions at the time of approval have not changed. There shall be no additional extensions of any time limits for actions, approvals or permits set forth herein, as of right. Any extensions must be expressly requested by the applicant, in writing, and approved by the appropriate official, officer, board, commission or the governing body which originally took the action, approved the plan or issued the permit. A request for an extension of an expiration date shall be made on a form provided by the Department of Community Development and shall include, but shall not necessarily be limited to, the following: the current date of expiration; the extension period requested, which shall be no longer than the original period of time granted; and the reason(s) that the applicant has been unable to proceed within the period of the original expiration date. Before granting an extension, the official, officer, board, commission or the governing body shall determine whether any applicable changes in land use regulations have occurred which would impose new requirements with respect to such action, approval or permit, if an extension were denied, and the applicant were compelled to re-file for an original action, approval or permit. If changes have occurred, the official, officer, board, commission or the governing body shall balance the burden imposed on the applicant if required to re-file for an original action, approval or permit against the benefit accruing to the public by requiring the applicant to comply with the new regulation.

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ARTICLE 13. FLOOD HAZARD AREA REGULATIONS

Summary: This Article contains comprehensive standards and procedures for the purpose of regulating development and/or land disturbing activities within Federal Emergency Management Agency (FEMA) designated flood hazard areas.

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13.1 PURPOSE.

13.1.1 STATUTORY AUTHORIZATION

13.1.1.1 Regulatory: The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; and Articles 2 and 4 of Chapter 160D, and specifically including Section 160D-923 of the North Carolina General Statutes, delegated to local governments the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

13.1.2 Enforcement:2In addition to the enforcement authority in Chapter 160D local governments may use all of the remedies available for enforcement of ordinances under Chapters 153A and 160A to enforce the regulations contained in this Article.

13.1.3 FINDINGS OF FACT

13.1.3.1 The flood prone areas within the jurisdiction of the City of Sanford, the Town of Broadway and the Lee County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

13.1.3.2 These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

13.1.4 STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to: restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;

require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters; control filling, grading, dredging, and all other development that may increase erosion or flood damage; and

prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or which may increase flood hazards to other lands.

13.1.5 OBJECTIVES

The objectives of this ordinance are: to protect human life and health;

to minimize expenditure of public money for costly flood control projects;

to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; to minimize prolonged business losses and interruptions;

to minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;

to help maintain a stable tax base by providing for the sound use and development of flood prone areas; and to ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

13.2 DEFINITIONS

13.2.1 Unless specifically defined below, or in North Carolina General Statutes, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. Where definitions in this Section differ or conflict with definitions in Appendix A of the UDO, the definitions in this Section shall control for purposes of this Article only.

"Accessory Structure (Appurtenant Structure)" means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

"Addition (to an existing building)" means an extension or increase in the floor area or height of a building or structure.

"Appeal" means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance.

"Area of Shallow Flooding" means a designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of Special Flood Hazard" see "Special Flood Hazard Area (SFHA)"

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Base Flood" means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

"Base Flood Elevation (BFE)" means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area", it may be obtained from engineering studies available from a Federal or State or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard", establishes the "Regulatory Flood Protection Elevation".

"Building" see "Structure"

"Chemical Storage Facility" means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

"Disposal" means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

"Elevated Building" means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

"Encroachment" means the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

"Existing Manufactured Home Park or Manufactured Home Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the original effective date of the floodplain management regulations adopted by the community.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) the overflow of inland or tidal waters; and/or

(2) the unusual and rapid accumulation of runoff of surface waters from any source.

"Flood Boundary and Floodway Map (FBFM)" means an official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

"Flood Insurance" means the insurance coverage provided under the National Flood Insurance Program.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

"Flood Insurance Study (FIS)" means an examination, evaluation, and determination of flood hazards,

corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

"Flood Prone Area" see "Floodplain"

"Floodplain" means any land area susceptible to being inundated by water from any source.

"Floodplain Administrator" is the individual appointed to administer and enforce the floodplain management regulations.

"Floodplain Development Permit" means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

"Floodplain Management Regulations" means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

"Flood Zone" means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

"Freeboard" means the height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater that the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization on the watershed The Base Flood Elevation plus the freeboard establishes the "Regulatory Flood Protection Elevation". **Within the zoning jurisdictions of Sanford and Broadway, there is minimum of two (2) feet of freeboard. Within the zoning jurisdiction of Lee County, there is no freeboard required, but two (2) feet is recommended.**

"Functionally Dependent Facility" means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

"Hazardous Waste Facility" means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

"Highest Adjacent Grade (HAG)" means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

"Historic Structure" means any structure that is:

(a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;

(b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or

(d) certified as contributing to the historical significance of a historic district designated by a

community with a "Certified Local Government (CLG) Program"

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended.

"Lowest Adjacent Grade (LAG)" means the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

"Lowest Floor" means lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Market Value" means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

"Mean Sea Level" means, for purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or any more recently officially adopted version of either, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

"New Construction" means structures for which the "start of construction" commenced on or after the effective date of the original version of the community's Flood Damage Prevention Ordinance and includes any subsequent improvements to such structures.

"Non-Encroachment Area" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

"Post-FIRM" means construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map for the area.

"Pre-FIRM" means construction or other development for which the "start of construction" occurred before the effective date of the initial Flood Insurance Rate Map for the area.

"Principally Above Ground" means that at least 51% of the actual cash value of the structure is above ground.

"Public Safety" and/or "Nuisance" means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

"Recreational Vehicle (RV)" means a vehicle, which is:

(a) built on a single chassis;

(b) 400 square feet or less when measured at the largest horizontal projection;

(c) designed to be self-propelled or permanently towable by a light duty truck; and

(d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Reference Level" is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone A1-A30, AE, A, A99 or AO.

"Regulatory Flood Protection Elevation" <u>within the zoning jurisdiction of Lee County</u> – defined as the "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood

Elevations (BFEs) have been determined, this elevation shall be the BFE. For Lee County, no Freeboard is required but it is strongly recommended that the elevation be raised by two (2) feet (to allow for two feet of Freeboard). In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be located equal to the highest adjacent grade, but again it is recommended that two (2) feet of freeboard be considered.

"Regulatory Flood Protection Elevation" within the zoning jurisdiction of the City of Sanford and the Town of Broadway - defined as the "Base Flood Elevation" plus the "Freeboard". For the City of Sanford and the Town of Broadway, "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of Freeboard. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least two (2) feet above the highest the highest adjacent grade. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least two (2) feet above the highest the highest adjacent grade.

"Remedy a Violation" means to bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Salvage Yard" means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

"Solid Waste Disposal Facility" means, as defined in NCGS 130A-290(a)(35), any facility involved in the disposal of solid waste.

"Solid Waste Disposal Site" means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

"Special Flood Hazard Area (SFHA)" means the land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year, as determined in Section 13.3.2 of this ordinance.

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

"Substantial Damage" means damage of any origin sustained by a structure during any one- year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of "substantial improvement". Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair

work performed. The term does not, however, include either:

(a) any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or,

(b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

"Variance" is a grant of relief from the requirements of this ordinance.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sections 13.4, 13.5, 13.6, 13.7 and 13.8 is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation (WSE)" means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"Watercourse" means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

13.3 GENERAL PROVISIONS

13.3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdictions, including Extra-Territorial Jurisdictions (ETJs) of the City of Sanford and the Town of Broadway.

13.3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Lee County (originally dated September 6, 2006), the most recently officially adopted versions of which are adopted by reference and declared to be a part of this ordinance.

13.3.3 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with Section 13.3.2 of this ordinance.

13.3.4 COMPLIANCE

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

13.3.5 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

13.3.6 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be: considered as minimum requirements; liberally construed in favor of the governing body; and deemed neither to limit nor repeal any other powers granted under State statutes.

13.3.7 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Lee County, the City of Sanford or the Town of Broadway or by any officer or employee thereof for any flood damages that result

from reliance on this ordinance or any administrative decision lawfully made hereunder.

13.3.8 PENALTIES FOR VIOLATION

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall be subject to the penalties as set forth Article 1, Section 1.6 of this Unified Development Ordinance.

13.4 ADMINISTRATION

13.4.1 DESIGNATION OF LOCAL ADMINISTRATOR

The Department of Community Development is hereby appointed to administer and implement the provisions of this ordinance. The position of "Floodplain Administrator" shall be the Director of Community Development or his/her designee.

13.4.2 FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.

13.4.2.1 Application for a Floodplain Development Permit shall be made to the floodplain administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the floodplain administrator to apply for a floodplain development permit:

(a) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;

the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Section 13.3.2, or a statement that the entire lot is within the Special Flood Hazard Area;

flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 13.3.2; the boundary of the floodway(s) or non- encroachment area(s) as determined in Section 13.3.2;

the Base Flood Elevation (BFE) where provided as set forth in Section 13.3.2; Section 13.5.1.(k) and (l); and Section 13.8.4;

the old and new location of any watercourse that will be altered or relocated as a result of proposed development.

(b) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to: Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;

Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be flood-proofed; and

Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;

(c) If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.

(d) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:

The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);

Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with Section 13.8.2.1.4(c) when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30;

(e) Usage details of any enclosed areas below the regulatory flood protection elevation.

(f) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;

(g) Copies of all other Local, State and Federal permits required prior to floodplain development permit issuance (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.)

(h) Documentation for placement of Recreational Vehicles and/or Temporary Structures,

when applicable, to ensure Sections and 13.8.2.1.7 of this ordinance are met.

(i) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

13.4.3 PERMIT REQUIREMENTS.

13.4.3.1 The Floodplain Development Permit shall include, but not be limited to:

A description of the development to be permitted under the floodplain development permit.

The Special Flood Hazard Area determination for the proposed development per available data specified in Section 13.3.2.

The regulatory flood protection elevation required for the reference level and all attendant utilities.

The regulatory flood protection elevation required for the protection of all public utilities. All certification submittal requirements with timelines.

A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.

The flood openings requirements, if in Zones A, AO, AE or A1-30.

Limitations of below BFE enclosure uses (if applicable). (i.e., Parking, Building Access and Limited Storage only).

13.4.4 CERTIFICATION REQUIREMENTS.

13.4.4.1 ELEVATION CERTIFICATE.

A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

13.4.4.2 FLOODPROOFING CERTIFICATE. If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data and an operational plan, is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The floodplain administrator shall review the certificate data and plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

13.4.4.3 MANUFACTURED HOMES. If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required per Section 13.8.2.1.3.

13.4.4.4 ALTERATION OF A WATERCOURSE. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

13.4.4.5 EXEMPTIONS. The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/ floodproofing certification requirements specified in Sections 13.4.4.1 and 13.4.4.2 of this subsection:

Recreational Vehicles meeting requirements of Section 13.8.2.1.6(a);

Temporary Structures meeting requirements of Section 13.8.2.1.7; and

Accessory Structures less than 150 square feet meeting requirements of Section 13.8.2.1.8.

13.5 DUTIES & RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

13.5.1 The Floodplain Administrator shall perform, but not be limited to, the duties listed below. These duties are authorized and delegated to the Floodplain Administrator pursuant to NCGS 160D- 1104.

(a) Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.

(b) Advise permittee that additional Federal or State permits (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.) may be required, and require that copies of such permits be provided and maintained on file with the floodplain development permit.

(c) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

(d) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(e) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Section 13.8.6 are met.

(f) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new or substantially improved structures, in accordance with Section 13.4.4.

(g) Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with Section 13.4.4.

(h) Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with Section 13.4.4.

(i) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Sections 13.4.4 and 13.8.2.1.2.

(j) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

(k) When Base Flood Elevation (BFE) data has not been provided in accordance with Section 13.3.2, obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Section 13.8.4.1.2, in order to administer the provisions of this ordinance.

(l) When Base Flood Elevation (BFE) data is provided but no floodway nor non- encroachment area data has been provided in accordance with Section 13.3.2, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.

(m) When the lowest ground elevation of a parcel or structure in a Special Flood Hazard Area is above the Base Flood Elevation, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the floodplain development permit file.

(n) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection.

(o) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progress, the floodplain

administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

(p) Issue stop-work orders as required. Whenever a building or part thereof is being

constructed, reconstructed, altered, or repaired in violation of this ordinance, the floodplain administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order shall subject the offender to a civil penalty upon the issuance of a citation for said violation as hereinafter provided. The civil penalty, if not paid to Lee County within fifteen days of the issuance of a citation, may be recovered by the County in a civil action in the nature of a debt. Said civil penalties shall be in the amount of $100 for each violation and each day any single violation continues shall be a separate violation.

(q) Revoke floodplain development permits as required. The floodplain administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

(r) Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The floodplain administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

(s) Follow through with corrective procedures of Section 13.6.

(t) Review, provide input, and make recommendations for variance requests.

(u) Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with Section 13.3.2 of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.

(v) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

13.6 CORRECTIVE PROCEDURES

13.6.1 VIOLATIONS TO BE CORRECTED.

When the floodplain administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

13.6.2 ACTIONS IN EVENT OF FAILURE TO TAKE CORRECTIVE ACTION.

If the owner of a building or property shall fail to take prompt corrective action, the floodplain administrator shall give the owner written notice, by personal delivery, electronic delivery, or first class mail to the owner's last known address , stating:

- that the building or property is in violation of the Flood Hazard Area Regulations;
- that a quasi-judicial hearing will be held before the floodplain administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,
- that following the hearing, the floodplain administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.

13.6.3 ORDER TO TAKE CORRECTIVE ACTION.

If, upon a hearing held pursuant to the notice prescribed above, the floodplain administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than 180 calendar days. Where the floodplain administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible.

13.6.4 APPEAL.

Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the floodplain administrator and the clerk

within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the floodplain administrator shall be final. The local governing body shall give notice and hear an appeal in a quasi-judicial hearing within a reasonable time and may affirm, modify and affirm, or revoke the order.

13.6.5 FAILURE TO COMPLY WITH ORDER.

If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, such failure shall subject the offender to a civil penalty upon the issuance of a citation for said violation as hereinafter provided. The civil penalty, if not paid to Lee County within fifteen days of the issuance of a citation, may be recovered by the County in a civil action in the nature of debt. Such civil penalties shall be in the amount of $100 for each violation and each day any single violation continues shall be a separate violation.

13.7 VARIANCE PROCEDURES

13.7.1 The Board of Adjustment, as appropriate for the specific jurisdiction, shall hear and decide requests for variances as set forth in Section 3.7 of this Ordinance.

13.7.2 Any person aggrieved by the decision of the Board of Adjustment may appeal such decision to the Court, as provided in Article 14 of Chapter 160D of the North Carolina General Statutes.

13.7.3 Variances may be issued for:

- the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.
- functionally dependent facilities if determined to meet the definition as stated in Section 13.2 of this ordinance, provided provisions of Section 13.7.9 have been satisfied, and such facilities are protected by methods that minimize flood damages.
- any other type of development, provided it meets the requirements stated in this section.

13.7.4 In passing upon variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

- the danger that materials may be swept onto other lands to the injury of others;
- the danger to life and property due to flooding or erosion damage;
- the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- the importance of the services provided by the proposed facility to the community;
- the necessity to the facility of a waterfront location as defined under Sect. 13.2 of this ordinance as a functionally dependent facility, where applicable;
- the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- the compatibility of the proposed use with existing and anticipated development;
- the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- the safety of access to the property in times of flood for ordinary and emergency vehicles;
- the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

13.7.5 A written report addressing each of the above factors shall be submitted with the application for a variance.

13.7.6 Upon consideration of the factors listed above and the purposes of this ordinance, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

13.7.7 Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that

such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

13.7.8 The floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.

13.7.9 Conditions for Variances:

Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.

Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.

Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Variances shall only be issued prior to development permit approval.

Variances shall only be issued upon:

(a) a showing of good and sufficient cause;

(b) a determination that failure to grant the variance would result in exceptional hardship; and

(c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

13.7.10 A variance may be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.

The use serves a critical need in the community. No feasible location exists for the use outside the Special Flood Hazard Area.

The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation.

The use complies with all other applicable Federal, State and local laws.

As appropriate, the City of Sanford, Lee County or the Town of Broadway has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

13.8 PROVISIONS FOR FLOOD HAZARD REDUCTION

13.8.1 GENERAL STANDARDS.

In all areas of special flood hazard the following provisions are required:

13.8.1.1 All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.;

13.8.1.2 All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

13.8.1.3 All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

13.8.1.4 Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, appliances (washers, dryers, refrigerators, freezers, etc.), hot water heaters, and electric outlets/switches.

13.8.1.5 All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

13.8.1.6 New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

13.8.1.7 On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

13.8.1.8 Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.

13.8.1.9 Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.

13.8.1.10 New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, chemical storage facilities, oil and gas exploration, development and/or production operations, and mining and quarrying operations shall not be permitted, except by variance as specified in Section 13.7.10. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according to Section 13.4.4 of this ordinance.

13.8.1.11 All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.

13.8.1.12 All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

13.8.1.13 All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

13.8.1.14 All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of

the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

13.8.1.15 When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.

13.8.1.16 When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest Base Flood Elevation (BFE) shall apply.

13.8.2 SPECIFIC STANDARDS (FOR SPECIAL FLOOD HAZARD AREAS WHERE BASE FLOOD ELEVATION DATA HAS BEEN PROVIDED).

13.8.2.1 In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Section 13.3.2, or Section 13.5.1 (k) and (l), the following provisions, in addition to Section 13.8.1 are required:

13.8.2.1.1 Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Section 13.2 of this ordinance.

13.8.2.1.2 Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non- residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Section 13.2 of this ordinance. Structures located in A, AE and A1-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Section 13.9. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the

Floodplain Administrator as set forth in Section 13.4.4 along with the operational and maintenance plans.

13.8.2.1.3 Manufactured Homes.

(a) New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in Section 13.2 of this ordinance.

(b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by engineer certification, or in accordance with the most current officially adopted edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.

(c) All enclosures or skirting below the lowest floor shall meet the requirements of Section 13.8.2.1.4 (a), (b), (c), and (d).

(d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the floodplain administrator and the local Emergency Management coordinator.

13.8.2.1.4 Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

(a) Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

(b) Shall be constructed entirely of flood resistant materials below the regulatory flood protection elevation;

(c) Shall include, in Zones A, AO, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

- A minimum of two flood openings on different sides of each enclosed area subject to flooding;
- The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
- If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
- The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;
- Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and

(d) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

13.8.2.1.5 Additions/Improvements.

(a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.

a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(b) Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

(c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.

a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

13.8.2.1.6 Recreational Vehicles. Recreational vehicles shall either:

(a) be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or

(b) meet all the requirements for new construction.

13.8.2.1.7 Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the floodplain administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the floodplain administrator for review and written approval:

(a) a specified time period for which the temporary use will be permitted. Time specified may not exceed three months, renewable up to one year;

(b) the name, address, and phone number of the individual responsible for the removal of the temporary structure;

(c) the time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

(d) a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

(e) designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

13.8.2.1.8 Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

(a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);

(b) Accessory structures shall not be temperature-controlled;

(c) Accessory structures shall be designed to have low flood damage potential;

(d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

(e) Accessory structures shall be firmly anchored in accordance with Section 13.8.1.1;

(f) All service facilities such as electrical shall be installed in accordance with Section 13.8.1.4; and

(g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with Section 13.8.2.1.4(c).

An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Section 13.4.4.

13.8.3 RESERVED.

13.8.4 STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.

13.8.4.1 Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Section 13.3.2, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to Sections 13.8.1 and 13.8.2, shall apply:

13.8.4.1.1 No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

13.8.4.1.2 The BFE used in determining the regulatory flood protection elevation shall be determined based on one of the following criteria set in priority order:

(a) If Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Sections 13.5.1 (k) and (l).

(b) All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference per Section 13.3.2 to be utilized in implementing this ordinance.

(c) When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level

shall be elevated to or above the regulatory flood protection elevation, as defined in Section 13.2.

(d) When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non- encroachment areas shall also comply with the requirements of 13.8.2 and 13.8.6.

13.8.5 STANDARDS FOR RIVERINE FLOODPLAINS WITH BFE, BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS.

Along rivers and streams where BFE data is provided but neither floodway nor non- encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

(a) Standards outlined in Sections 13.8.1 and 13.8.2; and

(b) Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

13.8.6 FLOODWAYS AND NON-ENCROACHMENT AREAS.

Areas designated as floodways or non- encroachment areas are located within the Special Flood Hazard Areas established in Section 13.3.2. The floodways and non- encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Sections and 13.8.2, shall apply to all development within such areas:

(a) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated that:

the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the floodplain administrator prior to issuance of floodplain development permit, or

Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.

(b) If Section 13.8.6(a) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.

(c) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met: the anchoring and the elevation standards of Section 13.8.2.1.3; and the no encroachment standard of 13.8.6(a).

13.8.7 STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO)

Located within the Special Flood Hazard Areas established in Section 13.3.2, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Section 13.8.1, all new construction and substantial improvements shall meet the following requirements:

(a) The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM); or at least two feet above

the highest adjacent grade if no depth number is specified.

(b) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in 13.9.3(a) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as per Section 13.4.4 and Section 13.8.2.1.2.

(c) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

13.9 LEGAL STATUS PROVISIONS

13.9.1 EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGEPREVENTION ORDINANCE.

This ordinance in part comes forward by re- enactment of some of the provisions of the flood damage prevention ordinance enacted August 21, 1989 (for Lee County) and May 16, 1978 (for the City of Sanford) as amended, and it is not the intention to repeal but rather to re- enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued there under are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of Lee County and the City of Sanford enacted on August 21, 1989, and May 16, 1978 respectively, as amended, which are not reenacted herein are repealed.

SANFORD-BROADWAY-LEE COUNTY UNIFIED DEVELOPMENT ORDINANCE

APPENDIX A. DEFINITIONS

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A-1. TERMS DEFINED

Words contained in this Appendix A are those having a special meaning relative to the purposes of this Ordinance. Words not listed in this Appendix A shall be defined by reference to: (1) Chapter 2 of the State Building Code (Standard Building Code, 1997) (2) North Carolina General Statutes, especially Chapter 160D thereof, or, if not defined therein, in (3) the latest version of Webster's New International Dictionary, unabridged, which documents are hereby incorporated by reference as if set forth in their entirety herein. Words and terms not defined in this Appendix but defined elsewhere in the Unified Development Ordinance shall be given the meanings set forth therein. Unless a specific definition is assigned in this Appendix A, particular uses not defined herein shall have the meaning assigned in § 4.6 by cross-reference to the Land-Based Classification Standards ("LBCS") as defined in this Appendix, the most recent adopted version of which documents are hereby incorporated by this reference. If the use cannot be located within one of the LBCS classifications, the use shall be defined as set forth in the most recently officially adopted version of the North American Industry Classification Manual (Executive Office of the President, Office of Management and Budget, 1997) (hereinafter the "NAICS"), which document is hereby incorporated by this reference. Unless otherwise provided, references to Chapter 153A of the NCGS shall be deemed to refer to the unincorporated areas of the County, and references to Chapter 160A of the NCGS shall be deemed to refer to the incorporated areas of City of Sanford and Town of Broadway and their ETJ areas.

A-2. WORD USAGE

In the interpretation of this ordinance, the provisions and rules of this Appendix A shall be observed and applied, except when the context clearly requires otherwise:

1. Words used or defined in one tense or form shall include other tenses and derivative forms.
2. Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
3. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
4. The word "shall" is mandatory.
5. The word "may" is permissive.
6. The word "person" includes individuals, firms, corporations, associations, trusts and any other similar entities.
7. The phrase "County of Lee" refers collectively to Lee County, the City of Sanford, and the Town of Broadway.
8. The word "City" shall refer to the City of Sanford.
9. The word "Town" shall refer to the Town of Broadway.
10. The word "Board" shall mean the Board of Adjustment.
11. The words "Planning Commission" shall mean the County of Lee Planning Commission.
12. The words "Recorder" and "Recorder of Deeds" shall mean the County Register of Deeds.
13. In case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, or table, the text shall control.
14. All provisions of this ordinance shall be construed to be in addition to all other applicable laws, ordinances and rules of the federal government, the State of North Carolina or the County of Lee; and in case of any conflict between this ordinance and any such other law, ordinance or rule, the more restrictive shall prevail.
15. The words "include" and "including" mean include or including by way of illustration and not by way of limitation.
16. The word "days" refers to calendar days unless otherwise provided. "Working" days means days other than Saturday, Sunday, and legal holidays.

A-3. DEFINITIONS

The words, terms and phrases used in this Ordinance shall have the meanings assigned below:

ABANDONMENT
The relinquishment of property, or cessation of the use of property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

ABUT
Having Property Lines or District lines in common. For purposes of notice for hearings, properties are "abutting" even if separated by a street, railroad, or other transportation corridor.

ACCESSIBLE
Having access to, but which first may require the removal of a panel, door or similar covering of the item described. See Accessible, Readily. (Source: North Carolina State Building Code, Vol. 1, § 202 and Vol. VII, § 202).

ACCESSIBLE, READILY
Having direct access without the need of removing any panel, door or similar covering of the item described, and without requiring the use of portable ladders, chairs, etc. See Accessible. (Source: North Carolina State Building Code, Vol. 1, § 202 and Vol. VII, § 202).

ACCESSORY
See Accessory Use.

ACCESSORY APARTMENT
An Accessory Dwelling which is part of the same Structure as the Principal Dwelling Unit.

ACCESSORY DWELLING
A Dwelling Unit that is accessory, supplementary, and secondary to the principal Dwelling Unit that may be constructed as an addition to the principal structure or as an accessory to the principal structure. An Accessory Dwelling is detached from the principal Dwelling Unit. See § 5.1 of this Ordinance.

ACCESSORY STRUCTURE
A building or other structure, the use of which is incidental to that of the main building and which is located on the same lot and is customarily used in connection with the main building or other structure.

ACCESSORY USE
A 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, and (2) clearly incidental to, and customarily found in connection with, such principal Use. (See § 5.1 of this Ordinance.)

ADDITION
An extension or increase in Floor Area or height of a Building or Structure. (Source: North Carolina State Building Code, Vol. 1, § 202)

ADJACENT
All properties immediately contiguous to a development site, including those which are separated from the site only by a road or other right-of-way or easement.

ADMINISTRATIVE DECISION
Any decision on a development application made by an authorized employee or official pursuant to § 3.1.7.2 of this Ordinance.

ADMINISTRATOR
The officer(s) charged with the authority and duty to administer the Department of Community Development (see § 2.1 herein.)

ADT
Average daily traffic.

ADULT CARE HOME
An assisted living residence in which the housing management provides 24-hour scheduled and unscheduled personal care services to two or more residents, either directly or, for scheduled needs, through formal written agreement with licensed home care or hospice agencies. Some licensed adult care homes provide supervision to persons with cognitive impairments whose decisions, if made independently, may jeopardize the safety or well-being of themselves or others and therefore require supervision. Medication in an adult care home may be administered by designated, trained staff. Adult care homes that provide care to two to six unrelated residents are commonly called family care homes. As distinguished from a nursing home, an "adult care home" means a facility operated as a part of a nursing home and which provides residential care for aged or disabled persons whose principal need is a home with the shelter or personal care their age or disability requires. Medical care in an adult care home is usually occasional or incidental, such as may be required in the home of any individual or family, but the administration of medication is supervised. Continuing planned medical and nursing care to meet the resident's needs may be provided under the direct supervision of a physician, nurse, or home health agency. Adult care homes are to be distinguished from nursing homes. Adult care homes and family care homes are subject to licensure by the North Carolina Division of Facility Services. Includes any "Adult Care Home" as defined by NCGS § 131D-20, § 131E-101 (including any "combination home").

ADULT DAY CARE CENTER
A day care program operated in a structure other than a single-family dwelling.

ADULT DAY CARE HOME
A day care program for up to three (3) adults eighteen years old or older operated in a single-family dwelling.

ADULT DAY CARE PROGRAM
The provision of group care and supervision in a place other than their usual place of abode on a less than 24-hour basis to adults who may be physically or mentally disabled. This term is used to refer to adult day care programs, adult day health programs, and adult day care and combined adult day health programs (i.e. combination programs).

ADULT ESTABLISHMENT
Establishments that include an adult bookstore, adult motion picture theatre, adult mini motion picture theatre, adult live entertainment business, or massage business as defined in NCGS § 14-202.10. (see § 5.2 herein.)

AFFILIATE
A person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control of, another person.

AGGRIEVED PERSON
The County of Lee, the Planning Commission, or the Department of Community Development; a county or municipality within an area designated as a joint planning area; and any other person or entity having standing to challenge a development order pursuant to the definition of “standing” in NCGS 160D-1402.

AGRIBUSINESS
A business that sells agricultural products that were produced on the property where they are offered for sale. See also NCGS 160D-903.

AGRICULTURE
The commercial production, storage, processing, marketing, distribution or export of any agronomic, floricultural, horticultural, viticultural, silvicultural or aquacultural crop including, but not limited to, farm products, livestock and livestock products, poultry and poultry products, milk and dairy products, fruit and other horticultural products, and seafood and aquacultural products. (Source: the "North Carolina Agricultural Finance Act, NCGS § 122D-3). See also NCGS 160D-903.

AGRICULTURAL ANIMALS
The following animals are considered accessory agricultural animals to an agricultural use, whether used for personal enjoyment or for commercial purposes: horses, mules, burros, sheep, cattle, rabbits, chickens, ducks, geese, pigs, goats, ostrich, emu or rhea.

AGRICULTURAL CONSERVATION EASEMENT
A negative easement in gross restricting residential, commercial, and industrial development of land for the purpose of maintaining its agricultural production capability. Such easement: (1) May permit the creation of not more than three lots that meet applicable county zoning and subdivision regulations; and Shall be perpetual in duration, provided that, at least 20 years after the purchase of an easement, a county may agree to reconvey the easement to the owner of the land for consideration, if the landowner can demonstrate to the satisfaction of the county that commercial agriculture is no longer practicable on the land in question. (Source: NCGS § 106- 744, The Farmland Preservation Enabling Act)

AGRICULTURAL LAND
Land that is a part of a farm unit that is actively engaged in the commercial production or growing of crops, plants, or animals under a sound management program, as defined in NCGS § 105-277.3. Agricultural land includes woodland and wasteland that is a part of the farm unit, but the woodland and wasteland included in the unit shall be appraised under the use-value schedules as woodland or wasteland. A farm unit may consist of more than one tract of agricultural land, but at least one of the tracts must meet the requirements in NCGS 105-277.3(a)(1), and each tract must be under a sound management program.

AGRICULTURAL PRODUCE
Fruit, vegetables, eggs and honey prior to processing of any kind other than washing. Canned fruits or vegetables, preserves, wine, meat and dairy products shall not be considered agricultural produce for the purposes of this Ordinance.

AIRPORT AND RELATED USES
Any public or private airport including terminal buildings, towers, runways, and other facilities directly pertaining to the operation of the airport.

AIRPORT HAZARD
Any structure or object of natural growth located on or in the vicinity of a public airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.

ALLEY
Any public space or thoroughfare 20 feet (6096 mm) or less wide which has been dedicated or deeded for public use, and which is used to provide a secondary means of access to abutting property. (Source: North Carolina State Building Code, Vol. 1, § 202, as modified)

AMERICAN STANDARD FOR NURSERY STOCK
The publication entitled "American Standard for Nursery Stock" (ANSI Z60.1-1996), approved November 6, 1996, published by the American Nursery and Landscape Association ("ANLA") (formerly the American Association of Nurserymen), the most recent officially adopted version of which document is hereby incorporated by reference as if set forth in its entirety herein. Said document may be obtained by contacting ANLA at 1250 I Street NW, Suite 500, Washington, D.C. 20005 (202/789-2900).

AMPLITUDE
The maximum displacement of the surface of the earth from its normal resting position. Amplitude is generally measured in inches or mils.

AMUSEMENT ARCADE
A primarily indoor structure, open to the public, that contains coin-operated games, rides, shows, and similar entertainment facilities and devices.

ANIMAL UNIT ("AU")
A unit of measurement to compare various animal types based upon equivalent waste generation. One animal unit equals the following: 1.0 beef feeder or slaughter animal; 0.5 horse; 0.7 dairy cow; 2.5 swine weighing over 55 pounds; 15 swine under 55 pounds; 10 sheep; 30 laying hens; 55 turkeys; 100 broiler chickens or an equivalent animal unit. The total animal units located on a given parcel or Animal Operation shall be determined by adding the Animal Units for each animal type. (Sources: 40 C.F.R. 122.23; 15A NCAC 2H.0217(a)(1)(A))

ANIMAL OPERATION
Any agricultural farming activity involving 250 or more swine, 100 or more confined cattle, 75 or more horses, 1,000 or more sheep, or 30,000 or more confined poultry with a liquid animal waste management system. Public livestock markets or sales regulated under Articles 35 and 35A of Chapter 106 of the NCGS shall not be considered animal operations for purposes of this Ordinance. (Source: NCGS § 143-215.10B)

ANIMAL SHELTER
A facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection and humane treatment of animals. (Source: NCGS § 19A-23)

ANIMAL WASTE
Livestock or poultry excreta or a mixture of excreta with feed, bedding, litter, or other materials from an animal operation. (Source: NCGS § 143-215.10B) includes Liquid residuals resulting from an animal operation that are collected, treated, stored, or applied to the land through an animal waste management system. (Source: NCGS § 90A-47.1)

ANIMAL WASTE MANAGEMENT SYSTEM
A combination of structures and nonstructural practices serving a feedlot that provide for the collection, treatment, storage, or land application of animal waste. (Source: NCGS § 143-215.10B)

ANIMATION
The movement, or the optical illusion of movement of any part of the sign structure, design or pictorial segment including the movement of any illumination or the flashing, scintillating or varying of light intensity. The automatic changing of all or any part of the facing of a sign shall be considered to be animation. Also included in this definition are signs having “chasing action” which is the action of a row of lights commonly used to create the appearance of motion.

ANTENNA, MICROWAVE
Any antenna, excluding any support structure, designed to send or receive signals from any microwave transmitter or receiver.

APARTMENT HOUSE
Any Building or portion thereof used as a Multiple Dwelling for the purpose of providing three or more separate Dwelling Units which may share means of egress and other essential facilities. (Source: North Carolina State Building Code, Vol. 1, § 202)

APIARY
Bees, comb, hives, appliances, or colonies, wherever they are kept, located, or found. (Source: NCGS § 106-635)

APPEAL
A request for a review of the Department of Community Development's interpretation of any provisions of this Ordinance or a request for a determination that there is error in an order, requirement or decision made by the Department of Community Development pursuant to this Ordinance.

APPLICANT
Any person, firm, partnership, joint venture, association, corporation, group or organization applying for an Application for Development Approval.

APPLICATION FOR DEVELOPMENT APPROVAL OR "APPLICATION"
A written request for any approval, permit, or action required by this Ordinance, including any written request for approval or issuance of a development order or development permit. This includes such terms as "proposals" and "requests."

APPROACH, TRANSITIONAL, HORIZONTAL AND CONICAL ZONES
These zones apply to the area under the approach, transitional, horizontal and conical surfaces defined in Federal Aviation Regulations (FAR) Part 77.

ARCHITECT
A person who is duly licensed to practice architecture by the North Carolina Board of Architecture. (Source: NCGS § 83A-1)

ARCHITECTURAL TRIM
The ornamental or protective framing or edging around openings or at corners or eaves and other architectural elements attached to the exterior walls of buildings, usually of a color and material different from that of the adjacent wall surface, and serving no structural purpose. (Source: North Carolina State Building Code, Vol. 1, § 202)

ARCHITECTURALLY INTEGRATED TOWER
A tower which is adequately disguised by the structure on which the antenna is located so as to disguise or camouflage the tower in such a manner so that the structure housing the tower takes on the appearance of a structure other than a telecommunications tower. Additionally, the design and materials used on the structure and its exterior materials must blend harmoniously with the buildings and use of the host site**.**

AREA, BUILDING
The area included within surrounding exterior walls, or exterior walls and fire walls, exclusive of courts. The area of a building or portion of a building without surrounding walls shall be the usable area under the horizontal projection of the roof or floor above. (Source: North Carolina State Building Code, Vol. 1, § 202)

AREA, GROSS FLOOR
The area within the inside perimeter of the exterior walls with no deduction for corridors, stairs, closets, thickness of walls, columns or other features, exclusive of areas open and unobstructed to the sky. (Source: North Carolina State Building Code, Vol. 1, § 202). For purposes of this definition, a “corridor” is a passageway into which compartments or rooms open and which is enclosed by partitions, other than partial partitions, and/or walls and a ceiling or a floor/roof deck above. (Source: North Carolina State Building Code, Vol. 1, § 202)

AREA, NET FLOOR
The area actually occupied or intended to be occupied even though at any given time a portion of such floor area may be unoccupied, not including accessory unoccupied areas such as corridors, stairs, closets,

thickness of walls, columns, toilet room, mechanical area or other features. (See: North Carolina State Building Code, Vol. 1, § 202)

AREA OF SHALLOW FLOODING
A designated AO or VO zone on the flood insurance rate map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD
See "Base Floodplain."

ARTIFICIAL OBSTRUCTION
Any obstruction to the flow of water in a stream that is not a natural obstruction, including any that, while not a significant obstruction in itself, is capable of accumulating debris and thereby reducing the flood-carrying capacity of the stream. For purposes of the Floodplain Regulations, an "artificial obstruction" does not include: (1) An electric generation, distribution, or transmission facility; (2) A gas pipeline or gas transmission or distribution facility, including a compressor station or related facility; (3) A water treatment or distribution facility, including a pump station; (4) A wastewater collection or treatment facility, including a lift station; or (5) Processing equipment used in connection with a mining operation. [Source; NCGS § 143-215.52]

ARTISAN
See "Custom Manufacturing."

ASSISTED LIVING RESIDENCE
Any group housing and services program for two or more unrelated adults, by whatever name it is called, that makes available, at a minimum, one meal a day and housekeeping services and provides personal care services directly or through a formal written agreement with one or more licensed home care or hospice agencies. "Assisted Living Residence" includes any nursing service exceptions authorized by the North Carolina Department of Human Resources on a case-by-case basis. Settings in which services are delivered may include self-contained apartment units or single or shared room units with private or area baths. Assisted living residences are to be distinguished from nursing homes subject to provisions of NCGS 131E-102. There are three types of assisted living residences: Adult Care Homes, Group Homes (for developmentally disabled adults), and Multi-Unit Assisted Housing with services. (Source: NCGS § 131D-2.1). Includes any "Assisted Living Residence" as defined by NCGS § 131D-2.1 or NCGS § 131D-20.

ATRIUM
An opening through two or more floor levels other than enclosed stairways, elevators, hoistways, escalators, plumbing, electrical, air-conditioning or other equipment, which is closed at the top and not defined as a mall. (Source: North Carolina State Building Code, Vol. 1, § 404.1.1)

AUCTION
Any place where items are sold at auction to the highest bidder.

AUDITORIUM
A room, hall, or building, that is a part of a church, theater, school, recreation building, or other building assigned to the gathering of people as an audience to hear lectures, plays and other presentations. See also "Places of Public Assembly."

AUTHORIZED AGENT
Any person with valid authority provided by the Owner, as evidenced by a notarized document authorizing the Agent to represent the Owner, and acting on behalf of the Owner of land seeking a development order or development permit approval.

AUTOMOBILE GRAVEYARD
See "Junkyard."

AUTOMOBILE REPAIR, MAJOR
An establishment engaged in engine rebuilding or reconditioning of automobiles, the removal from any vehicle of a major portion thereof including, but not limited to, the differential, transmission, head, engine block, or oil pan, worn or damaged motor vehicles or trailers, including body, frame or fender straightening or repair, and/or the painting of vehicles.

AUTOMOBILE REPAIR, MINOR
An establishment engaged in the sale of automotive fuels or oils, and the incidental repair and replacement of parts and motor services to automobiles, including oil change, tire sales, and alignment, but not including any operation specified under "Automobile Repair, Major."

AUTOMOBILE SALES ESTABLISHMENT
An open area used for the display, sale or rental of new and/or used motor vehicles.

AVIGATION EASEMENTS
A document acknowledging airport proximity, limiting the height of structures and granting permission for the conditions arising from the overflight of aircraft in connection with the operation of an airport.

AWNING
An architectural projection that provides weather protection, identity and/or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid or retractable skeleton structure over which an approved cover is attached. (Source: North Carolina State Building Code, Vol. 1, § 202)

AWNING SIGN
A sign that is part of a fabric or other nonstructural awning.

BALCONY, ASSEMBLY ROOM
That portion of the seating space of an assembly room, the lowest part of which is raised 4 ft (1219 mm) or more above the level of the main floor. (Source: North Carolina State Building Code, Vol. 1, § 202)

BALCONY (EXTERIOR)
An exterior floor system projecting from a structure and supported by that structure, with no additional independent supports. (Source: North Carolina State Building Code, Vol. VII, § 202).

BALLOON
A nonporous bag of material filled with heated or non-heated air or gas so as to rise or float in the atmosphere.

BANNER
A sign made predominantly of lightweight and flexible material, such as cloth, paper, vinyl, fabric, plastic, that does not qualify as an Awning Sign, a Canopy Sign, or a Flag.

BAR
Premises used primarily for the sale or dispensing of alcoholic beverages by the drink for on-site consumption and where food may be available for consumption as an accessory use.

BASE FLOOD
See Floodplain, 100-Year. The term "base flood" is used in the National Flood Insurance Program to indicate the minimum level of flooding to be addressed by a community in its floodplain management regulations. [Source; NCGS § 143-215.52]

BASE FLOODPLAIN
that area subject to a one percent (1%) or greater chance of flooding in any given year, as shown on the current floodplain maps prepared pursuant to the National Flood Insurance Program or approved by the North Carolina Department of Crime Control and Public Safety. [Source; NCGS § 143-215.52]

BASEMENT
That portion of a building which is partly or completely, or having a floor, below grade (see "Story above grade"). (Source: North Carolina State Building Code, Vol. 1, § 201.2 and Vol. VII, § 202).

BASE COURSE
The layer of material that lies immediately below the wearing surface of a street pavement.

BASE ZONING DISTRICT
Any zoning districts other than an Overlay Zoning District. In other words, where an Overlay Zoning District applies, the property will lie in a Base Zoning District and an Overlay Zoning District.

BEACON
Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

BED AND BREAKFAST
A business of not more than 12 guest rooms that offers bed and breakfast accommodations to at least nine but not more than 23 persons per night for a period of less than one week, and that: a. Does not serve food or drink to the general public for pay; b. Serves only the breakfast meal, and that meal is served only to overnight guests of the business; c. Includes the price of breakfast in the room rate; and is the permanent residence of the owner or the manager of the business. (Source: NCGS § 130A-247).

BERM
A mound of earth designed so that slope drainage is directed away from a paved area and sidewalks which serves as a screen or bufferyard with landscaping.

BEST MANAGEMENT PRACTICES (BMPs)
Methods, measures, practices, schedules of activities, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. With regard to construction these may include structural devices or nonstructural practices that are designed to prevent pollutants from entering water or to direct the flow of water. Economic, institutional and technical factors shall be considered in developing best management practices.

BICYCLE
A device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than sixteen (16) inches in diameter or having three wheels in contact with the ground any of which is more than sixteen (16) inches in diameter.

BICYCLE FACILITIES
A general term denoting improvements and provisions made or approved by public agencies to accommodate or encourage bicycling, including parking facilities, mapping, and bikeways, and shared roadways not specifically designated for bicycle use.

BICYCLE LANE (BIKE LANE)
A portion of a roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

BICYCLE PATH
A hard surfaced path for bicycles. This bikeway is physically separated from motorized vehicular traffic by an open space barrier and either within the highway right- of-way or within an independent right-of-way.

BIG BOX STORE:
A big box store is a store contained within one large, usually single-story building with the following characteristics: (1) at least one acre of parking, and (2) the majority of the parking spaces or parking areas are located in front of the building, and (3) the building contains at least 60,000 square feet of gross floor area.

BLOCK
That property abutting one side of a street and lying between the two nearest intersecting streets, or nearest intersecting street and railroad right-of-way, un- subdivided acreage, waterways, but not an alley, of such size as to interrupt the continuity of development on both sides thereof.

BLOCK FRONTAGE
All property fronting on one side of a street between intersecting or intercepting streets, or between a street and a street right-of-way, water way (wider than thirty feet, 30'), or end of a dead-end street. An intercepting street shall determine only the boundary of the frontage of the side of the street which it intercepts.

BOARD
Unless otherwise indicated in the text, Board shall refer to the Lee County Board of Adjustment.

BOARD OF COMMISSIONERS OR "TOWN BOARD OF COMMISSIONERS
The Board of Commissioners of the Town of Broadway, North Carolina.

BOARDING HOUSE OR ROOMING HOUSE
A building containing a single dwelling unit and three (3) or more rooms where lodging is provided, with or without meals, for compensation. "Compensation" may include money, services or other things of value.

BONA FIDE FARM PURPOSES
See NCGS § 160D-903(a) or as amended.**BORROW PIT**
An area from which soil or other unconsolidated materials are removed to be used, without further processing, for highway construction and maintenance. (Source: The Mining Act of 1971, NCGS § 74- 49)

BREWERIES
See definition of "Regional Brewery."
See definition of "Large Brewery."
See definition of "Microbrewery."

BREWPUB
A restaurant-brewery that sells 25 percent or more of its beer on site. The beer is brewed primarily for sale in the restaurant and bar. The beer is often dispensed directly from the brewery's storage tanks. Where allowed by law, brewpubs often sell beer "to go" and /or distribute to off-site accounts.

BUFFER YARD
A planting yard comprised of a strip of land containing landscaping and/or screening materials, having a varying minimum width, located along side and rear property lines between zoning districts and/or between certain individual uses, as specified in this Ordinance.

BUFFER, PERIMETER
A Bufferyard along the exterior boundaries of a development which is maintained as open space in order to eliminate or minimize conflicts between such development and adjacent land uses.

BUILDABLE AREA
The portion of a lot which is within the envelope formed by the required yards. See "Yard, Required."

BUILDING
Any structure that encloses a space used for sheltering any occupancy. Each portion of a building separated from other portions by a fire wall shall be considered as a separate building. (Source: North Carolina State

Building Code, Vol. 1, § 201.3) In no case may "building" be defined or interpreted in this Ordinance as being inconsistent with State law or the NC State Building Code.

BUILDING AREA
The total areas taken on a horizontal plane at the mean grade level of the principal buildings and all accessory buildings, exclusive of uncovered porches, terraces, steps, roof overhangs, and balconies.

BUILDING CODE
The most recent officially adopted version of the North Carolina State Building Code, which is hereby incorporated by this reference.

BUILDING ENVELOPE
The three dimensional space occupied by a building, including all eaves, covered porches, breezeways and other portions of the building, but excluding attached decorative walls which are less than or equal to three feet in height.

BUILDING FAÇADE
See "Façade."

BUILDING FRONT
The linear length of building facing a street right-of-way or in the case of a planned unit development, a legal private access road.

BUILDING HEIGHT
A vertical distance from the highest point of a building to grade, measured in accordance with § 4.7 of this Ordinance.

BUILDING, MAIN OR PRINCIPAL
A building, or buildings, in which the dominant use of the lot on which it is situated is conducted. In any Residential Zoning District, any dwelling other than an Accessory Building shall be deemed to be the main building of the lot on which it is situated.

BUILDING, MIXED USE
A Building which contains Dwellings located above the ground floor of an institutional, civic, office, commercial or retail use. Mixed Use Buildings are a common feature of traditional town centers where shop owners lived above ground-floor businesses, and are sometimes referred to as "Live-Work Units." Where a Mixed Use Dwelling is permitted by this Ordinance within a particular district, the ground-floor retail uses are also permitted.

BUILDING PERMIT
An authorization to construct a structure as issued by the Lee County Building Inspections Department and as required by the Building Code. See also NCGS 160D-1110.

BUILDING, TEMPORARY
A structure designed, built, created or occupied for short and/or intermittent periods of time, including tents, lunch wagons, dining cars, trailers and other roofed structures on wheels or other supports used for residential business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes. For the purpose of this definition, "roof" shall include an awning or other similar covering whether or not it is permanent in nature.

BUILT-UPON AREA
That portion of a development that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads and parking areas, recreation facilities, etc. (Note: wooden slatted decks and the water area of a swimming pool are considered pervious.) (Source:15A NCAC2H.1002).

BULK
The size and shape of buildings, structures, and non-building uses; and the physical relationship of their exterior walls or construction or their location to lot lines and other buildings or structures or other walls or construction of the same building or structure; and all open spaces required in connection with a building or structure. Bulk regulations include regulations dealing with lot area, lot area per dwelling unit, lot frontage, lot width, building height, required yards, courts, usable open space, the ratio of aggregate gross floor area to the area of the lot, spacing between buildings on a single lot, and the length of buildings in a row.

BULK STORAGE
The storage of raw products or materials in massive quantities typically for the purposes of (a) wholesale sales and distribution or (b) on-site consumption in association with the manufacture or creation of a finished product.

BULLETIN BOARD
A sign erected by a nonprofit entity or a public body, which is erected upon the same property as such institution.

BUSINESS OR BUILDING IDENTIFICATION SIGN
A sign attached to a building, which bears only the name, number(s) and/or logo of the building and/or the tenant.

CALIPER
A standard trunk diameter measurement for trees taken six inches above ground for up to and including four-inch caliper size and twelve inches above ground for larger sizes.

CAMP, THERAPEUTIC
See Article 5.

CAMPGROUND
See Article 5.

CANOPY
A protective cover over a door, entrance, window, or outdoor service area which is attached to or cantilevered from a building. Also known as awning. Permanent marquees and porticoes which are designed as a continuous or integral part of the structure shall not be considered canopies. (See Sign Regulations.)

CANOPY SIGN
A sign that is suspended from, attached to, supported from, applied to, or constructed as part of a canopy or awning.

CARNIVAL
See "Outdoor Event, Temporary."

CARPORT
A roofed structure which may be attached or unattached to the principal structure providing space for the storage of one or more motor vehicles and enclosed on not more than three (3) sides by walls.

CARRIAGE HOUSE
See "Accessory Dwelling."

CELLAR
That portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to floor below is greater than the vertical distance from grade to ceiling.

CEMETERY
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. A burial park, for earth interment. b. A mausoleum. c. A columbarium. (Source: NCGS § 65-48)

CENTERLINE
The true centerline of a street right-of-way that has been fully dedicated to the required width.

CENTERLINE OFFSET OF ADJACENT INTERSECTIONS
The gap between the centerline of streets adjoining a common road from opposite or same sides.

CENTRAL WATER SYSTEM
See Public Water System.

CERTIFICATE OF OCCUPANCY
The certificate issued by the County of Lee Building Inspections Department or the North Carolina Department of Insurance, indicating that all required building and service systems shall have been inspected for compliance with the Building Code and other applicable laws and ordinances and that the Building, or portion of the Building, may be occupied or used.

CERTIFICATE OF STORMWATER COMPLIANCE
The approval for activities that meet the requirements for coverage under a storm water general permit for development activities regulated by the Stormwater Management provisions of the North Carolina Administrative Code. (Source: 15A NCAC 2H.1002).

CERTIFY
A certification by an agency or official, pursuant to this Ordinance, of the existence of some fact or circumstance, whether made in oral or written form, which provides reasonable assurance of the accuracy of the certification.

CHANGE IN USE
A change from one principal use of a building or land to another principal use of the building or land whether or not there is an increase in the size of the existing building or extent of the use of the land.

CHANGEABLE COPY SIGN
A sign on which message copy is changed manually in the field through attachment of letters, numbers, symbols and other similar characters of changeable pictorial panels. Also known as a reader-board sign.

CHANNEL
A natural or artificial low-lying area with definite bed and banks, which confines and conducts continuous or periodic flows of water.

CHILD CARE
As defined in NCGS § 110-86.

CHILD CARE CENTER
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. Includes family child care homes 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. (Source: NCGS § 110-86).

CHILD CARE HOME, FAMILY
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).

CHURCH
See "Religious Institutions."

CITY COUNCIL
City Council of Sanford, North Carolina.

COLLECTOR STREET
See Street, Collector.

COMMERCIAL BUILDING
Any Building listed in the Use Matrix under LBCS 2000, “Commercial buildings, structures or uses.”

COMMERCIAL MESSAGE or COMMERCIAL COPY
Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

COMMERCIAL PARKING LOT
Any Parking Lot which constitutes the Principal Use of a lot or parcel, and in which parking is permitted only with a fee.

COMMERCIAL STABLE
See "Stable, Commercial."

COMMERCIAL STRUCTURE
Any Building listed in the Use Matrix under LBCS 2000 (Structure), “Commercial buildings, structures or uses.”

COMMERCIAL USE
Any Use listed in the Use Matrix under LBCS 2000 (Function), “Commercial buildings, structures or uses.”

COMMISSION
Unless otherwise indicated in the text, Commission shall refer to the Planning Commission.

COMMON OWNERSHIP
Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stock owner, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association, but excluding ownership of less than 1% of any stock traded on the New York, American or Pacific Stock Exchanges or traded over- the- counter where the price is listed at least weekly in the Wall Street Journal.

COMMON SIGNAGE PLAN
A plan for all signs associated with a development project. If the project consists of several buildings or businesses which are related in a single development, the signage shall include all signs within the development, including outparcels.

COMMUNITY DEVELOPMENT (DEPARTMENT OF)
The agency charged with the authority and duty to administer this Ordinance pursuant to § 2.1 herein.

COMMUNITY WATER SYSTEM
See definition of "Public Water System."

COMPREHENSIVE PLAN
A comprehensive plan for development of the County of Lee, or any County-wide Comprehensive Plan adopted by the County of Lee, pursuant to NCGS § 160D-701, and including any part of such plan

separately adopted and any amendment to such plan, or parts thereof. For purposes of this Ordinance, the Plan defined in Section 1.3 shall be considered the Comprehensive Plan.

CONCEALED TELECOMMUNICATION TOWERS
Telecommunication towers and associated equipment, which are totally concealed within a building or structure, so that they are architecturally indiscernible, shall not be considered towers for transmitting and receiving electronic signals.

CONCEPT PLAN
A generalized plan indicating the boundaries of a tract or tracts under common ownership, and identifying proposed land use, land use intensity and thoroughfare alignment.

CONCESSIONAIRE VENDOR
A vendor of food, drink or other similar consumable products which may operate from a cart or other similar mobile or temporary structure and has been given permission to locate at the exterior of an existing business site for the purposes of vending such products to the customers of that existing business. Concessionaire vendors' trailers/carts shall:

- be restricted to a maximum dimension of 8.5 feet x 20 feet;
- be located within 50 feet of one of the main entrances to the business which is sponsoring the vendor; and
- be located so as to not block or otherwise impede the minimum standards for ingress/egress of a building as set forth in the State Building and Fire Codes.

A vendor shall have a completed "Proof of Concessions Agreement" to demonstrate its standing as a valid concessionaire, which will require annual renewal and approval by the Administrator.

CONDOMINIUM
The ownership of single units in a multi-unit structure with common areas and facilities. (Source: Unit Ownership Act, NCGS § 47A-3), real estate portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. (Source: North Carolina Condominium Act, NCGS § 47C-1-103)

CONFORMING USE
A use that is permitted within the applicable zoning district (see Use Matrix in Table 4.6-1).

CONNECTIVITY INDEX
The index of the connectivity of a street system prescribed by the Street Improvement Standards (§ 10.5.3) of this Ordinance.

CONSERVE AND CONSERVATION (PLANTS)
To use, and the use of, all methods and procedures for the purposes of increasing the number of individuals of resident species of plants up to adequate levels to assure their continuity in their ecosystems. These methods and procedures include all activities associated with scientific resource conservation such as research, census, law enforcement, habitat protection, acquisition and maintenance, propagation, and transplantation into unoccupied parts of historic range. With respect to endangered and threatened species, the terms mean to use, and the use of, methods and procedures to bring any endangered or threatened species to the point at which the measures provided for the species are no longer necessary. (Source: NCGS § 106-202.12)

CONSERVATION EASEMENT
A non-possessory interest of a holder in real property imposing limitations or affirmative obligations for conservation purposes or to preserve the historical, architectural, archaeological or cultural aspects of real property.

CONSTRUCTION PLAN
The maps or drawings accompanying a subdivision plat showing the specific location and design of improvements to be installed in the subdivision as a condition of the approval of the plat.

CONTIGUOUS
Bordering or adjoining, meeting or joining at the border or surface.

CONTROLLED-ACCESS FACILITY
A State highway, or section of State highway, especially designed for through traffic, and over, from or to which highway owners or occupants of abutting property, or others, shall have only a controlled right or easement of access. (Source: NCGS § 136- 89.49)

CONVENIENCE STORE
A store offering for sale a limited selection and quantity of groceries and other articles normally found in grocery stores, and which may also offer delicatessen or fast food items, and whose business is mostly dependent on quick stops by its customers. A convenience store operation may also include self-service gasoline sales.

CONVENTIONAL SUBDIVISION
Any application requesting approval of a subdivision other than a TND, TOD district, or a Conservation Subdivision.

CONVEY
To transfer all or a part of a title or equitable interest in land; to lease or assign an interest in land; or to transfer any other land interest.

CORNER LOT
See "Lot, Corner."

CORRIDOR (road)
A street or roadway identified as a principal link or gateway within the community.

COUNTY
The County of Lee, North Carolina. Where this Ordinance refers to any territory, land area or property within the "County", the term "County" shall include all incorporated and unincorporated areas within Lee County, North Carolina. Where appropriate, the term shall also include any personnel or agent of Lee County.

COUNTY OF LEE
Refers collectively to Lee County, City of Sanford, or Town of Broadway.

COUNTY COMMISSION
The Board of County Commissioners of Lee County, North Carolina.

COURTYARD
A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls or a building. (Source: North Carolina State Building Code, Vol. VII, § 202).

CRITICAL ROOT ZONE (CRZ)
A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for the tree's survival. The critical root zone is one foot of radial distance for every inch of tree DBH with a minimum of eight feet.

CROSSWALK
A public right-of-way used primarily for pedestrians' travel through or across any portion of a block.

COUNTRY CLUB
A private club, including country clubs, that provides one (1) or more of the following: indoor and/or outdoor golf, tennis, or swimming facilities, indoor exercise or recreational rooms and equipment; and which may include a clubhouse with dining and banquet facilities; operated on a private membership basis and restricted to use by members and their guests.

CREEK
A small stream of water which serves as the natural drainage course for a drainage basin of nominal, or small size. In the technical literature, the term is a relative one as to size, some creeks in the humid section would be called rivers if they occurred in the arid portion. For purposes of this Ordinance, a "creek" is a stream which has a drainage basin of less than one mile.

CROWN
The upper mass or head of a tree, shrub, or vine, including branches with foliage. (Source: G. Hightshoe, Native Trees, Shrubs, and Vines for Urban and Rural America (New York: Van Nostrand Reinhold & Co., 1988), at 790).

CUL-DE-SAC
A dead-end street terminating in a vehicular turn-around area.

CURB FACE
The vertical or shaped portion of a curb, facing the roadway, and designed to direct storm waters.

CURB
A stone, concrete, or other improved boundary marking the edge of the roadway or paved area.

CURB OUTLET SYSTEM
Curb and gutter installed in connection with Stormwater Management, as more particularly defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

CUSTOM MANUFACTURING
An establishment primarily engaged in the on-site production of goods by hand manufacturing that involves only the use of hand tools or domestic mechanical equipment not exceeding two (2) horsepower or a single kiln not exceeding eight (8) kilowatts, and the incidental direct sale to customers of goods produced on the site. Typical custom manufacturing uses include ceramic studios and custom jewelry manufacturing.

CUT, LAND
Land surface which is shaped through the removal of soil, rock or other materials.

DAY CARE
See "Child Care."

DAYS
When used to establish time limits on various processes in this Ordinance, days shall mean business days, unless calculating a time limit established by State law, in which case days shall have the meaning established in the relevant law, as for example, in counting days for required notices for hearings.

DBH
Diameter-at-breast-height is the tree trunk diameter measured in inches at a height of 4.5 feet above ground level.

DECIDUOUS
Plants that lose their leaves annually.

DECIDUOUS TREE
A tree which sheds or loses foliage at the end of the growing season.

DECISIONMAKER
The agency, official or entity authorized to render a final decision which approves, approves with conditions or denies an application for development approval.

DECLARATION, CONDOMINIUM
An instrument, duly recorded, by which the property is submitted to Chapter 47A of the North Carolina General Statutes, and such declaration as from time to time may be lawfully amended. (Source: Unit Ownership Act, NCGS § 47A-3); and any instruments, however denominated, which create a condominium, and any amendments to those instruments. (Source: North Carolina Condominium Act, NCGS § 47C-1-103)

DEDICATION
An offer, by the owner, of an interest in property to another party without any consideration being given for the transfer. The dedication is made by written instrument and is completed with an acceptance.

DE NOVO HEARING
A new hearing. In a de novo hearing, the reviewing agency considers the application as if it originated before it, but may consider the findings of fact, conclusions of law, or recommendations of the agency which previously considered the case.

DENSITY
The total number of dwelling units per gross acre.

DENSITY, NET
The number of dwelling units divided by the net acreage remaining after subtracting all Critical Areas and streets4.7.

DEPARTMENT
Unless otherwise noted in the text, Department shall refer to the County of Lee Planning and Department of Community Development.

DEVELOPED LOT
Any lot which includes a Building or Structure and which has direct access to and which abuts a public street.

DEVELOPER
A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

DEVELOPMENT
The subdivision of land; the construction, reconstruction conversion, structural alteration, relocation or enlargement of any structure; any mining, drilling, excavation, clearing of roadways or building sites, landfill or land disturbance and any use or extension of the use of land. This definition excludes normal earth working associated with crop farming or landscaping of an individual single family residential lot. The term "development" includes all of the activities listed in the definition of "development" in NCGS

160D-102(12) and 15A NCAC 2H.1002, which definitions are hereby incorporated by this reference, and any of the following activities: a) Change in use (which would otherwise require a Building Permit). b) Construction, clearing, filling, excavating, grading, paving, dredging, mining, drilling or otherwise significantly disturbing the soil of a site. c) Building, installing, enlarging, replacing or substantially restoring a structure, impervious surface, or central water system and including the long- term storage of materials. d) Erection of a permanent sign. e) Any activity increasing the need for parking. f) Construction, elimination or alteration of a driveway onto a public street.

DEVELOPMENT ORDER
Any action granting, denying or granting with conditions, an application for a development permit.

DEVELOPMENT PARCEL
Any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.

DEVELOPMENT PERMIT
Any zoning clearance; building permit; home occupation permit; sign permit; temporary use permit; certificate of occupancy; Special Use permit; preliminary subdivision plat; final subdivision plat or other plat approval; preliminary site plan; final site plan; rezoning (change of zone); Comprehensive Plan amendment; specific plan; or any other official action of the County of Lee or any other state or local government commission, board, agency, department or official having the effect of permitting development of land located within the geographic area subject to the provisions of this Ordinance.

DEVELOPMENT RIGHT
The potential for the improvement of a parcel of real property, measured in dwelling units for residential uses or equivalent dwelling units for non-residential uses, which exists because of the zoning classification of the parcel.

DEVELOPMENT SERVICES DEPARTMENT
The Lee County Development Services Department.

DIMENSIONAL NONCONFORMITY
A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

DIMENSIONAL REGULATIONS
See § 4.7 of this Ordinance.

DIRECTIONAL SIGN
An on-premise sign giving information or direction for the convenience and necessity of the public, such as “entrance,” “exit,” “telephone,” “parking,” etc.

DISPOSITION
A transfer of all or part of a title or equitable interest in land; a lease or an assignment of an interest in land; or any other transfer or conveyance of an interest in land.

DORMITORY
A space in a building where group sleeping accommodations are provided with or without meals for persons not members of the same family group, in one room or in a series of closely associated rooms under joint occupancy and single management, as in college dormitories, fraternity houses, military barracks and ski lodges. (Source: North Carolina State Building Code, Vol. 1, § 201.3).

DRAINAGE AREA OR WATERSHED
The entire area contributing surface runoff to a single point. (Source: 15A NCAC 2H.1002).

DRIP LINE
A vertical line from a tree canopy or shrub branch extending from the outermost edge to the ground.

DRIVE-THROUGH COMMERCIAL ESTABLISHMENT
A commercial retail or personal service establishment designed or intended to enable a customer in a motor vehicle parked on or moving through the premises to transact business with a person outside the motor vehicle. Such establishments include, but are not necessarily limited to branch banks and fast-food restaurants.

DRIVEWAY
A private, vehicular access connecting a house, carport, parking area, garage, or other buildings with the street. A driveway is not a road, street, boulevard, highway, or parkway.

DUPLEX
A building containing two single-family dwelling units totally separated from each other and containing separate cooking and bathing facilities

DUST-FREE
A land surface that is paved in one of the following methods: (1) asphaltic concrete, (2) cement concrete,

(2) penetration treatment of bituminous material and a seal coat of bituminous binder and a mineral aggregate or (4) the equivalent of the above.

DWELLING
As defined in NCGS 160D-102(15), any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that it does not include any manufactured home, mobile home, or recreational vehicle if used solely for a seasonal vacation purpose. Further, it also includes any building which contains one or more "Dwelling Units" used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or which are occupied for living purposes. (Source: North Carolina State Building Code, Vol. 1, § 201.2 and Vol. VII, § 202). In no case may “dwelling” be defined or interpreted in this Ordinance as being inconsistent with State law or the NC State Building Code.

DWELLING, ATTACHED
A building containing two (2) or more residential units, attached along and sharing one (1) or more common walls between any two (2) units, or stacked one (1) above the other, or attached to a non-

residential use. An Attached Dwelling includes any Duplex, Triplex, Quadruplex, Townhouse or Rowhouse.

DWELLING, MIXED USE
See "Building, Mixed Use."

DWELLING, MULTIPLE
A building or portion thereof designed for or occupied as three (3) or more dwelling units.

DWELLING, MULTI-FAMILY
See Dwelling, Multiple.

DWELLING, SINGLE-FAMILY
A building designed for occupancy by one (1) family.

DWELLING, SINGLE-FAMILY DETACHED
A Single-Family Dwelling Unit that is not attached to any other Dwelling Unit by any means and is surrounded by yards.

DWELLING UNIT
A dwelling unit is a single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation. (Source: North Carolina State Building Code, Vol. 1, § 202 and Vol. VII, § 202).

EASEMENT
A grant by the property owner for use by the public, a corporation or person(s) of a strip of land for a specific purpose.

EASEMENT, NON-ACCESS
An easement prohibiting vehicular access from a public street.

EFFECTIVE DATE OF THIS ORDINANCE
The effective date of this Ordinance determined in accordance with Article 1 of this Ordinance. For purposes of Article 13 of this Ordinance, a reference to the "effective date of this ordinance" shall be deemed to include the effective date of any amendments to this Ordinance if the amendment, rather than this Ordinance as originally adopted, creates a nonconforming situation

ELECTRONIC MESSAGE BOARD
A sign which displays messages, such as time and temperature, in alternating light cycles.

ELEMENTARY SCHOOL
A school which embraces a part or all of the eight elementary grades and which may have a kindergarten or other early childhood program. (Source: NCGS § 115C-75)

ELEVATED BUILDING
A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls or breakaway walls.

ENGINEER
See "Professional Engineer, Registered."

ENHANCEMENT
Improvement of the functions or an existing wetland system. enhancement may include improved flood control capacity, increased groundwater recharge capability, increased density and diversity of native wildlife and vegetation, and improved aesthetic values (e.g., by removing non-native impediments, structures, impervious surfaces).

ENLARGEMENT OR "TO ENLARGE"
An increase in size or addition to the Floor Area of a Building or Structure, or an increase in the portion of a Building, Structure, or land area occupied by an existing Use.

ENTRANCE ROAD
A Street which: (1) leads into a Subdivision, Planned Unit Development, or a Traditional Neighborhood Development, and (2) intersects with a higher order Street.

ENVIRONMENTAL MONITORING STATIONS
A structure, or combination of structures, such as a sensor, particulate sampler, monitoring well, weather instrument, or similar structure, that is designed for and devoted to collecting environmental data such as air or water quality, air and soil temperatures, humidity, wind speed and direction, barometric pressure, water levels and similar parameters.

ENVIRONMENTALLY SENSITIVE AREAS
Any lot, parcel or property, or portion thereof, located within the Floodplain Overlay District, any Watershed Protection Overlay District, or within one-hundred (100) feet of a River or Stream.

EQUIPMENT
Rolling stock or movable personal property except that, for the purpose of this Ordinance, it shall not include those items defined as Heavy Equipment.

ERECT
To build, construct, attach, hang, place, suspend, affix and/or apply.

ESTABLISHMENT
Any use other than a one-, two-, or three-family dwelling.

EVERGREEN SCREEN
A dense vegetative screen that grows to a minimum of 8 feet in height at maturity and retains foliage year-round used for purposes of visual mitigation between zoning districts and/or uses.

EVERGREEN TREE
A tree which holds green leaves, either broadleaf or needle-shaped, throughout the year. (Source: G. Hightshoe, Native Trees, Shrubs, and Vines for Urban and Rural America (New York; Van Nostrand Reinhold & Co., 1988) at 791).

EVIDENCE
Any map, table, chart, contract or other document or testimony prepared or certified that is offered by a person to establish a claim, condition or assertion.

EXCAVATION
The removal of soil, rock or other matter from a land area.

EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION
A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) is completed before the effective date of this Ordinance.

EXOTIC ANIMALS
See Other Animals.

EXOTIC SPECIES (PLANT)
A species or higher tax on of plant not native or naturalized in North Carolina but appearing in the Federal Endangered and Threatened Species List or in the appendices to the International Treaty on Endangered and Threatened Species. (Source: NCGS § 106-202.12).

EXPENDITURE
A sum of money paid out in return for some benefit or to fulfill some obligation. The term also included binding contractual commitments to make future expenditures, as well as any other substantial changes in position.

EXTENDED STAY LODGING FACILITY
Any building containing six or more units intended or designed to be used, rented, or hired out to be occupied, or which are occupied for sleeping purposes for guests, and which units contain kitchen facilities for food preparation including, but not limited to, such facilities as refrigerators, stoves and ovens. Extended Stay Lodging Facilities may contain lobbies, conference rooms, meeting rooms, child play areas, and/or restaurants.

EXTERIOR FEATURES
See § 4.12.8.1 of this Ordinance.

EXTRACTIVE USES
Surface and/or subsurface natural resources which may be extracted from the land. This includes exploratory drilling or mining but excludes individual water well drilling.

FAÇADE
That exterior side of a building which faces, and is most nearly parallel to, a public or private street. The Façade shall include the entire building walls, including wall faces, parapets, fascia, windows, doors, canopy and visible roof structures of one complete elevation.

FACSIMILE SIGN
An oversized, three-dimensional object, such as a chicken bucket, automobile (or automobile part), or human figure, which may or may not contain advertising matter, and may or may not contain information about products sold on the premises, and is located in such a manner as to attract attention

FAMILY
An individual, or two or more persons related by blood, marriage or law, or a group of not more than any five persons living together in a dwelling unit. Servants having common housekeeping facilities with a family consisting of an individual, or two or more persons related by blood, marriage or law, are a part of the family for this code. (Source: North Carolina State Building Code, Vol. 1, § 201.2 and Vol. VII, § 202).

FAMILY CARE HOME
A 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 residents with disabilitities. (Source: NCGS § 160D-907)

FARM, BONAFIDE
A farm as defined in NCGS 160D-903.FARM BUILDINGS
Structures, other than residences and structures appurtenant thereto, for on-farm use (barns, sheds, poultry houses, etc.). See also NCGS 160D-903 **FARM OPERATION**

Any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support. (Source: NCGS § 133-7)

FARM RELATED BUSINESS
A business and/or commercial use operated primarily for the support of agricultural needs. It may consist of products, materials, and equipment servicing and sales; storage and/or processing of agricultural products and/or animals; medical and/or technical support services.

FARMERS MARKET
A structure or place where agricultural produce is brought for the purposes of retail sales. (Note: A farmers market differs from a produce stand in that there may be more than one seller per parcel of land and the structure from which produce is sold at a farmer’s market need not be portable or capable of being dismantled or removed from the site.)

FEED LOT
A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and either specifically designed as a confinement area in which animal waste may accumulate or where the concentration of animals is such that an established vegetative cover cannot be maintained. A building or lot is not a feedlot unless animals are confined for 45 or more days, which may or may not be consecutive, in a 12-month period. Pastures shall not be considered feedlots for purposes of This Ordinance. (Source: NCGS § 143-215.10B)

FENCE
A barrier of man-made construction, regardless of the material used, including walls but not retaining walls. ("material" does not include vegetation.)

FENCE SIGN
A sign mounted on, attached to, or constructed as part of a fence or similar structure.

FENCE, LIVING
A hedge of vegetation used as a screening device or a fence with vegetation growing to it or on it which at the time of maturity would prevent an "open" effect and would block the normal line of sight.

FENCE, OPEN
A fence constructed of material which does not interrupt the line of sight, such as split rail, pipe or chain-link fencing and shall not include a living fence.

FENCE WRAP

Signage affixed to the perimeter fencing at a construction site. See NCGS 160D-908.

FESTOON LIGHTING
A string of outdoor lights suspended between two or more points.

FILL
Deposit of soil, rock, or other material placed in an area which created an obstruction or increases surface elevation.

FINAL PLAT
A survey map of record which indicates the boundaries for streets, blocks, lots and other property divisions which is prepared pursuant to Article 6 of this Ordinance.

FINAL SITE PLAN OR FINAL PLAN
The map of a proposed development to be filed after approval by the decision-making authority and any accompanying material as described in this Ordinance.

FINANCIAL INSTITUTION
Any trust company, savings bank, industrial bank, savings and loan association, building and loan association, commercial bank, credit union, federal association, investment company, or other business association, which is chartered under federal or State law, solicits, receives or accepts money or its equivalent on deposit and loans money as a regular business.

FIREWORKS STAND
An establishment principally devoted to the sale of pyrotechnics. For purposes of this subsection, "Pyrotechnics" means any and all kinds of fireworks and explosives, which are used for exhibitions or amusement purposes, including:

(1) explosive caps designed to be fired in toy pistols,

(2) snake and glow worms composed of pressed pellets of a pyrotechnic mixture that produce a large, snake-like ash when burning;

(3) smoke devices consisting of a tube or sphere containing a pyrotechnic mixture that produces white or colored smoke;

(4) Trick noisemakers which produce a small report designed to surprise the user and which include:

(a) A party popper, which is a small plastic or paper item containing an explosive mixture. A string protruding from the device is pulled to ignite the device, expelling paper streamers and producing a small report.

(b) A string popper, which is a small tube containing an explosive mixture with string protruding from both ends. The strings are pulled to ignite the friction-sensitive mixture, producing a small report.

(c) A snapper or drop pop, which is a small, paper- wrapped item containing an explosive mixture coated on small bits of sand. When dropped, the device produces a small report.

(5) Wire sparklers consisting of wire or stick coated with nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition.

(6) Other sparkling devices which emit showers of sparks and sometimes a whistling or crackling effect when burning, do not detonate or explode, do not spin, are hand-held or ground-based, cannot propel themselves through the air, and contain a chemical compound in the tubes.

(Note: this definition was adapted from NCGS § 14-414. However, compliance with § 14-414 does not excuse a violation of this Ordinance).

FLAG
A sign consisting of a single piece of fabric that is attached on one or two sides to one or more poles or other fixed structures so that the fabric can be blown by the wind.

FLAG LOT
See "Lot, Flag."

FLASHING OR INTERMITTENT SIGNS
Signs with one or more lights that flash, move, revolve, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsation.

FLEA MARKETS
A flea market, swap shop, or similar activity by whatever name, where the use involves the setting up of two or more booths, tables, platforms, racks, or similar display areas for the purpose of selling, buying, or trading merchandise, goods, materials, products, or other items offered for sale outside an enclosed

building. Flea markets shall not include any of the following activities which occur at the same location four or fewer days in any calendar year: garage sales, produce stands, or fund raising activities done by a non-profit organization.

FLOOD HAZARD AREA
The area designated by the County of Lee, pursuant to Article 21 of Chapter 143 of the North Carolina General Statutes (hereinafter the Floodplain Regulation Statute), as an area where development must be regulated to prevent damage from flooding. Under Floodplain Regulation Statute, the flood hazard area must include and may exceed the base floodplain. Also, see Article 13 of this Ordinance.

FLOOD HAZARD BOUNDARY MAP (FHBM)
See Article 13 of this Ordinance.

FLOOD INSURANCE RATE MAP (FIRM)
See Article 13 of this Ordinance.

FLOOD INSURANCE STUDY
See Article 13 of this Ordinance.

FLOOD OR FLOODING
A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters; and (2) The unusual and rapid accumulation of run-off of surface waters from any source. Also, see Article 13 of this Ordinance.

FLOOD PLAIN DEVELOPMENT
Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the flood hazard area. Also, see Article 13 of this Ordinance.

FLOOD PROOFING
Any combination of structural or non-structural additions, changes or adjustments to structures and movable objects, or to surrounding areas, including utility and sanitary facilities, which would preclude the entry of water. Also, see Article 13 of this Ordinance.

FLOODPLAIN
An area adjacent to a watercourse which may be subject to flooding as a result of an increase in water flow beyond a normal high-water mark. For purposes of this Ordinance, the "Floodplain" shall include all areas within the Flood Hazard Area. Also, see Article 13 of this Ordinance.

FLOODPLAIN, 100-YEAR
The flood having a one (1) percent chance of being equaled or exceeded in any given year. Also, see Article 13 of this Ordinance.

FLOODPLAIN, 500-YEAR
The flood having a 1/5 (0.2) percent chance of being equaled or exceeded in any given year. Also, see Article 13 of this Ordinance.

FLOODPLAIN REGULATIONS
See Article 13 of this Ordinance.

FLOODWAY ENCROACHMENT LINES
See Article 13 of this Ordinance.

FLOOR
The top surface of an enclosed area in a building (including basement), i.e., the top of the slab in concrete slab construction or the top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

FLOOR AREA
The sum of the gross horizontal areas of the several stories of the building measured from the exterior faces of the exterior walls or from the center line of party walls. It shall exclude any basement floor, interior balconies and mezzanines, elevator shafts and stair wells and enclosed porches. The floor area of accessory uses and of accessory buildings on the same lot shall be included.

FLOOR AREA RATIO (FAR)
The ratio of the gross floor area of all structures on a parcel to the gross area of the parcel on which such structures are located.

FORESTER
A Forester, Consulting Forester, or Urban Forester registered by the State Board of Registration for Foresters pursuant to NCGS Chapter 89B-2.

FREESTANDING SIGN
A sign that is not attached to a building and is permanently attached to the ground by one or more supports.

FRONT
Any public street frontage, not including alleys.

FRONTAGE
The frontage of a parcel of land is that distance where a property line is common with a public street or road right-of- way line.

FRONTAGE, DOUBLE
A lot which extends from one street frontage to another street.

FRONTAGE, FULL
Frontage which meets the requirements of § 4.7 of this Ordinance.

FRONTAGE ROAD
A way, road or street which is auxiliary to and located on the side of another highway, road or street for service to abutting property and adjacent areas and for the control of access to such other highway, road or street. (Source: NCGS § 136-89.49)

FRONT SETBACK
(See, "Setback, Front")

GABION
A wire basket containing primarily stones deposited to provide protection against erosion.

GARAGE, PRIVATE
An accessory building or portion of a principal building designed or used for the parking or temporary storage of motor vehicles of occupants in the building to which such garage is accessory, but not including the parking or temporary storage of delivery or truck motor vehicles having a capacity in excess of one (1) ton.

GAS OR ELECTRIC GENERATION DISTRIBUTION FACILITIES, COMPRESSOR STATIONS, OR SUBSTATIONS
Establishments that provide transmission, control, or distribution of electric power or natural gas. These establishments include electric power transmission and control systems (including lines and transformer stations), and distribution systems (i.e., lines, poles, meters, and wiring). Also included are establishments that arrange the sale of electricity via power distribution systems operated by others. Includes any of the following: gas storage and distribution facilities, gas compressor stations, gas compressor stations (with anchored or unanchored components), electric substation and distribution facilities, electric substation with anchored or unanchored components, geothermal facilities, or facilities producing solar or other forms of energy (including windmills, solar panel farms, air mills, horizontal air mills, post mills, smock mills, and tower mills).

GAS STATION
Buildings and/or surfaced area where motor vehicles may be refueled and/or serviced.

GAS COMPRESSOR STATION
A facility located along a gas pipeline which compresses the gas to a pressure necessary to allow it to continue traveling along the pipeline to the intended recipient.

GOVERNING BODY
The City Council of the City of Sanford, the Board of Commissioners of the Town of Broadway, or the Board of County Commissioners of Lee County.

GRADE
A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be

established by the lowest points within the area between the building and the lot line or between the building and a point 6 feet (1829 millimeters) from the building, whichever is closer to the building. (Source: North Carolina State Building Code, Vol. 1, § 201.2 and Vol. VII, § 202). The term "grade" also includes a reference plan representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or between the building and a point 6 ft. (1829 mm) from the building, whichever is closer to the building. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

GRADE, FINISHED
The level of the soil after completion of site development.

GRADE, NATURAL
The undisturbed ground level which may be determined by on-site evidence (vegetation, ground level on adjacent land, elevation of adjacent streets and roads, soil types and locations, etc.)

GREENBELT
See § 6.5 of this Ordinance.

GREENFIELD DEVELOPMENT
Development on undeveloped parcels undeveloped parcels not surrounded by existing development, or on large parcels surrounding partially developed areas or undeveloped areas.

GREENHOUSE
An enclosed detached accessory structure consisting primarily of light-transmitting materials and used exclusively for growing plants. (Source: North Carolina State Building Code, Vol. VII, § 202).

GREENWAY
See § 6.5 of this Ordinance.

GROSS AREA OR GROSS ACRES
The area of a lot or parcel, including all proposed or dedicated streets, alleys, private accessways, roadway and/or alley easements. Such boundaries shall extend to the center line of an existing abutting street or alley right-of-way. In the case of an existing partial dedication or easement, the gross area shall not extend beyond what would be the centerline of the full dedication.

GROSS LEASABLE AREA (GLA)
The total building area, expressed in square feet and designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors, as measured from exterior walls or the centerline of walls separating two abutting buildings, but excluding any space where floor-to-ceiling height is less than six feet and six inches (6'6").

GROUND COVER
A prostrate plant growing less than 2 feet in height at maturity that is used for: a) ornamental purposes, b) alternatives to grasses, and c) erosion control on slopes.

GROUND FLOOR
The first floor of a building in which the floor is located above grade.

GROUND SIGN
A free-standing sign with its base or its supports mounted directly to the ground. A ground sign shall include a single support structure which may include (a) double-sign faces mounted back-to-back such that each sign face cannot be view from the same vantage point or (b) a single-faced sign.

GROUND SUBSIDENCE
A process characterized by the downward displacement of surface material caused by phenomena such as removal of underground fluids, natural consolidation, or dissolution of underground minerals or by manmade phenomena such as underground mining.

GROUND WATER
Subsurface water within and below the zone of continuous saturation.

GROUP HOME/Residential Care Facility
Level I, II, III, or IV. A 24-hour care facility with highly-trained staff that provide psychological services to help troubled children and adolescents overcome behavioral emotional, mental, or psychological problems that have had an adverse affect on their family interactions and relationships, their school achievement and their peer group relationships and socializations. Level I facilities are considered to be the least restrictive, as clients have little to mild behaviors, while Level II facilities are for clients with moderate behaviors. Level III facilities are more restrictive than previous levels, while Level IV homes are the most restrictive and are locked facilities. Designation as a Level I, II, III, or IV facility shall be determined through licensing with the North Carolina Department of Health and Human Services. Such facilities shall include more than six (6) residents. If less than six person, refer to Family Care Home.

GUEST
Any transient person who rents or occupies a room for sleeping purposes.

GUTTER
A shallow channel, usually set along a curb or the pavement edge of a road or the edge of a building roof, for purposes of catching and carrying off water.

HABITABLE ROOM
Any room meeting the requirements of the North Carolina One and Two Family Dwelling Code for sleeping, living, cooking or dining purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms and similar spaces. (Source: North Carolina State Building Code, Vol. VII, § 202).

HAZARD PRONE AREA
An area which has not yet been designated by the State or federal government as a geological hazard area but where historical evidence, climatological data, surface or subsurface geological, topographical, vegetative, or other on-site naturally-occurring factors indicate a relatively greater risk of property damage than exists on other parcels in the County.

HAZARDOUS WASTE DISPOSAL FACILITY
Any facility or any portion of a facility for disposal of hazardous waste on or in land in accordance with rules adopted under NCGS Chapter 130A, Article 9 and/or NCAC Title 15A, Chapter 13, Subchapter 13A. (Source: NCGS § 130A-290).

HAZARDOUS WASTE FACILITY
See Article 5.

HAZARDOUS WASTE STORAGE OR TREATMENT (SUBJECT TO NCGS § 130A-293)
Any facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste, as defined in NCGS § 130A-290.

HEAVY EQUIPMENT
Large equipment including, but not limited to: trucks with greater than a one and one-half ton rating, cranes, crawler-type tractors, earth movers, dump trucks and other equipment of equal or greater size and weight.

HEIGHT
The vertical distance from grade to the highest finished roof surface in the case of flat roofs or to a point at the average height of the highest roof having a pitch. Height of a building in stories includes basements, except as specifically provided for in § 503.2.4 of the North Carolina State Building Code. (Source: North Carolina State Building Code, Vol. 1, § 202)

HEIGHT, STORY
The vertical distance from top to top of two successive finished floor surfaces. (Source: North Carolina State Building Code, Vol. 1, § 202)

HEIGHT, WALL
The vertical distance to the top measured from the foundation wall, or from a girder or other intermediate support of such wall. (Source: North Carolina State Building Code, Vol. 1, § 202)

HIGHEST ADJACENT GRADE
The highest natural elevation of the ground surface prior to construction next to the proposed wall of a structure.

HIGH SCHOOL
A school which embraces a high school department above the elementary grades and which offers at least the minimum high school course of study prescribed by the State Board of Education. (Source: NCGS § 115C-75)

HIGHWAY
A general term denoting a public way for purposes of vehicular travel including the entire area within the right-of-way.

HISTORIC BUILDING
(SEE Section 4.12)

HOLIDAY DECORATIONS
Displays erected on a seasonal basis in observance of religious, national or state holidays, which are not intended to be permanent in nature, and which contain no advertising material or commercial message.

HOME OCCUPATION
See Article 5.

HOME OWNERS ASSOCIATION
An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants for maintenance and ownership agreements through which each owner of a portion of a subdivision, be it a lot, property or any other interest, is automatically a member as a condition of ownership, and each such member is subject to charge or assessment for a pro-rated share of expenses of the association which may become a lien against the lot, property or other interest of the member.

HORSE
Any animal of the genus equus.

HOTEL, MOTEL or TOURIST COURT
Establishments that provide lodging and short-term accommodations for travelers. They may offer a wide range of services, from overnight sleeping space to full-service hotel suites. This definition includes resort hotels that do not have gambling services. They may also offer food services, recreational services, convention hosting services, laundry services, etc. This definition does not include extended stay hotels, motels, or tourist courts.

HOTEL, MOTEL or TOURIST COURT, EXTENDED STAY
A quasi-residential use that provides guest rooms for lodging, offered to the public for compensation, which are advertised, designed, intended or routinely utilized for weekly or monthly occupancy.

HOUSEHOLD PETS
Those animals which are commonly kept as pets: dogs, cats, fish, small birds (e.g. parakeets, parrots), rodents (e.g. mice, rats), and reptiles (non-poisonous snakes, lizards).

HUD CODE
The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§ 5401 et seq., as amended) and the regulations promulgated by the United States Department of Housing and Urban Development thereto (24 C.F.R. part 3282), commonly known as the "HUD Code".

HYDROLOGY
The science of dealing with the properties, distribution, and circulation of water.

HYDROPERIOD
The period during which a soil area is saturated.

IDENTIFICATION SIGN
See “Business or Building Identification Sign.”

ILLUMINATION, INDIRECT
Illumination which reflects light from an artificial light source intentionally directed upon a surface. This shall also include silhouettes of letters or symbols placed before a background of reflected light.

IMPERVIOUS SURFACE
Includes all buildings or structures measured at their greatest extent and so as to include areas overhung by eaves, balconies, and other projecting features of the structure; also all paved or otherwise hard- surfaced areas such as buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), and similar hard-surfaced areas. Wooden slatted decks and the water area of a swimming pool are considered pervious. Source: 15A NCAC 2B.0202(13) (defining "built-upon area").

IMPROVED OPEN SPACE
Landscaped areas, turf areas, parks, golf course and recreation areas constructed on the parcel, but shall not include associated buildings.

IMPROVEMENTS
Right-of-way pavements, curbs, gutters, sidewalks, paths, bikeways, sedimentation control facilities, re-vegetation, water mains, sanitary and storm sewers, drainageways, gas lines, electrical and telephone lines and appurtenances, street signs, trees and lights, lot pin monuments, range point boxes, and any other similar items required for compliance with the regulations of this Ordinance or the conditions of approval.

IN KIND
For mitigation purposes, "in kind" means the restoration, replacement, or creation of a wetland or river stream system which provides functions, attributes, and characteristics closely approximating those of a specific wetland or river stream system that would be adversely affected by the proposed activities.

INCIDENTAL SIGN
A sign not exceeding three (3) square feet in area and three (3) feet in height and that only: (i) provides information to assist with direction or safety with respect to the premises on which it is located, such as signs that state "entrance," "exit," "one way," "telephone," "parking," "no parking," and similar instructions, or (ii) displays information pertinent to the immediate safety or legal responsibilities of passersby or the public, such as signs warning of high voltage and "no trespassing" signs.

INFLATABLE SIGNS
A three-dimensional object, filled with air or gas, and located in such a manner as to attract attention.

INDUSTRIAL PARK
A special or exclusive type of planned industrial area designed and equipped to accommodate various offices, uses, industrial uses, industrial structures, or industrial buildings, providing them with all necessary facilities and services among compatible uses.

INDUSTRIAL USES, INDUSTRIAL STRUCTURES, or INDUSTRIAL BUILDINGS
Any use classified in the Use Matrix as LBCS Function 3000 through 3440 or LBCS Structure 2600 through 2636.

INDUSTRIAL WASTE
Any liquid, solid, gaseous, or other waste substance or a combination thereof resulting from any process of industry, manufacture, trade or business, or from the development of any natural resource. (Source: NCGS § 143-213)

INDUSTRIAL ZONING DISTRICT
Any of the following zoning districts: LI (Light Industrial District), or HI (Heavy Industrial District).

INFILL
The development of new housing or other buildings on scattered vacant sites surrounded by developed areas.

INFILTRATION SYSTEMS
As defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

INTEGRAL UNITS
Items, equipment, or machinery which are assembled or constructed to function as a single unit, such as, but not limited to, large cranes, drilling rigs or other large vehicles, large diameter pipes or culverts, large scale motors or transformers, and the like.

INTENSITY
The number of square feet of development per acre by land use type with respect to non-residential land uses.

INTERIOR LOTS
See "Lot, Interior."

JUNK
Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material. (Source: Junkyard Control Act, NCGS § 136-143).

JUNKYARD
Any establishment or place of business which maintains or uses more than six hundred (600) square feet of land area for the purposes of storing, keeping, buying, or selling junk, or for maintenance or operation of an automobile graveyard. 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." 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).

KENNEL
A facility or establishment which regularly offers to the public the service of boarding dogs or cats or both for a fee. Such a facility or establishment may, in addition to providing shelter, food and water, offer grooming or other services for dogs and/or cats. (Source: NCGS § 19A-23)

LAGOON
A confined body of water to hold animal byproducts including bodily waste from animals or a mixture of waste with feed, bedding, litter or other agricultural materials. (Source: NCGS § 106-802, Swine Farm Siting Act).

LAND-BASED CLASSIFICATION STANDARDS OR "LBCS"
References to the "Land-Based Classification Standards" or "LBCS" shall refer to the following documents, which documents are hereby incorporated by this reference and which shall be maintained on file in the office of the Department of Community Development: American Planning Association, LBCS Function Dimension tables and Function Dimension with Detail Descriptions, Land-Based Classification Standards (April 1, 2001) and American Planning Association, LBCS Structure Dimension tables and Structure Dimension with Detail Descriptions, Land-Based Classification Standards (April 1, 2001). [Note: the LBCS may be downloaded at http://c1.planning.org/lbcs/standards/LBCSTables.html, under "Complete tables for review."]

LAND CLEARING & INERT DEBRIS LANDFILL
See Article 5.

LAND DISTURBING ACTIVITY
Any use of the land by any person in residential, industrial, educational, institutional or commercial development, highways and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. (Source: NCGS § 113A-52)

LANDFILL
A disposal facility or part of a disposal facility where waste is placed in or on land and which is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility. (Source: NCGS § 130A-290)

LANDFILL, DEMOLITION
See Article 5.

LANDLOCKED PARCEL
A parcel of land without access of record to a public street or road.

LANDOWNER
The holder of the title in fee simple. Absent evidence to the contrary, County of Lee may rely on the county tax records to determine who is the landowner.. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his agent or representative for purpose of making applications for development approvals.. (Source: NCGS § 160D-102(18)

LANDSCAPE
An area set aside from structures and parking which is developed with natural materials (i.e. lawns, trees, shrubs, vines, hedges, bedding plants, rock) and decorative features, including paving materials, walls, fences and street furniture.

LANDSCAPE ARCHITECT
A person who holds a current certificate entitling him or her to practice "landscape architecture" and to use the title "landscape architect" in North Carolina under the authority of NCGS, chapter 89A. (Source: NCGS § 89A-11).

LANDSCAPE CONTRACTOR
Within the meaning of this Article any person, partnership, association or corporation which holds a certificate issued by the North Carolina Landscape Contractors' Registration Board. (Source: NCGS § 89D-11).

LAND USE PLAN
See Sec. 1.3 LARGE BREWERY
A brewery with an annual beer production over 6,000,000 barrels.

LARGE MATURING TREE
Any tree whose height exceeds thirty-five (35) feet at maturity.

LARGE VEHICLE
Trucks, automobiles, or other motorized vehicles exceeding 10,000 pounds gross vehicle weight rating, including single-unit trucks and truck tractors. [Reference: Bureau of Transportation Statistics, Transportation Statistics Annual Report 2000, at http://www.bts.gov/publications/tsar/2000/appendices/appendix_b.html#l; see Use Matrix]

LATERAL SEWER
A sewer which discharges into a trunk line and has only collection lines tributary to it. A line from a structure or use which discharges into a collection line is not a lateral.

LBCS
See “Land-Based Classification Standards.”

LEVEE
A manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM
A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LIBRARY OR MUSEUM
A room or building for exhibiting, or an institution in charge of, a collection of books; artistic, historical or scientific objects.

LICENSED GEOLOGIST
A person who is licensed as a geologist under the provisions of the North Carolina Geologists Licensing Act, NCGS, Chapter 89E.

LICENSED SOIL SCIENTIST
A person who is licensed as a soil scientist under the North Carolina Soil Scientist Licensing Act, NCGS, Chapter 89F.

LIVESTOCK
"Livestock" shall include, but shall not be limited to, equine animals, bovine animals, sheep, goats, llamas, and swine. (Source: Livestock Law, NCGS § 68-15)

LIVE-WORK UNITS
A "Live-Work Unit" includes any of the following: (1) any building with office or commercial uses located on the ground floor, and with residential uses located on the floors above the ground floor, or (2) any building with residential uses located on the ground floor, and with office uses located above the first floor; or (3) a building in which offices or studios are located behind the front façade and comprise at least thirty percent (30%) of the floor area of the building, with the remainder of the floor space devoted to residential uses; or (4) a building in which residential uses are located behind the front façade and comprise at least thirty percent (30%) of the floor area of the building, with the remainder of the floor space devoted to offices or studios.

LOADING SPACE
An off-street portion of a parcel for the temporary parking of commercial vehicles while loading or unloading materials for use or sale on the parcel. This space shall open onto a street or alley, and any use of the space shall not obstruct pedestrian or vehicular traffic upon the street or alley.

LOCAL ROAD OR LOCAL STREET
See Street, Local.

LOCAL TRAFFIC STUDY
See "Traffic Study."

LOOP ROAD
A Street which has its beginning and ending points on the same route. It is more than one mile in length and has collector characteristics (Source: NCDOT, *Subdivision Roads Minimum Construction Standards* (1985).

LOT
A parcel of land described by metes and bounds and held or intended to be held in separate lease or ownership, or shown as a lot or parcel on a recorded subdivision, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger lot, parcel, or tract into two (2) or more smaller lots or units. A "lot" includes any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record, that is recognized and intended as a unit for the purpose of transfer of ownership.

LOT AREA
The area of a horizontal plane within the lot lines of a lot.

LOT, CORNER
A lot having frontage on two (2) intersecting streets, or upon two sides of the same street, the adjacent sides of which street or streets contain an angle of not more than one hundred and thirty-five degrees (135). In the case of a curved corner, the corner of the lot shall be that point on the Lot Line adjoining the street or Right-of-Way nearest to the point of intersection of the said tangents.

LOT COVERAGE
The percentage of the area of a lot which is occupied by all buildings or other covered structures using the roof outline for all outer dimensions.

LOT DEPTH - The depth (or length) of a lot shall be: (1) If the front and rear lines are parallel, the shortest distance between such lines; (2) If the front and rear lines are not parallel, the shortest distance between the midpoint of the front lot line and the midpoint of the rear lot line; (3) If the lot is triangular, the shortest distance between the front lot line and the line parallel to the front lot line, not less than ten feet long lying wholly within the lot.

LOT, DOUBLE FRONTAGE (THROUGH LOT)
An interior lot having frontage on two (2) non-intersecting streets.

LOT, FLAG
A lot having no frontage or access to a street or place except by a narrow strip of land.

LOT FRONTAGE
The distance for which a lot abuts on a street.

LOT, INTERIOR
A lot other than a corner lot or a through lot.

LOT, KEY
A lot adjacent to a corner lot having its side lot line in common with the rear lot line of the corner lot and fronting on the street which forms the side boundary of the corner lot.

LOT LINE
Any boundary or boundary line which provides the legally defined limits of a lot, parcel tract, or plot.

LOT LINE, FRONT
In the case of an interior lot, a line separating the lot from the street right-of-way. In the case of a corner lot, the narrower of the two lot lines adjoining a street right-of-way. If said lot lines for a corner lot are of the same length, then both lot lines shall be considered a Front Lot Line for purposes of this Ordinance.

LOT LINE, REAR
A lot line which is opposite and most distant from, the front lot line; except that in the absence of a rear lot line as is the case of the triangular shaped lot, the rear lot line may be considered as a line within the lot, parallel to and at a maximum distance from the front lot line, having a length of not less than ten (10) feet.

LOT LINE, SIDE
The boundary of a lot which is not a front lot line or a rear lot line.

LOT LENGTH
See Lot Depth.

LOT THROUGH
A lot having a part of opposite lot lines abutting two (2) streets, and which is not a corner lot. (Also known as a "double frontage lot"). On such lot, both lot lines are front, except that where a non-access easement has been established on such a lot, the front lot line shall be considered as that lot line most distant front the lot line containing the non- access easement.

LOT WIDTH
For rectangular lots, lots having side lot lines not parallel, and lots on the outside of the curve of a street, the distance between side lot lines measured at the required Minimum front yard line on a line parallel to the street or street chord; and for lots on the inside of the curve of a street, the distance between side lot lines measured 30 feet behind the required minimum front yard line on a line parallel to the street or street chord.

LOWEST FLOOR
When used in reference to a structure, means the lowest enclosed area, including a basement, of the structure. An unfinished or flood resistant enclosed area, other than a basement, that is usable solely for parking vehicles, building access, or storage is not a lowest floor.

MAINTENANCE
The replacing or repairing of a minor part or parts of a building or structure which have degraded by ordinary wear or tear or by the weather.

MAJOR SITE PLAN
See § 3.6 of this Ordinance.

MAJOR SUBDIVISION
All land subdivisions that are not exempted by state statute or previously described under the minor subdivision procedures shall be processed as a major subdivision.

MANSARD
A steeply pitched roof, pitched at such an angle as to resemble a building wall.

MANUFACTURED HOME
See NCGS 160D-910 and NCGS 143-145(7). In general, a structure, used or intended to be used as a Dwelling Unit, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. For purposes of this Ordinance, there are three types of Manufactured Homes:

1) Manufactured Home, Class A: A manufactured home that meets or exceeds the construction standards promulgated by the United States Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

a. the manufactured home has a length not exceeding four (4) times its width (e.g., a "double-wide" unit);

b. the pitch of the manufactured home's roof has a minimum vertical rise of two and two-tenths feet for each twelve feet of horizontal run (2.2' in 12') and the roof is finished with shingles;

c. the exterior siding consists predominantly of vinyl or aluminum horizontal lap siding, wood or hardboard;

d. a continuous, permanent masonry foundation, unpierced except for ventilation and access, is installed under the manufactured home;

e. the tongue, axles, removable towing apparatus, and transporting lights are removed after final placement on the site.

2) Manufactured Home, Class B: A manufactured home that meets or exceeds the standards promulgated by the United States Department of Housing and Urban Development that were in effect at the time of construction, but which does not meet the definition of a Class A manufactured home. (See Article VI, Section 5).

MANUFACTURED HOME PARK
See § 4.11.2.1of this Ordinance.

MANUFACTURED HOME SPACE
The portion of land area allotted and/or designated to be allotted to any one manufactured home. The term "manufactured home space" shall include the term "mobile home space."

MANUFACTURED HOME SUBDIVISION
See § 4.11.2.3 of this Ordinance.

MARQUEE
Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

MARQUEE SIGN
Any sign attached to, in any manner, or made a part of a marquee

MASSAGE
The manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device. (Source: NCGS § 14-202.10)

MASSAGE BUSINESS
Any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios, or massage parlors. (Source: NCGS § 14-202.10)

MATERIALS RECOVERY FACILITY
Any site used for the separation of recyclable materials from nonhazardous waste streams, or where commingled recyclable materials are sorted into distinct categories. For purposes of this definition, the phrase "recyclable materials" shall be defined as set forth in NCGS § 130A-290, which is incorporated herein by this reference.

MEAN SEA LEVEL
The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this Article, the term is synonymous with the "National Geodetic Vertical Datum (NGVD)."

MEZZANINE
One or more intermediate levels between the floor and ceiling of a story, meeting the requirements of § 503.23 of the North Carolina State Building Code. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

MICROBREWERY
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. Microbreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and, directly to the consumer through carry-outs and/or on-site tap-room or restaurant sales.

MINING ESTABLISHMENT
See Article 5.

MINI-WAREHOUSE
See Article 5.

MINING AND QUARRYING
"Mining and Quarrying" means any of the following: (i) the breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter; (ii) any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils, and other solid matter from their original location; or (iii) the preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use.

“Mining and Quarrying" does not include: a) Those aspects of deep mining not having significant effect on the surface, where the affected land does not exceed one acre in area.; b) Mining operations where the affected land does not exceed one acre in area; c) Plants engaged in processing minerals produced elsewhere and whose refuse does not affect more than one acre of land; d) Excavation or grading when conducted solely for on-site construction for purposes other than mining; e) Removal of overburden and mining of limited amounts of any ores or mineral solids when done only for the purpose and to the extent necessary to determine the location, quantity, or quality of any natural deposit, provided that no ores or mineral solids removed during exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business, and provided further that the affected land resulting from any exploratory excavation does not exceed one acre in area; f) Excavation or grading where all of the following apply:

- The excavation or grading is conducted to provide soil or other unconsolidated material to be used without further processing for a single off-site construction project for which an erosion and sedimentation control plan has been approved in accordance with Article 4 of Chapter 113A of the General Statutes.
- The affected land, including nonpublic access roads, does not exceed five acres.
- The excavation or grading is completed within one year.
- The excavation or grading does not involve blasting, the removal of material from rivers or streams, the disposal of off-site waste on the affected land, or the surface disposal of groundwater beyond the affected land.
- The excavation or grading is not in violation of any local ordinance.
- An erosion and sedimentation control plan for the excavation or grading has been approved in accordance with Article 4 of Chapter 113A of the General Statutes.

g) Excavation or grading when conducted solely for activities undertaken on agricultural land that are exempt, pursuant to G.S. 113A-52.01(1), from the requirements of Article 4 of Chapter 113A of the General Statutes; h) Oil and gas exploration and development
(Source: The Mining Act of 1971, NCGS § 74-49)

MINOR MODIFICATION (CONDITIONAL USE)
Minor modifications to an adopted Conditional Use Plan are administratively approved changes that do not involve a change in uses permitted or the density of overall development permitted. Minor modifications may include, but are not limited to, location and orientation of buildings; layout and location of streets, sidewalks, amenities and utilities; changes to lot or parcel lines; plant material in required buffers or islands; and size or location of signage.

MITIGATION
The minimization of impacts to existing vegetation and wildlife habitat as a result of development in the resource area, and that lost vegetation and wildlife habitat are restored or recreated.

MIXED USE DWELLING
See "BUILDING, MIXED USE."

MIXED USE DEVELOPMENT OR MIXED USE PROJECT
A proposed development that includes primary non-residential and primary residential uses on the same development site.

MODULAR HOME
A factory-built structure that is designed to be used as dwelling, in manufactured in accordance with the specifications for modular homes under the N.C. State Residential Building Code and bears a seal or label issued by the NC Department of Insurance pursuant to NCGS 143-139.1. See NCGS 160D-911 and NCGS 143-139.1.

MONUMENT SIGN
A ground sign that is mounted generally flush with the surrounding grade. It may not be attached to a pole or pylon, nor raised by mounting on a man-made berm, wall, or similar structure. Supporting elements may not exceed 24 inches in height and are included in the measurement of sign height.

MULTIPLE BUSINESS COMPLEX
A development with multiple establishments on a common parcel.

MUNICIPALITY
An incorporated city or town.

MUNICIPAL STREET
A street or highway accepted by the County of Lee and which is not a State Highway. (Source: 19A NCAC § 20.0404).

NAICS MANUAL or "NAICS"
The North American Industry Classification System, 1997 edition (or most current version as amended), published by the Office of Improvement and Budget of the Executive Office of the President, which is hereby incorporated by this reference.

NATIONAL GEODETIC VERTICAL DATUM (NGVD)
A fixed reference adopted as a standard geodetic datum for elevations determined by leveling. Established in 1929. Also referred to as National Geodetic Vertical Datum of 1929 and Sea Level Datum of 1929. The NGVD is usually preferred as the primary datum for engineering design. NGVD is derived from a general adjustment of the first order level nets of both the United States and Canada. It was formerly called "Sea Level Datum of 1929" or "mean sea level". Although the datum was derived from the average sea level over a period of many years at 26 tide stations along the Atlantic, Gulf of Mexico, and Pacific Coasts, it does not necessarily represent local mean sea level at any particular place.

NATURAL EROSION
See Sedimentation Control Standards.

NATURAL HAZARD
A geologic, floodplain, or wildfire hazard as identified by a State or federal agency.

NATURAL OBSTRUCTION
Any rock, tree, gravel, or other natural matter that is an obstruction and has been located within the 100-year floodplain by a nonhuman cause.

NATURAL RESOURCE
Existing natural elements relating to land, water, air, plant and animal life, including, but not limited to soils, geology, topography, surface and subsurface waters, wetlands, vegetation and animal habitats.

NEIGHBORHOOD PARK
A public recreation facility ranging in size from fifteen (15) to twenty-five (25) acres and which is improved with a combination of active recreation areas for family use such as field game areas (such as ball field), court game areas (such as tennis and basketball courts), crafts, playground apparatus, and passive recreation areas such as picnicking.

NET AREA
The area of a lot or parcel, excluding all dedicated streets or alleys and roadway or alley easements.

NET FLOOR AREA
The square footage of the primary use area of a building excluding the following: garages, unoccupied storage areas, furnace areas, stairways/stairwells, elevator shafts, mechanical areas or other unoccupied services areas.

NEW CONSTRUCTION
Structures for which the "start of construction" commenced on or after the effective date of this Ordinance.

NODE
An identifiable grouping of uses subsidiary and dependent upon a larger urban grouping of similar or related uses.

NON-COMMUNITY WATER SYSTEM
See definition of "Public Water System."

NON-CONFORMING
A legal use, structure, and/or development which existed prior to the adoption of this Ordinance or any amendment thereto, which does not presently conform to this Ordinance or its amendments.

NONCONFORMING BUILDING OR STRUCTURE
A Building or Structure that was lawfully developed, and legally existed prior to any change in, the applicable zoning district bulk regulations, but does not comply with one or more of the applicable district bulk regulations, either on the Effective Date of this Ordinance or as a result of any amendments to this Ordinance. See § 13.2 of this Ordinance.

NONCONFORMING LOT
A lot existing at the effective date of this Article (and not created for the purposes of evading the restrictions of this Article) that does not meet the minimum area requirement of the district in which the lot is located.

NONCONFORMING PROJECT
Any structure, development, or undertaking that is incomplete at the effective date of this Article and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

NONCONFORMING SIGN
A sign that, on the effective date of this Article does not conform to one or more of the regulations set forth in this Article, particularly Article 11, Sign Regulations.

NONCONFORMING USE
A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with running a bakery in a residentially zoned area is a nonconforming use.)

NONCONFORMING SITUATION
A situation that occurs when, on the effective date of this Article, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements (is not in conformity with this Article, or because land or buildings are used for purposes made unlawful by this Article. (Reference: Article 12 of this Ordinance.)

NON-LIVING MATERIALS
Landscaping materials used to complement plants such as river rock, stone, bark, and similar materials.

NON-POINT SOURCE
Generalized discharge of waste which cannot be located as to a specific source into a water body.

NON-PROFIT
Organizations which qualify for exemption from federal income taxes pursuant to Section 501(c)(3) of the Internal Revenue Code, and for which an application for exemption thereto has been approved by the federal Internal Revenue Service.

NOTICE OF INTENT
A written notification to the Division of Environmental Management, Department of Natural Resources and Community Development, that an activity or discharge is intended to be covered by a general permit, as more particular defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

NUISANCE
A use or activity that results in harmful or noxious conditions to the general public.

NURSERY
A place where plants are raised, acquired, and maintained for transplanting or sale. It may also include, either exclusively or in conjunction with the above activities, the sale of materials commonly used for landscaping purposes, such as soil, rock, bark, mulch and other materials determined by the Department of Community Development to be landscaping materials. Sale or rental of small landscaping tools and supplies may be an accessory use.

OBSTRUCTION
A dam, wall, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, fence, stockpile, refuse, fill, structure or material, in, along, across, or projecting into any drainageway, channel, or watercourse, which might impede, retard or change the direction of the flow of water, either by itself or by catching and collecting debris carried by the water, or which is placed where the 100-year flood may carry the debris downstream.

OCCUPANCY
The purpose for which a building, or part thereof, is used or intended to be used. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

OCCUPANT LOAD
The calculated minimum number of persons for which the means of egress of a building or portion thereof is designed, based on Table 1003.1 of the North Carolina State Building Code. (Source: North Carolina State Building Code, Vol. 1, § 201.3).

OCCUPIED RESIDENCE
A dwelling actually inhabited by a person on a continuous basis as exemplified by a person living in his or her home.

OCCUPIED SPACE
The total area of all buildings or structures on any lot or parcel of ground projected on a horizontal plane, excluding permitted projections as allowed by the State Building Code. (Source: North Carolina State Building Code, Vol. VII, § 202).

OFFICE
A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations (see LBCS Structure 2100).

OFFICIAL FLOOD AREAS MAP SERIES
These maps show the location of the defined floodway and floodway-fringe districts and other pertinent data within the County of Lee and Lee County.

OFF-PREMISE SIGN
A sign identifying/advertising and/or directing the public to a business, or merchandise, or service, or institution, or residential area, or entertainment which is located, sold, rented, leased, produced, manufactured and/or furnished at a place other than the real property on which said sign is located. This definition shall include Outdoor Advertising or "Billboard" signs.

OIL & GAS EXPLORATION, DEVELOPMENT AND PRODUCTION
Defined as any activity relating to oil and gas exploration, development and/or production including horizontal drilling and hydraulic fracturing and all other operations and/or activities for the exploration for or drilling of an oil or gas well that requires entry upon surface estate and the production operations directly related to the exploration or drilling as defined and regulated by NCGS Chapter 113, Subchapter V, Oil and Gas Conservation.

ON-PREMISE SIGN
A sign or display that identifies or communicates a message related to the activity conducted, the service offered, or the commodity sold on the premises where the sign is located

OFF-SITE
Any premises not located within the area of the property to be subdivided or developed, whether or not in the common ownership of the applicant for subdivision or development approval.

OFF-SITE (§ 5.9 only)
For the purposes of regulating the location of telecommunication towers as described in § 5.9 of this Ordinance, off-site location shall mean any site not owned or leased by the owner or operator of the telecommunications tower; however, this definition shall not include any property contiguous to the property on which a telecommunications tower is physically located if said property is: owned or leased by the owner or operator of the telecommunications tower, or directly associated with the operation, maintenance or ownership of the tower; or owned by the lessor of the property on which the telecommunications tower is located.

OFF-SITE STORMWATER SYSTEMS
Stormwater management systems that are located outside the boundaries of the specific project in question, as more particularly defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

ON-SITE
With regard to mitigation, "on-site" means restoration or replacement of a wetland or river stream at or very near the site where a wetland or river stream has been or will be degraded by regulated activity.

ON-SITE STORMWATER SYSTEMS
The systems necessary to control storm water within an individual development project and located within the project boundaries. (Source: 15A NCAC 2H.1002).

OFF-STREET PARKING SPACE
The space required to park one vehicle, exclusive of access drives, and not on a public right-of-way.

ONE-HUNDRED-YEAR (100-YEAR) FLOODPLAIN
The low land near a watercourse which has been, or may be, covered by water of a flood of 100-year frequency, as established by engineering practices of the U.S. Army Corps of Engineers. It shall also mean that a flood of this magnitude may have a one percent change of occurring in any given year.

OPEN DUMP
A solid waste disposal site which is not a sanitary landfill. (Source: NCGS § 130A- 290)

OPEN MINING
The mining of natural mineral deposits by removing the overburden lying above such deposits and mining directly from the deposits exposed. The term includes, but is not limited to, such practices as open cut mining, open pit mining, strip mining, quarrying and dredging.

OPEN SPACE
Any space or area (i) characterized by great natural scenic beauty or (ii) whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development, or would maintain or enhance the conservation of natural or scenic resources. The term "open space land" includes any undeveloped or predominantly undeveloped land in an urban area that has value for one or more of the following purposes: (i) park and recreational purposes, (ii) conservation of land and other natural resources, or (iii) historic or scenic purposes. The term "open space uses" means any use of open space land for (i) park and recreational purposes, (ii) conservation of land and other natural resources, or (iii) historic or scenic purposes. (Source: NCGS § 160D-1307 [applicable to County and municipalities])

OPEN SPACE, COMMON
Open space within or related to a development, not a part of individually owned lots or dedicated for general public use, but designed and intended for the common ownership, use and enjoyment of the residents of the development.

OPEN SPACE, ACTIVE
Any park and recreational facility that is not dependent upon a specific environmental or natural resource, which is developed with recreation and support facilities that can be provided anywhere for the convenience of the user. Activity-based recreation areas include, but are not limited to, playgrounds, golf courses, bicycle trails, baseball or softball fields, football or soccer fields, basketball courts, swimming pools, clubhouses, equestrian facilities, and tennis courts.

OPEN SPACE, PASSIVE
Areas in and located due to the presence of a particular natural or environmental setting and which may include conservation lands providing for both active and passive types of resource-based outdoor recreation activities that are less formalized or program-oriented than activity-based recreation. Resource-based outdoor recreation means and refers to activities requiring a natural condition that cannot easily be duplicated by man and includes, but is not limited to, boating, fishing, camping, nature trails and nature study. Farms may be considered as passive open space.

ORDINANCE
Unless otherwise specified, refers to this Unified Development Ordinance.

OTHER ANIMALS
Those animals not defined elsewhere in this Appendix as household pets or agricultural animals.

OUTDOOR ADVERTISING (BILLBOARD) SIGNS
A permanently installed sign identifying/advertising and/or directing the public to a business, or merchandise, or service, or institution, or residential area, or entertainment which is located, sold, rented, leased, produced, manufactured and/or furnished at a place other than the real property on which said sign is located.

OUTDOOR CULTURAL EVENTS
Entertainment, educational and cultural events generally involving the outdoor assembly of 50 or more people.

OUTDOOR EVENT, TEMPORARY
A temporary commercial amusement activity such as a carnival, fair, circus, rodeo or auction.

OUTDOOR LIGHT FIXTURES
"Outdoor light fixture" means outdoor artificial illuminating devices, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot or flood lights for buildings and structures, recreational areas, parking lot lighting, landscape lighting, billboards and other signage and street lighting.

OUTDOOR RECREATIONAL FACILITY
Any plot or tract of land on which there is located an outdoor swimming pool, tennis court, or golf course that is open to either the general public or to the members and guests of any organization having 50 or more members.

OVERBURDEN
The earth, rock, and other materials that lie above the natural deposit of minerals.

OWNER
Any person, agent, firm or corporation having a legal or equitable interest in the property. (Source: North Carolina State Building Code, Vol. 1, § 202).

PANEL
The primary surface of a sign that carries the identifying/advertising message.

PARCEL
An area of land defined by a legal description and recorded with the County Register of Deeds.

PARENT
A person that directly, or indirectly through one or more intermediaries, controls another person.

PARK, COMMUNITY
The community park is easily accessible to a single, or several neighborhoods, depending on local needs and population distribution at the time the park is developed. A Community Park contains land area ranging from 20 to 50 acres and has direct access to an Arterial Street or a Collector Street. When possible, the park may be developed adjacent to a high or middle school. The community park provides recreational opportunities for the entire family and contains areas suited for intense recreational purposes such as a recreation center building, athletic fields, swimming, tennis, and walking/jogging. The park may also possess areas of natural quality for outdoor recreation such as viewing, sitting and picnicking.

PARK, DISTRICT
A district park provides more diverse recreational opportunities than a regional park, only on a much smaller scale. The district park emphasizes passive recreational opportunities similar to a regional park, yet also includes limited active recreational facilities. A district park is easily accessible by the population it serves and is within a 20 mile service radius. The park contains a minimum of 5 acres per 1,000 population. A district park is typically at least 200 acres in size.

PARK, LINEAR
A linear park is an area developed for one or more varying modes of recreational travel such as hiking, biking, horseback riding and canoeing. Often times the linear park will be developed to connect recreational facilities, as well as schools and residential neighborhoods. The acreage and service area of a linear park is variable and subject to existing natural and man-made features, the existence of public right-of-way and the public demand for this type of park. In some cases, a linear park is developed within a large land area designated for protection and management of the natural environment, with the recreation use a secondary objective.

PARK, NEIGHBORHOOD
The neighborhood park is designed to serve a population of up to 5,000, but in many instances even more are served. The park requires 2.5 acres per 1,000 population served and is typically at about 15-25 acres. The neighborhood park is typically characterized by recreational activities for each member of the family, such as field games, court games, crafts, playground apparatus, picnicking and space for quiet/passive activities. The service radius for a neighborhood park is 1/2 to one mile and is easily accessible to the neighborhood population through safe walking and biking access. Parking may or may not be required. Where feasible the activity areas are equally divided between quiet/passive activities and active play. This type of park may be developed as a school/park or community center facility.

PARK, REGIONAL
A regional park is a park within a fifty mile service radius, which serves several communities or a multi-county region. Approximately 10 acres per 1,000 population served and generally 1,000 acres is required for developing a regional park. The regional park is an area of natural ornamental quality that provides diverse and unique natural resources for nature-oriented outdoor recreation including nature viewing and study, wildlife habitat conservation, hiking, camping, canoeing and fishing. Generally 80% of the land is reserved for conservation and natural resource management, with less than 20 % developed for recreation. The recreation areas consist of play areas and open fields/meadows for informal use.

PARKING GARAGE
An attached or detached building which is used for the parking or storing of motor and other vehicles, open to public use without charge or for a fee, and shall without limiting the foregoing, include all real and

personal property, driveways, roads, approaches, structures, garages, meters, mechanical equipment, and all appurtenances and facilities either on, above or under the ground which are used or usable in connection with such parking or storing of such vehicles. (Adapted from: Parking Authority Law, NCGS § 160A-551).

PARKING LOT
Any lot, parcel, area or place for the parking or storing of motor and other vehicles, open to public use without charge or for a fee, and shall without limiting the foregoing, include all real and personal property, driveways, roads, approaches, structures, garages, meters, mechanical equipment, and all appurtenances and facilities either on, above or under the ground which are used or usable in connection with such parking or storing of such vehicles. (Adapted from: Parking Authority Law, NCGS § 160A- 551)

PARKING LOT YARD
A planting yard comprised of a strip, or strips of land containing landscaping materials located around and within a parking lot and having a varying width, as specified in Section 7.6 of this Ordinance.

PARKING SPACE
A space, enclosed or unenclosed, exclusive of driveways or aisles, for the temporary parking of one vehicle, which has adequate access to permit ingress and egress of a motor vehicle to a street.

PARKING, STRUCTURED
A Parking Lot, partially or fully above ground, accessory to another facility or a primary use, in which the parking is located on more than one floor.

PARKING, SURFACE
A Parking Lot in which all spaces are unenclosed.

PASSIVE OPEN SPACE
See Open Space, Passive.

PATH
A pathway, which may be paved or unpaved, and is physically separated from motorized vehicular traffic by an open space or barrier and is either within the highway right-of-way or within an independent tract, or easement. Activities may include walking, hiking, jogging, horseback riding, bicycling, and roller skating.

PAVEMENT
The paved portion of a street, including paved shoulders and on-street parking areas, but not including sidewalks and driveways. (Source: 19A NCAC § 20.0404).

PAWNSHOP
The location at which, or premises in which, a pawnbroker, as defined in NCGS § 66-387, regularly conducts business. (Source: Part 1, Article 45, Chapter 66 of the General Statutes))

PEDESTRIAN PATH
An improvement located within a public right-of-way or private area which is designed primarily for the use of pedestrians and/or bicyclists.

PEDESTRIAN RIGHT-OF-WAY
A right-of-way or easement dedicated for public pedestrian access.

PENNANT
Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

PERFORMER
Any person who is an employee or independent contractor of the adult business, or any person who, with or without any compensation or other form of consideration, performs live entertainment for patrons of an adult business.

PERMANENT INSTALLATION
A continuous, permanent masonry foundation or masonry curtain wall constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for One and Two-Family Dwellings, unpierced except for required ventilation and access.

PERMEABLE PAVEMENT
A pavement system with traditional strength characteristics, but which allows rainfall to percolate through it rather than running off. A permeable pavement system utilizes either porous asphalt, pervious concrete, or plastic pavers interlaid in a running bond pattern and either pinned or interlocked in place. Porous asphalt consists of an open graded course aggregate held together by asphalt with sufficient interconnected voids to provide a high rate of permeability. Pervious concrete is a discontinuous mixture of Portland cement, coarse aggregate, admixtures, and water which allow for passage of runoff and air. Examples of permeable pavement systems include Grasspave2®, Gravelpave2®, Turfstone®, and UNI Eco-stone®. (See Watershed Management Institute, Inc. and U.S. Environmental Protection Agency, Office of Water, Operation, Maintenance & Management of Stormwater Management (Aug. 1997), at 2- 32; Booth & Leavitt, Field Evaluation of Permeable Pavement Systems for Improved Stormwater Management, 65 J. Am. Planning Ass'n 314 (Summer 1999), at 314-325.

PERSON
Any individual or group of individuals, partnership, general or limited, firm, association, whether incorporated or unincorporated, corporation, company, firm, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or any governmental or quasi- governmental entity, or other legal entity. The term "Person" includes both for profit and not-for-profit entities.

PERSONAL SERVICE ESTABLISHMENT
A business that provides personal services directly to customers at the site of the business, or which receives goods from or returns good to the customer which have been treated or processed at another location. "Personal service establishment" includes, but is not limited to: travel agencies, dry-cleaning and laundry drop-off and pick-up stations, tailors, hair stylists, cosmeticians, toning or tanning salons, branch offices of financial institutions, photocopying services, postal substations, package delivery drop- off and pick-up stations, shoe repair shops, interior design studios, domestic pet grooming and care services, and art, music, dance and martial arts schools. See LBCS Function 2600.

PETITIONER
An applicant.

PHARMACY
Any place where prescription drugs are dispensed or compounded. (Source: NCGS § 90-85.3)

PHASED DEVELOPMENT PLAN
A plan which has been submitted to the County of Lee by a landowner for phased development which shows the type and intensity of use for a specific parcel or parcels with a lesser degree of certainty than the plan determined by the County of Lee to be a site specific vesting plan. (Source: NCGS § 160D-108)

PHASED SUBDIVISION APPLICATION OR PHASED SITE PLAN APPLICATION (ALSO KNOWN AS A MULTI-PHASE DEVELOPMENT PLAN)
An application for subdivision or site plan approval in which the applicant proposes not to immediately subdivide or develop the property but to develop the property in one or more individual phase(s) over a period of time. A phased subdivision application may include an application for approval of, or conversion to, horizontal or vertical condominiums, non-residential development projects, planned unit developments,

mixed-use projects, and residential developments. A phased subdivision application or phased site plan application must be filed as part of an application for a specific plan or Master Preliminary Plan.(See NCGS 160D-108).

PHYSICIAN
An individual licensed to practice medicine pursuant to Article 1 of Chapter 90, NCGS.

PILINGS
Foundational structures placed into the earth to secure buildings and other structures.

PLANNED UNIT DEVELOPMENT (PUD)
An area of land zoned and improved as a development for which the otherwise applicable bulk use and other requirements may be modified in order to allow for more flexible planning in conformance with the development approval process and developed in accordance with the provisions of § 4.9 of this Ordinance.

PLANNING COMMISSION
The County of Lee Planning Commission. Also referred to as the "Commission."

PLANT
Any member of the plant kingdom, including seeds, roots and other parts or their propagules. (Source: NCGS § 106-202.12)

PLANTING STRIP OR AREA
Ground surface free of impervious cover and/or paved material which is reserved for landscaping purposes.

PLANTING YARDS
The required installation of landscaping and/or screening material between zoning districts and certain individual uses as specified in Article 7 of this Ordinance.

PLAT
The legal map of a subdivision.

POINT SOURCE
Any discernible, confined, and discrete conveyance, including, but specifically not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or concentrated animal-feeding operation from which wastes are or may be discharged to the waters of the State. (Source: NCGS § 143- 213)

POLE SIGN
See “Pylon Sign.”

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

POSITIVE DRAINAGE
Clear, unobstructed flow of storm water away from any building.

POWER GENERATION PLANTS
A station containing prime movers, generators, and auxiliary equipment for converting mechanical, chemical, solar, hydropower, fission or other forms of energy into electric energy. These establishments include facilities that convert other forms of energy (such as solar, wind, or tidal power) into electrical energy.

PRACTICABLE ALTERNATIVE
Alternative to proposed project which is available and capable of being executed after taking into consideration cost, existing technology, and logistics in light of overall project purposed, and having less impacts to wetlands or river streams. It may involve using an alternative site in the general region that is available to the developer and may feasibly be used to accomplish the project.

PRECISION INSTRUMENT RUNWAY
A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an FAA approved airport layout plan; a military service's approved military layout plan; any other FAA planning document, or military service's military airport planning document.

PRELIMINARY PLAT
The preliminary drawing or drawings, described in Article 6 of this Ordinance, indicating the proposed manner or layout of the subdivision to be submitted to the platting authority for approval.

PRETREATMENT FACILITY
Any treatment works installed for the purpose of treating, equalizing, neutralizing or stabilizing waste from any source prior to discharge to any disposal system subject to effluent standards or limitations. (Source: NCGS § 143-213)

PRETREATMENT STANDARDS
Effluent standards or limitations applicable to waste discharged from a pretreatment facility. (Source: NCGS § 143-213)

PRINCIPAL BUILDING OR PRINCIPAL STRUCTURE
The building or structure in which is conducted the principal use of the zoning lot on which it is located. This shall include any buildings which are attached to the principal structure by a covered structure.

Zoning lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

PRINCIPAL USE
The main or primary use of a parcel of land.

PRIVATE
Anything not owned or operated by the federal government, state government, or any political subdivision.

PRIVATE USE
One which is restricted to the occupants of a lot or building together with their guests, where compensation for such use is not received, and where no business or commercial activity is associated with such use or building.

PRIVATE UTILITIES
Includes power, telephone, natural gas, cable television and private water supply service.

PROFESSIONAL ENGINEER, REGISTERED
A person who has been duly registered and licensed as a professional engineer by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. (Source: NCGS § 89C-3)

PROJECTING SIGN
A sign which projects from a structure into a vehicular or pedestrian access way, more than one foot from the surface on which it is mounted, and is mounted usually, but not always, at right angles to the building.

PROPERTY
Refers to real property. For purposes of § 13.8 of this Ordinance, the term "property" means all real property subject to zoning regulations and restrictions and zoning boundaries by the County of Lee.

PROPERTY LINE, COMMON
A line dividing one lot from another. (Source: North Carolina State Building Code, Vol. 1, § 202)

PROPERTY LINE
See "Lot Line."

PUBLIC
Anything owned or operated by the federal government, state government, or any political subdivision.

PUBLIC OR COMMUNITY WASTEWATER SYSTEM
A single system of wastewater collection, treatment and disposal owned and operated by a sanitary district, a metropolitan sewage district, a water and sewer authority, a county or municipality or a public utility. (Source: NCGS § 130A-334)

PUBLIC HEARING
An evidentiary or legislative hearing for which public notice has been given and an opportunity for public testimony is provided. See NCGS 160D-102.

PUBLIC LAND FOR DEDICATION AND OWNERSHIP
Parks, playgrounds, schools, drainage channels, trails, highways, roads and streets or other areas of land accepted by the County of Lee and dedicated for the public's use or benefit.

PUBLIC MEETING
A meeting of a Board, Planning Commission, County of Lee or their representatives where the public may attend.

PUBLIC NOTICE
Notice to the public of a public hearing or meeting as required by state or local law.

PUBLIC RIGHT-OF-WAY
Any area on or adjoining a street, road, highway, alley, or pedestrian/bicycle way or other special purpose way or utility installation owned by, or reserved to, the County, City, Town, or State of North Carolina for present or future public use.

PUBLIC SCHOOL OR PUBLIC SCHOOL FACILITY
Any education facility under the jurisdiction of a local board of education or local school district, whether termed an elementary school, middle school, junior high school, high school or union school. (Source: NCGS § 115C-205). Includes charter schools.

PUBLIC SPACE
A legal open space on the premises, accessible to a public way or street, such as yards, courts or open spaces permanently devoted to public use, which abuts the premises and is permanently maintained accessible to the fire department and free of all encumbrances that might interfere with its use by the fire department. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

PUBLIC TRANSPORTATION
Transportation of passengers whether or not for hire by any means of conveyance, including but not limited to a street railway, elevated railway or guideway, subway, motor vehicle or motor bus, either publicly or privately owned and operated, carpool or vanpool, holding itself out to the general public for the transportation of persons within the territorial jurisdiction of the authority, including charter service. (Source: North Carolina Public Transportation Authorities Act, § 160A-576; Regional Public Transportation Authority Act, NCGS § 160A-601)

PUBLIC TRANSPORTATION SYSTEM
Without limitation, a combination of real and personal property, structures, improvements, buildings, equipment, vehicle parking or other facilities, and rights-of-way, or any combination thereof, used or useful for the purposes of public transportation. (Source: North Carolina Public Transportation Authorities Act, § 160A-576; Regional Public Transportation Authority Act, NCGS § 160A-601)

PUBLIC USE
A use which is owned by, and operated for, the public by a public entity.

PUBLIC UTILITY
An establishment that:

- produces, generates, transmits, delivers or furnishes electricity, piped gas, steam or any other like agency for the production of light, heat or power to or for the public for compensation; provided, however, that the term "public utility" shall not include persons who construct or operate an electric generating facility, the primary purpose of which facility is for such person's own use and not for the primary purpose of producing electricity, heat, or steam for sale to or for the public for compensation.
- Diverts, develops, pumps, impounds, distributes or furnishes water to or for the public for compensation, or operates a public sewerage system for compensation; provided, however, that the term "public utility" shall not include any person or company whose sole operation consists of selling water to less than 15 residential customers, except that any person or company which constructs a water system in a subdivision with plans for 15 or more lots and which holds itself out by contracts or other means at the time of said construction to serve an area that contains more than 15 residential building lots shall be a public utility at the time of such planning or holds out to serve such 15 or more building lots, without regard to the number of actual customers connected;
- Transports persons or household goods by street, suburban or interurban bus for the public for compensation;
- Transports persons or household goods by motor vehicles or any other form of transportation for the public for compensation, except motor carriers exempted in N.C.G.S. § 62-260, carriers by rail, and carriers by air;
- Transports or conveys gas, crude oil or other fluid substance by pipeline for the public for compensation;
- Conveys or transmits messages or communications by telephone or telegraph, or any other means of transmission, where such service is offered to the public for compensation.

The term “Public Utility” is not intended to extend municipal or county jurisdiction to the activities of entities for which jurisdiction is preempted by state or federal law. [Note: based on definition of “public utility” in NCGS § § 62-3].

PUBLIC UTILITY STORAGE AND SERVICE YARDS
Any building, structure, or land area used for the storage of parts, equipment, or similar items by a Public Utility, or for storage incidental to a Public Utility.

PUBLIC WATER SYSTEM
Any “public water system” as defined by NCGS § 130A-313, as may be amended from time to time, which document is hereby incorporated by this reference. For purposes of this Ordinance, the central water system operated by the City of Sanford Department of Public Works is considered a “Public Water System.”

PUBLIC WORKS POLICY MANUAL
The document entitled City of Sanford *Public Works Policy Manual* (1997), which document is hereby incorporated by this reference.

PYLON (OR POLE) SIGN
A ground mounted sign attached to one or more posts, whose base is greater than 24 inches above grade.

QUADRUPLEX
A building containing four (4) attached dwellings in one building in which each unit has two open space exposures and shares one or two walls with an adjoining unit or units.

RADIO STATION
One or more transmitters or receivers or a combination of transmitters and receivers, including the accessory equipment and incidental buildings for offices and broadcast facilities, necessary at one location for carrying on a radiocommunication service, or the radio astronomy service, as licensed by the Federal Communications Commission. For purposes of this definition, "radio communication" and "radio astronomy" shall have the meanings set forth in 47 C.F.R. § 2.1.

RCRA
The Resource Conservation and Recovery Act of 1976, Pub. L. 94-580, 90 Stat. 2795, 42 U.S.C. § 6901 et seq., as amended.

REAL PROPERTY
Lands, structures, franchises, and interest in lands, and any and all things usually included within the said term, and includes not only fees simple absolute but also any and all lesser interests, such as easements, rights-of-way, uses, leases, licenses, and all other incorporeal hereditaments and every estate, interest or right, legal or equitable, including terms of years, and liens thereon by way of judgments, mortgages or otherwise, and also claims for damage to real estate. (Source: Parking Authority Law, NCGS § 160A-551) The term "real property" also includes a building, structure, real estate, land, tenement, leasehold, interest in real estate cooperatives, condominium, and hereditament, corporeal and incorporeal, or any interest therein. (Source: NCGS § 41A-3)

REAR YARD
See "Yard, Rear."

REAR SETBACK (See "Setback, Rear") RECEIVING AREA
An area designated by this Ordinance as appropriate for development beyond the target density through the transfer of development rights.

RECLAMATION
The reasonable rehabilitation of the affected land for useful purposes, and the protection of the natural resources of the surrounding area. Although both the need for and the practicability of reclamation will control the type and degree of reclamation in any specific instance, the basic objective will be to establish on a continuing basis the vegetative cover, soil stability, water conditions and safety conditions appropriate to the area. (Source: The Mining Act of 1971, NCGS § 74-49)

RECORDED/RECORD
Document(s) being placed in the indexed or coded files and book(s) of the County Clerk and Register of Deeds.

RECREATIONAL VEHICLE
A vehicular or portable unit mounted on a chassis and wheels, and which is primarily designed to provide temporary living quarters and either has its own motive power or is mounted on, or drawn by, a motor vehicle. Examples are: travel trailers, truck campers, camping trailers, and motor homes. For purposes of measuring length, the trailer hitch and/or trailer tongue shall be excluded.

REDEVELOPMENT
For purposes of § 4.14, only, redevelopment means any rebuilding activity which has no net increase in built-upon area or which provides equal or greater storm water control than the previous development, in accordance with the provisions of 15A NCAC 2H.100. (Source: 15A NCAC 2H.1002).

REFUSE
All waste soil, rock, mineral, scrap, tailings, slimes, and other material directly connected with the mining, cleaning, and preparation of substances mined and shall include all waste materials deposited on or in the permit area from other sources. (Source: The Mining Act of 1971, NCGS § 74-49)

REGIONAL BREWERY
A brewery with an annual beer production of between 15,000 and 6,000,000 barrels.

REGISTERED LAND SURVEYOR
A person who, by reason of his special knowledge of mathematics, surveying principles and methods, and legal requirements which are acquired by education and/or practical experience, is qualified to engage in the practice of land surveying, as herein defined, as attested by his registration as a registered land surveyor by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. (Source: NCGS § 89C-3)

REGULATION
As used in this Ordinance, means an applicable provision of this Ordinance or any other requirement promulgated under this Ordinance.

REGULATORY FLOOD ELEVATION
The elevation which is two (2) feet above the calculated water-surface elevation of the base flood.

REMEDY A VIOLATION
To bring the structure or other development into compliance with the floodplain regulations or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impact may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this Article or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

REQUIRED SETBACK (See, Setback, Required) RESERVATION
Reservation of land does not involve any transfer of property rights. It constitutes an obligation to keep property free from development for a stated period of time.

RESIDENCE
Any building, or portion thereof, which is designed for living and/or sleeping purposes. The term shall not be deemed to include a hotel, motel, tourist home, or other similar building designed for transient residence. Nor shall it include travel trailers, campers, motor homes or other similar vehicles except as permitted within an approved travel trailer park or as provided for in Section 5.34.2.9 of this Ordinance.

RESIDENTIAL USE
Includes all uses listed under the category “Residential Buildings” in the Use Matrix.

RESIDENT PLANT OR RESIDENT SPECIES
A native species or higher taxon of plant growing in North Carolina. (Source: NCGS § 106-202.12)

RESOURCE EXTRACTION
The on-site extraction of surface or sub-surface mineral products or other natural resources, including but not necessarily limited to quarries, burrow pits, sand and gravel operations, oil and gas extraction, and mining operations.

RE-SUBDIVISION
The changing of an existing parcel created by a plat and recorded with the County Clerk and Register of Deeds.

RETAIL
The sale of any tangible personal property in any quantity or quantities for any use or purpose on the part of the purchaser other than for resale. (Source: North Carolina Sales and Use Tax Act, NCGS § 105- 164.3).

RETAINING WALL
A manmade barrier constructed for the purpose of stabilizing soil, retarding erosion, or terracing a parcel or site.

REVISION
The changing and/or rescinding of zoning and other land use approvals following notice and an opportunity for objection. The status of the land use approvals, including zoning and/or subdivision approval(s) may be that which applied previously to the property or may be a new and/or different zoning or other land use status.

REZONING
An amendment to the Official Zoning Map as established and maintained according to § 3.3 of this Ordinance.

RIDGE
For purposes of any regulation or provision of this Ordinance applicable to mining, overburden removed from its natural position and deposited elsewhere in the shape of a long, narrow elevation. (Source: The Mining Act of 1971, NCGS § 74-49)

RIGHT-OF-WAY
1. A general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to transportation purposes; 2. The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian. For purposes of this Ordinance, the "Right-of-Way" for streets shall mean and refer to the boundaries of any right-of-way certified and/or registered by the NCDOT pursuant to NCGS § 136-19.4, a right-of-way recorded by the County of Lee for roads or streets, or a right-of-way reserved in a recorded subdivision plat. If no such documentation exists, or if such documentation cannot be located, the "Right-of-Way" shall mean and refer to the edge of the paved surface of the street.

RIPARIAN ECOSYSTEM
Living organisms (plants and animals) and habitat that occur in association with any spring, lake, watercourse, river, stream, creek, or other body of water, either surface or subsurface.

RIVER
A flowing body of water or estuary or a section, portion, or tributary thereof including rivers, streams, creeks, runs, kills, rills, and small lakes, with a drainage basin of at least one (1) mile and extending beyond the borders of Lee County. (Source: adapted from NCGS § 143B-135.146

ROAD
A public or private street, hard-surface road, dirt road, or railroad. (Source: NCGS § 143B-135.146

ROADSIDE STAND
An accessory structure for the seasonal retail sale of grown or produced food products on the lot.

ROADWAY
The improved portion of a street within a right-of-way and/or easement.

ROOF LINE
The highest edge of the roof or the top of parapet, whichever establishes the top line of the structure when viewed in a horizontal plane.

ROOF SIGN
Any sign erected, constructed, and/or painted wholly or partially on or above the roof of a building.

ROOT PROTECTION ZONE
An area which is eighteen (18) to twenty-four (24) inches deep and a distance from the trunk of a tree equal to its drip line or one-half (1/2) of its height, whichever is greater.

ROWHOUSE
See "Townhouse."

RURAL FAMILY OCCUPATION OF A COMMERCIAL OR INDUSTRIAL NATURE
An office/workshop built in connection with a house to run an industrial or commercial business out of, which is only permitted in the residential agricultural (RA) zoning district, subject to compliance with Section 5.30.

SANITARY LANDFILL
See Article 5.

SAWMILL
A facility where logs or partially processed cants are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.

SAWMILL, ACCESSORY
A Sawmill which is operated as an incident to a construction site or another industrial or retail operation which is or will be established as a Primary Use on the same site.

SCENIC EASEMENT
A perpetual easement in land which (i) is held for the benefit of the people of North Carolina, (ii) is specifically enforceable by its holder or beneficiary, and (iii) limits or obligates the holder of the servient estate, his heirs, and assigns with respect to their use and management of the land and activities conducted thereon. The object of such limitations and obligations is the maintenance or enhancement of the natural beauty of the land in question or of the areas affected by it. (Source: NCGS § 143B-135.146 and the North Carolina Trails System Act , NCGS § 143B-135.94)

SCHOOL
An institution of learning, such as elementary and secondary schools, colleges and universities, which offers instruction in several branches of learning and study, but not including business colleges, nursery schools, dancing schools, riding academies, or Business, Technical, Trade schools. Includes public, private, charter and community schools.

SCHOOL PROJECT
Any one or more buildings, structures, improvements, additions, extensions, enlargements or other facilities for use primarily as a dormitory or other housing facility, including housing facilities for student nurses, a dining hall and other food preparation and food service facilities, student union, administration building, academic building, library, laboratory, research facility, classroom, athletic facility, health care facility, laundry facility, and maintenance, storage or utility facility and other structures or facilities related thereto or required or useful for the instruction of students or the conducting of research or the operation of an institution for higher education, including parking and other facilities or structures essential or convenient for the orderly conduct of such institution for higher education, or any combination of the foregoing, and shall also include landscaping, site preparation, furniture, equipment and machinery and other similar items necessary or convenient for the operation of an institution for higher education or a particular facility, building or structure thereof in the manner for which its use is intended but shall not

include such items as books, fuel, supplies or other items the costs of which are customarily deemed to result in a current operating charge, and shall not include any facility used or to be used for sectarian instruction or as a place of religious worship nor any facility which is used or to be used primarily in connection with any part of the program of a school or department of divinity for any religious denomination. (Source: Higher Educational Facilities Finance Act, NCGS Chapter 159D, Article 2)

SCRAP AND SALVAGE SERVICES
An 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.

SCREEN
Vegetation, fence, wall, berm or a combination of any or all of these which partially or completely blocks the view of and provides spatial separation of a portion or all of a site from an adjacent property or right-of-way.

SCREENING
Shielding, concealing and effectively hiding from view of a person standing at ground level on an abutting site, or outside the area of the feature so screened by a wall, fence, hedge, berm or any combination of these methods, or any similar architectural or landscaped feature, such as a landscape perimeter strip or bufferyard. (See Landscape Standards).

SEASONAL HIGH WATER TABLE
The highest level that groundwater, at atmospheric pressure, reaches in the soil in most years (see15A NCAC 2H.1002, which is hereby incorporated by this reference).

SEDIMENT
Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin. (Source: the "Sedimentation Pollution Control Act of 1973, NCGS § 113A-52)

SEDIMENTATION
The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land disturbing activity or into a lake or natural watercourse.

SEDIMENTATION ACT
The North Carolina Sedimentation Pollution Control Act of 1973 and all rules and orders adopted pursuant thereto.

SEDIMENT AND EROSION CONTROL DEVICES
Sediment fences, sediment traps, or other devices necessary to reduce sedimentation as required by this section.

SEISMIC EFFECTS
Direct and indirect effects caused by an earthquake or man-made phenomena.

SEPTIC TANK SYSTEM
A subsurface wastewater system consisting of a settling tank and a subsurface disposal field. (Source: NCGS § 130A-334)

SERVICE LINES
Electric, gas, communication, water, sewer, irrigation and drainage lines providing local distribution or collection service.

SERVICE YARD AND/OR ENTRANCE
An area and/or entrance to a structure, which is used for pickup and delivery, especially in conjunction with retail and wholesale outlets.

SETBACK
The distance from the street (in the case of a Front Setback) or property line to the nearest part of the applicable Building, Structure, measured perpendicular to the street or property line, in front of which no structure may be erected.

SETBACK, FRONT
The minimum horizontal distance between any Building or Structure and the Front Lot Line.

SETBACK LINE
A line measured from the property line or future right-of-way line of a street, as applicable.

SETBACK, REAR
The minimum horizontal distance between any building and the rear property line.

SETBACK, REQUIRED
The distance required by Article 3 of this Ordinance between the building or other structure and the lot line or, for unsubdivided properties, the property line.

SETBACK, SIDE
The horizontal distance between any building and the side property line.

SEWAGE
Water-carried human waste discharged, transmitted, and collected from residences, buildings, industrial establishments, or other places into a unified sewerage system or an arrangement for sewage disposal or a group of such sewerage arrangements or systems, together with such ground, surface, storm, or other water as may be present. (Source: NCGS § 143-213) The term "sewage" also means the liquid and solid human body waste and liquid waste generated by water-using fixtures and appliances, including those associated with flood handling. The term does not include industrial process wastewater or sewage that is combined with industrial process wastewater. (Source: NCGS § 130A-334)

SEWAGE DISPOSAL SYSTEM
Any plant, system, facility, or property used or useful or having the present capacity for future use in connection with the collection, treatment, purification or disposal of sewage (including industrial wastes resulting from any processes of industry, manufacture, trade or business or from the development of any natural resources), or any integral part thereof, including but not limited to septic tank systems or other on-site collection or disposal facilities or systems, treatment plants, pumping stations, intercepting sewers, trunk sewers, pressure lines, mains and all necessary appurtenances and equipment, and all property, rights, easements and franchises relating thereto and deemed necessary or convenient by the authority for the operation thereof. (Source: NCGS § 162A-2)

SEWAGE TREATMENT PLANT, PUMP STATIONS, OR LIFT STATIONS
Any plant, system, facility, or property used or useful or having the present capacity for future use in connection with the collection, treatment, purification or disposal of sewage (including industrial wastes resulting from any processes of industry, manufacture, trade or business or from the development of any natural resources), or any integral part thereof, including but not limited to septic tank systems or other on-site collection or disposal facilities or systems, treatment plants, pumping stations, intercepting sewers, trunk sewers, pressure lines, mains and all necessary appurtenances and equipment, and all property, rights, easements and franchises relating thereto and deemed necessary or convenient by the authority for the operation thereof. (Source: NCGS § 162A-2)

SEWERS
Mains, pipes and laterals for the reception of sewage and carrying such sewage to an outfall or some part of a sewage disposal system, including pumping stations where deemed necessary by the authority. (Source: NCGS § 162A-2)

SEWER SYSTEM
Pipelines or conduits, pumping stations, and force mains, and all other construction, devices, and appliances appurtenant thereto, used for conducting wastes to a point of ultimate disposal. (Source: NCGS § 143-213) The term "sewer system" shall also include both sewers and sewage disposal systems and all property, rights, easements and franchises relating thereto. (Source: NCGS § 162A-2)

SEXUALLY ORIENTED BUSINESS
See “Adult Establishment.”

SHOPPING CENTER
A group of stores planned and designed for the site on which it is built, functioning as a unit, with off-street parking, landscaped areas, and pedestrian malls or plazas provided on the property as an integral part of the unit.

SHOULDER
The earthen soil, clay, or gravel or turf section of pavement support extending from the outer pavement edge to the bottom of a side ditch including shoulder sections which are paved. (Source: 19A NCAC § 20.0404).

SHRUB, LARGE
An upright plant growing to a mature height of more than 8 feet for use as natural ornamentation or screening.

SHRUB, MEDIUM
An upright plant growing to a mature height of 4 to 8 feet.

SHRUB, SMALL
An upright plant growing to a mature height of less than 4 feet.

SIDEWALK
The portion of a street or cross walkway, paved or otherwise surfaced, intended for pedestrian use only.

SIDE SETBACK
(See “Setback, Side”)

SIGHT TRIANGLE
A triangular-shaped area at street intersections and driveways in which the sight distance of motorists entering or leaving the intersection or driveway would be limited or obstructed if anything is erected, placed, planted, or allowed to grow.

SIGN
Any display of letters, words, numbers, symbols, emblems, objects, pictures, or any combination thereof visible to the general public that advertises, announces, draws attention to, or identifies a product, place, activity, person, institution, business, or other entity, or that communicates a message or information of any kind, whether such display is made on, attached to, or constructed as part of a building, structure, vehicle, or object.

SIGN AREA
The area of a sign computed in accordance with Article 11 of this UDO.

SIGN HEIGHT
The vertical height of a sign computed in accordance with Article 11 of this UDO.

SIGNIFICANT ADVERSE IMPACT
Impacts from activities that result in or contribute to any of the following consequences:

1. Alteration of the wetland or river stream environment, including alteration which results from activities such as grading of slopes and banks, creation of impervious surfaces, removal of native vegetation, placement of fill within a wetland or river stream or associated riparian ecosystem;

2. Disturbance or taking of wildlife, aquatic life, or other natural resources or habitats;

3. Alteration of base flood elevations;

4. Alteration of existing hydrologic or aquatic systems;

5. Degradation of aesthetic, scenic or cultural values associated with the ecosystem;

6. Degradation of environmental quality, including water quality, plant and wildlife communities, and ecosystem functions and stability.

SIGNIFICANT STANDS OF TREES OR SHRUBS:
A massing or group of trees or shrubs which are (1) in good condition and are established on the site, or (2) which may be among the earliest grown species of the area, or (3) which have been identified by the community with a particular area.

SITE EVALUATION
An investigation to determine if a site meets all federal and State standards as evidenced by the Waste Management Facility Site Evaluation Report on file with the Soil and Water Conservation District office or a comparable report certified by a professional engineer or a comparable report certified by a technical specialist approved by the North Carolina Soil and Water Conservation Commission. (Source: NCGS § 106- 802, Swine Farm Siting Act)

SILTATION
Sediment resulting from accelerated erosion which is settleable or removable by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land disturbing activity; and which has been deposited, or is in suspension in water.

SINGLE-FAMILY RESIDENTIAL DWELLING
A separately owned residence for use by one family as a housekeeping unit with space for eating, living, and permanent provisions for cooking and sanitation. See NCGS § 87-15.5).

SITE SPECIFIC VESTING PLAN (SSVP)
A plan which has been submitted to the County of Lee by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such plan may be in the form of, but not be limited to, any of the following plans or approvals: A planned unit development plan, a subdivision plat, a preliminary or general development plan, a special use permit, a conditional zoning plan, or any other land-use approval designation as may be utilized by the County of Lee, and must be accompanied by an application for a SSVP. Unless otherwise expressly provided by the County of Lee, such a plan shall include the approximate boundaries of the site; significant topographical and other natural features effecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. What constitutes a site specific vesting plan that would trigger a vested right shall be finally determined by the County of Lee pursuant to Article 12 of this Ordinance, and the document that riggers such vesting shall be so identified at the time of its

approval, and must be accompanied by an application for a SSVP. A variance shall not constitute a site specific development plan, and approval of a site specific development plan with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained. If a sketch plat or other document fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property, it may not constitute a site specific vesting plan. (Source: NCGS

§ 160D-108(d)(3)(c))

SITE PLAN
A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on one or more lots on which is shown (1) the existing and proposed conditions of the lot, including but not limited to topography, vegetation, drainage, flood plains, wetlands and waterways; (2) the location of all existing and proposed buildings, drives, parking spaces, walkways, means or ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting, screening devices; (3) the location of building pads for all residential and non-residential buildings; and (4) and location and extent of all perimeter buffers from surrounding areas; and other features necessary to show compliance with all legally required development regulations that are applicable to the project and site plan review.

SKETCH PLAT
A sketch preparatory to the preliminary plat or site plan (or final plat or site plan in the case of minor subdivisions or Special Use permits) to enable the subdivider to save time and expense in reaching general agreement with the platting authority as to the form of the plat and the objectives of this Ordinance.

SLAUGHTERHOUSE
A building or structure where livestock is slaughtered and prepared for distribution to butcher shops or retail sales establishments such as grocery stores. A slaughterhouse is designed to accommodate the confinement and slaughtering of live animals and may include packing, treating, storage and/or sale of the product on the premises.

SLOPE
A vertical rise in feet measured over a horizontal distance, expressed as a percentage, measured generally at right angles to contour lines.

SLUDGE
Any solid, semisolid or liquid waste generated from a municipal, commercial, institutional or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility, or any other waste having similar characteristics and effects. (Source: NCGS § 130A-290)

SMALL MATURING TREE
Any tree whose height is less than thirty-five (35) feet at maturity.

SQUARE
Open space that may encompass an entire block, is located at the intersection of important streets, and is set aside for civic purposes, with landscape consisting of paved walks, lawns, trees, and monuments or public art.

SOLID MASONRY
Load-bearing or nonload-bearing construction using masonry units where the net cross-sectional area of cored brick in any plane parallel to the surface containing the cores shall be not less than 75 percent of its gross cross- sectional area. No part of any hole shall be less than 3/4 inch (19.1 mm) from any edge of the brick. Solid masonry units shall conform to ASTM C 55, C 62, C 73, C 145 or C 216. (Source: North Carolina State Building Code, Vol. VII, § 202).

SOIL SURVEY
The Soil Survey of Lee County, North Carolina, published by the Soil Conservation Survey of the U.S. Department of Agriculture, dated September 1988, which document is hereby incorporated by this reference.

SOLID WASTE
Any hazardous or nonhazardous garbage, refuse or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, domestic sewage and sludges generated by the treatment thereof in sanitary sewage collection, treatment and disposal systems, and other material that is either discarded or is being accumulated, stored or treated prior to being discarded, or has served its original intended use and is generally discarded, including solid, liquid, semisolid or contained gaseous material resulting from industrial, institutional, commercial and agricultural operations, and from community activities. The term does not include:

a. Fecal waste from fowls and animals other than humans.

b. Solid or dissolved material in 1. Domestic sewage and sludges generated by treatment thereof in sanitary sewage collection, treatment and disposal systems which are designed to discharge effluents to the surface waters. 2. Irrigation return flows. 3. Wastewater discharges and the sludges incidental to and generated by treatment which are point sources subject to permits granted under Section 402 of the Water Pollution Control Act, as amended (P.L. 92- 500), and permits granted under G.S. 143-215.1 by the Environmental Management Commission. However, any sludges that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this Article.

c. Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the General Statutes. However, any oils or other liquid hydrocarbons that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this Article.

d. Any source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011).

e. Mining refuse covered by the North Carolina Mining Act, G.S. 74-46 through 74-68 and regulated by the North Carolina Mining Commission (as defined under G.S. 143B-290). However, any specific mining waste that meets the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this Article.

(Source: NCGS § 130A-290)

SOLID WASTE COLLECTION, TRANSFER AND/OR DISPOSAL (NON-HAZARDOUS)
A facility used for treating, burning, incinerating, compacting, composting, storing or disposing of solid waste, excluding any “hazardous waste” as defined in NCGS § 130A-290. This definition includes any “solid waste disposal facility” as defined by NCGS § 159C-3, any “solid waste disposal site” as defined by NCGS § 130A-290, or any “solid waste management facility” as defined by NCGS § 130A-290, unless such facility disposes of “hazardous waste” as defined by NCGS § 130A-290.

SOLID WASTE COMBUSTOR OR INCINERATOR
Any facility used for burning or incinerating “solid waste” as defined in NCGS § 130A-290.

SOLID WASTE CONVENIENCE CENTER
Any facility that accepts only bagged residential waste and specified recyclable goods. Solid waste convenience centers are permitted in the zones where indicated only if the waste does not include waste generated by construction and demolition activities, yard waste, liquid waste or hazardous waste. Solid waste convenience centers are also only permitted in the zones where indicated if the facility is enclosed by a buffer (as defined by this ordinance) which completely screens from view the operational activity, and only if the facility is aesthetically landscaped to further assure the facility becomes a more than acceptable neighbor for the area in which the facility is designed, constructed and operated.

SOLID WASTE DISPOSAL FACILITY
A facility for the purpose of treating, burning, compacting, composting, storing or disposing of solid waste. (Source: NCGS § 159C-3)

SOLID WASTE DISPOSAL SITE
Any place at which solid wastes are disposed of by incineration, sanitary landfill or any other method. (Source: NCGS § 130A-290)

SOLID WASTE LANDFILL
A disposal facility or part of a disposal facility where solid waste, as defined in NCGS § 130A-290, is placed in or on land and which is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility.

SOLID WASTE MANAGEMENT FACILITY
Land, personnel and equipment used in the management of solid waste. (Source: NCGS § 130A-290)

SOUND MANAGEMENT PROGRAM
A program of production designed to obtain the greatest net return from the land consistent with its conservation and long-term improvement. (Source: NCGS § 105- 277.2).

SPECIAL CONCERN SPECIES
Any species of plant in North Carolina which requires monitoring but which may be collected and sold under regulations adopted under the provisions of this Article. (Source: NCGS § 106- 202.12)

SPECIAL USE
A "Special Use" means a use which, because of its unique or varying characteristics, cannot be properly classified as a permitted use in a particular district. A use in considered a Special Use if designated as such by the Use Matrix of Table 4.6-1.

SPECIFIC PLAN
A document encompassing a specific geographic area of the Governing Agency which is prepared for the purpose of specifically implementing the Comprehensive Plan by (1) refining the policies of the Comprehensive Plan to a specific geographic area; and (2) containing specific recommendation as to the detailed policies and regulations applicable to a focused development scheme. The specific plan shall consist of goals, objectives and policies; requirements for capital improvements; the level of service required for public facilities; physical and environmental conditions; housing and land use characteristics of the area; and maps, diagrams and other appropriate materials showing existing and future conditions.

SPINNER
A wind activated, propeller-type device, which may or may not be attached to advertising copy.

STABLE, PRIVATE
A detached accessory building for the keeping of horses, mules, or ponies owned by the occupants of the premises and not kept for remuneration, hire or sale.

STAFF
Unless otherwise indicated, the staff of the Department of Community Development.

START OF CONSTRUCTION
Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvements was within one hundred eighty (180) days of the permit date. The actual start means the first placement of a permanently-constructed structure on a site, such as the pouring of slab or footings, the installation of pilings, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation

for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STATE HIGHWAY
Street or highway on the State Highway System.

STATE HIGHWAY SYSTEM
The system of streets and highways as described in NCGS § 136-44.1. (Source: 19A NCAC § 20.0404).

STORM DRAINAGE FACILITIES
The system of inlets, conduits, channels, dikes and appurtenances which serve to collect and convey storm water through and from a given drainage area.

STORMWATER
The flow of water which results from precipitation and which occurs immediately following rainfall or a snowmelt. (Source: NCGS § 143-213)

STORMWATER COLLECTION SYSTEM
As defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

STORMWATER RUNOFF
The direct runoff of water resulting from precipitation in any form. (Source: 15A NCAC § 4A.0005).

STORY (See Height, Story) STORY ABOVE GRADE
Any story having its finished floor surface entirely above grade except that a basement shall be considered as a story above grade when the finished surface of the floor above the basement is: (1) More than 6 feet (1829 mm) above grade plane; (2) More than 6 feet (1829 mm) above the finished ground level for more than 50 percent of the total building perimeter; or (3) More than 12 feet (3658 mm) above the finished ground level at any point. (Source: North Carolina State Building Code, Vol. VII, § 202).

STREAM
A watercourse that collects surface runoff from an area of one square mile or greater. This does not include flooding due to tidal or storm surge on estuarine or ocean waters. (Source: NCGS § 143-215.52).

STREAMER
A string or strip of miniature or full size pennants or flags which may or may not be suspended between two points.

STREET
Any public thoroughfare, street, avenue, or boulevard which has been dedicated or deeded to the public for public use. (Source: North Carolina State Building Code, Vol. 1, § 201.3). Includes any Road.

STREET, ARTERIAL
Any street designated as an “Arterial Street” on the Thoroughfare Plan. Arterial Streets are the most significant streets in the community that serve the major centers of activity, constitute the highest traffic volume corridors, serve the longest trip desires, carry the major portion of through traffic in the urban area, and provide continuity between arterials.

STREET, COLLECTOR
Any street designated as a “Collector Street” on the Thoroughfare Plan. A Street whose function consists of both carrying traffic from Local Streets to Thoroughfares and providing access to abutting properties. On the North Carolina System of Secondary Roads, Collector streets channel traffic in subdivisions from side roads. They also provide access from other state-maintained roads. [Source: 19A NCAC 02C.0101]

STREET, LOCAL
A Street used primarily to provide direct access to abutting property. A "Subdivision Streets" located on the North Carolina System of Secondary Roads, is considered a "Local Street." A "Subdivision Street" is a street or road which has been dedicated to the public to provide ingress and egress to lots or parcels which have been laid out for the purpose of providing home sites by a person or firm hoping to profit by the sale of such parcels. These lots or parcels are of insufficient size to be used primarily for farming purposes. A subdivision street is primarily for the use and convenience of the abutting property owners and not the general traveling public. [Source: 19A NCAC 02C.0101]

STREET, PUBLIC
Any street located within a public right-of-way.

STREET FRONTAGE
The distance for which a lot line of a lot adjoins a public street, from one lot line intersecting said street to the furthest distance lot line intersecting the same street.

STREET LINE
A lot line dividing a lot from a street. (Source: North Carolina State Building Code, Vol. 1, § 202).

STREET TREE
A tree planted along a public street or roadway behind or within the right-of-way.

STREET YARD
A planting yard comprised of a strip of land containing landscaping materials located along and parallel to a public street, or streets and having a varying minimum width, as specified in Section 7.7 of this Ordinance.

STRIP DEVELOPMENT
A form of development characterized by the following:

(1) the primary uses are commercial or retail in nature; and

(2) the development site takes direct access from an Arterial or Collector Road; and

(3) the site contains parking located above ground level and lying between the accessed roadway and the primary buildings; and

(4) the site, along or in combination with adjoining commercial or retail sites, containing frontage of not less than 200 feet along the street or streets from which it takes primary or secondary access, or by numerous access points along a roadway serving primarily retail and/or commercial uses.

STRUCTURAL ALTERATION
Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders or any complete rebuilding of the roof or exterior walls.

STRUCTURE
Anything constructed or erected which requires location on or in the ground or is attached to something having a location on the ground or anything as defined by the Building Code, including an edifice or building of any kind. Structures do not include ditches and their appurtenances, poles, lines, cables, or transmission or distribution facilities of public utilities, freestanding mailboxes, on-grade slabs, walks, driveways, landscaping materials or fences. Includes both permanent and temporary structures. For purposes of the Floodplain Regulations, a "Structure" means a walled or roofed building, including a mobile home and a gas or liquid storage tank. For purposes of the Floodplain Regulations, a "structure" does not include: (1) An electric generation, distribution, or transmission facility; (2) A gas pipeline or gas transmission or distribution facility, including a compressor station or related facility; (3) A water treatment or distribution facility, including a pump station; (4) A wastewater collection or treatment facility, including a lift station; or (5) Processing equipment used in connection with a mining operation.

STRUCTURE, MAIN OR PRINCIPAL
See "Building, Main or Principal."

STRUCTURE, PERMANENT
Anything constructed or erected within a required location on the ground or which is attached to something having location on the ground, including a fence or free-standing wall.

STUB-OUT (STUB-STREET)
A portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future.

SUBDIVIDE or "SUBDIVIDE LAND"
The act or process of creating a Subdivision.

SUBDIVIDER
Any Person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot, parcel site, unit, or plat in a subdivision, or, who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit or plat in a subdivision, and who (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

SUBDIVISION
All divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose of sale or building development whether immediate or future, and all divisions of land involving the dedication of a new street or change in existing streets; provided, however, that the following shall not be included within this definition: (1) the combination or re-combination of portions of previously platted subdivided or recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance; (2) the division of land into parcels greater than 10 acres where no street right-of-way dedication is involved, (3) the public acquisition, by purchase, of strips of land for the widening or the opening of streets; and (4) the division of a tract in single ownership whose entire area is no greater than 2 acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this Ordinance, and (5) the division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes. (Source: NCGS § 160D-802). See Article 6 of this Ordinance.

SUBGRADE
The foundation layer of a street.

SUBSIDIARY
A person who is directly, or indirectly through one or more intermediaries, controlled by another person.

SUBSTANTIAL DAMAGE
Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged-condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT
Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

SURFACE, IMPERVIOUS
See Impervious Surface.

SURVEYOR
A land surveyor registered by the State of North Carolina.

SUSPENDED SIGN
A sign which is suspended from the underside of a horizontal plane surface, such as a canopy or marquee, and is supported by such

SWALE
An elongated depression in the land surface that is at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. Swales direct storm water flows into primary drainage channels and allow some of the storm water to infiltrate into the ground surface.

SWIMMING POOL, PRIVATE
A pool established or maintained on any premises by an individual for use by his/her family or guests of his/her household.

SWINE FARM
A tract of land devoted to raising 250 or more animals of the porcine species. (Source: NCGS § 106-802, Swine Farm Siting Act)

SWINE HOUSE
A building that shelters porcine animals on a continuous basis. (Source: NCGS § 106-802, Swine Farm Siting Act)

T-SHAPED SIGN
A portable sign comprised of one or more panels or faces joined at the bottom to a perpendicular base on which the sign stands.

TAPROOM
A room that is ancillary to the production of beer at a brewery, microbrewery, and restaurant/brewpub where the public can purchase and/or consume a majority of the beer produced on site. Accessory use to a brewery maintained predominately for the purpose of tasting, selling and consumption of alcohol beverages manufactured on the premises or at a production facility of a related entity, including the sale of take home containers such as kegs, growlers, bottles and cans as may be allowed under federal and state law. May provide entertainment.

TELECOMMUNICATION TOWERS
A vertical projection, including a foundation, designed and primarily used to support one (1) or more antennas or which constitutes an antenna itself.

TELEPHONE REPEATER STATION
A building used for housing amplifying equipment along aerial or underground telephone cable routes.

TELEVISION, RADIO AND FILM STATION
A facility for the production of films and/or the production and broadcast of television and radio programs including but not necessarily limited to: offices, dressing rooms, studios, sound stages, file rooms, and set stage, but not including transmitting facilities.

TELEVISION STATION
One or more transmitters or receivers or a combination of transmitters and receivers, including the accessory equipment and incidental buildings for offices and broadcast facilities, necessary at one location for transmitting television signals, as licensed by the Federal Communications Commission. For purposes of this section, "television" shall have the meaning set forth in 47 C.F.R. § 2.1.

TEMPORARY
Unless otherwise specified, for a period of time less than or equal to one (1) year.

TEMPORARY HEALTH CARE STRUCTURE
A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) has no more than 300 gross square feet, and (iii) complies with applicable provisions of the State Building Code and G.S. 143-139.1(b). The structure shall not be required or permitted to be placed on a permanent foundation. See G.S. 160D-915.

TEMPORARY SIGN
A sign, banner, or other advertising device or display constructed of cloth, canvas, cardboard, wallboard, or other light temporary materials, with or without a structural frame, intended for a temporary period of display.

TEMPORARY STRUCTURE
A structure without any foundation or footings and that is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

TEMPORARY USE
A use that is established for one (1) year or less, with the intent to discontinue such use upon the expiration of such time, and that does not involve the construction or alteration of any permanent structure. See § 5.8 of this Ordinance.

TEN-YEAR STORM
The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in ten (10) years, and of a duration which will produce the maximum peak rate of runoff, for the watershed of interest under average antecedent wetness conditions. (Source: 15A NCAC 2H.1002; Sedimentation Control Standards).

THOROUGHFARE
A Major or Minor Thoroughfare or an arterial or collector street as identified on the Thoroughfare Plan.

THOROUGHFARE PLAN
A plan approved pursuant to NCGS § 136-66.2.

THREATENED SPECIES
Any resident species of plant which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range, or one that is designated as threatened by the Federal Fish and Wildlife Service. (Source: NCGS § 106-202.12)

THROUGH LOT
See "Lot, Through."

TIME SHARE
A "time share" as defined in NCGS 93A-41(9).

TIRE COLLECTION SITE
A site used for the storage of scrap tires. (Source: NCGS § 130A-309.53)

TIRE PROCESSING SITE
A site actively used to produce or manufacture usable materials, including fuel, from scrap tires. (Source: NCGS § 130A-309.53)

TOPPING
Any pruning practice that results in more than one-half (1/2) of the foliage and limbs being removed. This includes pruning that leads to the disfigurement of the normal shape of the tree.

TOTAL PERMISSIBLE DWELLING UNITS OR SQUARE FOOTAGE
The total density or intensity of a project computed pursuant to § 4.7 of this Ordinance.

TOWER, GUYED
A style of antenna-supporting structure consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of guy wires which are connected to anchors placed in the ground or on a building.

TOWER, LATTICE
A style of antenna-supporting structure that consists of vertical and horizontal supports with multiple legs and cross-bracing, and metal crossed strips or bars to support antennas.

TOWER, MONOPOLE
A style of free-standing antenna-supporting structure which is composed of a single shaft usually composed of two or more hollow sections which are in turn attached to a foundation. This type of antenna-supporting structure is designed to support itself without the use of guy wires or other stabilization devices. These structures are mounted to a foundation which rests on or in the ground or on a building's roof.

TOWER, TELECOMMUNICATIONS
A structure designed to support antennas used for transmitting or receiving commercial telephone communications and/or commercial telecommunications. (Amateur or ham radio towers are not included in this definition.)

TOWER, RADIO AND TV TELECOMMUNICATIONS TRANSMISSION
A structure of wires, poles, rods, reflecting disks, or similar devices used for transmitting or receiving television or radio signals, excluding satellite dish antennas.

TOWNHOUSE
A single-family dwelling unit constructed in a series, group or row of attached units separated by property lines and with a yard on at least two sides. (Source: North Carolina State Building Code, Vol. 1, § 201.2 and Vol. VII, § 202). The term "townhouse" also includes a single-family dwelling constructed in a series or group of attached units with property lines separating each unit. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

TOXIC WASTE
That waste, or combinations of wastes, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction) or physical deformities, in such organisms or their offspring. (Source: NCGS § 143-213)

TRACT
All contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.

TRAFFIC STUDY
A study relating to trip generation for a specific use prepared by a Traffic Engineer.

TRAFFIC ENGINEER
A Registered Professional Engineer associated with a firm listed on the NCDOT "register of Firms" pursuant to 19A NCAC 2E.0702.

TRAIL
Any paved greenway, unpaved greenway, or wildlife/botanical greenway dedicated to public use. The term "trail" includes:

1. Park trail. -- A trail designated and managed as a unit of the North Carolina State Parks System under NCGS Chapter 143B Part 32, 135.40 – 135.58.

2. Designated trail. -- A trail designated by the Secretary pursuant to this Article as a component of the State trails system and that is managed by another governmental agency or by a corporation listed with the Secretary of State.

3. A State scenic trail, State recreation trail, or State connecting trail under NCGS 143B-135.90 – 135.118 when the intended primary use of the trail is to serve as a park trail or designated trail.

4. Any other trail that is open to the public and that the owner, lessee, occupant, or person otherwise in control of the land on which the trail is located allows to be used as a trail without compensation, including a trail that is not designated by the Secretary as a component of the State trails system (Source: North Carolina Trails System Act, NCGS §143B-135.90 – 135.118)

TRANSFER STATION, HAZARDOUS
A facility used for storage of non-hazardous waste for a period of less than ninety (90) days.

TRANSIENT
Housing or accommodations which are typically occupied by residents for periods of two (2) weeks or less, including, but not limited to, hotels, motels and travel lodges.

TRANSMITTER TOWER OR TOWER TRANSMISSIONS
A structure that supports a wireless transmitter for radio communications, microwave or other forms of telecommunication.

TRANSIT SYSTEM
The property, equipment and improvements of whatever nature owned, used, constructed, maintained, controlled or operated to provide mass transportation for passengers or to provide for the movement of people, including park-and-ride stations, transfer stations, parking lots, malls, and skyways.

TRANSIT STATION
Any Structure or Transit Facility that is primarily used, as part of a Transit System, for the purpose of loading, unloading, or transferring passengers or accommodating the movement of passengers from one mode of transportation to another.

TRANSIT FACILITY
All real and personal property necessary or useful in rendering transit service by means of rail, bus, water and any other mode of travel including, without limitation, tracks, rights of way, bridges, tunnels, subways, rolling stock for rail, motor vehicles, stations, terminals, areas for parking and all equipment, fixtures, buildings and structures and services incidental to or required in connection with the performance of transit service.

TRANSIT TERMINAL
A commercial or public facility for the loading and unloading of passengers, luggage, and packages, including sales of fares, and which may include accessory restaurants, indoor commercial amusements, and retail sales, but not including airports.

TRANSMISSION LINES
Electric lines (115 KV and over) and appurtenant facilities, or pipelines/conveyors (ten (10) inches diameter or larger) and appurtenant facilities for transporting natural resources, chemicals, petroleum derivatives, or waste substances.

TRAVEL TRAILER
A vehicle or portable unit mounted on its own chassis and wheels which does not exceed eight feet (8') in width and/or forty feet (40') in length, is drawn by a motor vehicle, and provides temporary living quarters for recreational, camping or travel use.

TREATMENT WORKS
Any plant, septic tank disposal field, lagoon, pumping station, constructed drainage ditch or surface water intercepting ditch, incinerator, area devoted to sanitary landfill, or other works not specifically mentioned herein, installed for the purpose of treating, equalizing, neutralizing, stabilizing or disposing of waste. (Source: NCGS § 143-213).

TREE, ORNAMENTAL
A small to medium tree, growing to a mature height of 15 to 40 feet and characterized by specific aesthetic qualities, such as colorful flowering, interesting bark or brilliant fall foliage.

TREE, SHADE
A large tree growing to a height of 40 feet or more at maturity, usually deciduous, and characterized by its ability to provide canopy cover shade.

TREE EVALUATION FORMULA
A formula for determining the value of small trees and shrubs as published by the International Society of Arboriculture.

TREE PROTECTION ZONE
A distance equal to the designated zoning district setback or forty (40) feet from the front property line, whichever is less, or from side lot line on a corner lot.

TRIP GENERATION
The estimated number of vehicle trips produced by a particular use, based on the Institute of Transportation Engineers, *Trip Generation* (5^{th} ed. 1991 or 6^{th} ed. 1997), which documents are hereby incorporated by this reference, or a Traffic Study.

TRIPLEX
A building which contains three dwelling units, each of which has direct access to the outside or to a common hall.

TRUCK CAMPER
A portable unit consisting of a roof, floor and sides designed to be loaded onto, and unloaded from, the bed of a pickup truck, and provides temporary living quarters for recreational, camping or travel use.

TRUCK PARKING AREA
An area for the parking of trucks which are often left with either their motors running and/or their refrigerator unit motors operating.

TWENTY-FIVE YEAR STORM
The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in 25 years, and of a duration which will produce the maximum peak rate of runoff, from the watershed of interest under average antecedent wetness conditions.

UNCOVERED
The removal of ground cover from, on, or above the soil surface.

UNDERGROUND PRESSURIZED IRRIGATION SYSTEM
A watering system for landscaped areas, consisting of underground pressurized pipes connected to sprinkler heads, bubbler heads, or drip systems such that one hundred percent (100%) irrigation water coverage is provided.

UNDERLYING DISTRICT or UNDERLYING ZONING DISTRICT
A standard zoning district classification which is combined with an overlay district for purposes of development regulation specificity. The base (underlying) district regulations shall apply unless expressly superseded by overlay district provisions.

UNDERPINNING
The placement of corrugated metal, plastic, concrete blocks or brick around the circumference of a structure and between the ground and the bottom edge of the structure. *Comment: Underpinning encloses the space under the structure and helps reduce heat loss in winter and heat gain in summer. In addition, it helps prevent high winds from creating an uplifting effect, possibly causing damage to the structure. [Source: "Manufactured Homes," at http://www.remc.com/manufacturedhomes.html].*

UNSUITABLE OR UNSTABLE SLOPE
An area susceptible to a landslide, a mudflow, a rock fall or accelerated creep of slope-forming materials.

UPZONING
The reclassification of land from a Residential to a Non-residential Zoning District, or to a Zoning District which permits greater density or intensity than the current zoning classification of the property.

USE
The purpose or purposes for which land or a building is occupied, maintained, arranged, designed, or intended.

USE, APPROVED
Any use that is or may be lawfully established in a particular district or districts, provided that it conforms with all requirements of these regulations for the district in which such use is located.

USE MATRIX
The schedule of permitted uses, Special Uses and accessory uses within each zoning district set forth in Table 4.6-1 of this Ordinance.

USE, QUASI-PUBLIC
Uses which are considered to be dedicated to public service or to culture. There uses include, for the purposes of this Code, public, schools, hospitals, universities and churches.

USE, TEMPORARY
See Temporary Use.

USE, VARIANCE
A variance as to the permissible use of land, including a variance that in effect grants a development permit. A use variance is not permitted under North Carolina law. See NCGS 160D-705(d).

USED OIL RECYCLING FACILITY
Any facility that recycles more than 10,000 gallons of used oil annually. (Source: NCGS § 130A-290)

UTILITY LINES
For water and sewer systems, "utility lines" include the lines, pipes, pumps, tanks and other appurtenant parts of the distribution/collection facilities of a public water or sewer system. For other utilities including electric or natural gas, "utility lines" includes the lines, pipes, pumps and similar facilities, used for transmitting, collecting or distributing the service or commodity to customers. Includes mains, pipes and laterals for the reception of electricity, phone or cable signals, gas or fuel, water, sewer, steam, air conditioning, or similar utilities and carrying such utilities to an outfall, transmission station, pump station, lift station, transfer station, or some part of a utility system.

UTILITY POLE
Pole used to support essential services such as power, telephone, or cable TV lines; or used to support street or pedestrian way lighting, typically located in public rights-of- way.

UTILITIES
Services and facilities provided by public agencies and public monopolies such as electrical and gas service, water (domestic and irrigation), sewage disposal, drainage systems, and solid waste disposal.

UTILITY MANUAL
The County of Lee Public Works Utility Manual (1997) (hereinafter the "Utility Manual"), which document is hereby incorporated by this reference. A copy of the Manual is available at the office of the Department of Community Development or the office of the Department of Public Works.

UTILITY FACILITIES
Buildings, structures, or land used by a utility, railroad, or governmental agency for uses such as, but not necessarily limited to, water or sewage treatment plants or pumping stations, substations, telephone exchanges, and resource recovery facilities, but not including land, buildings, or structures used solely for storage and maintenance of equipment and materials.

UTILITY SERVICE YARDS
Buildings, structures or land used by a utility, railroad, or governmental agency solely for the purpose of storing and maintaining equipment and materials.

VALANCE
A short apron which is designed and installed as part of a canopy/awning and is usually, but not necessarily vertical.

VARIANCE
A grant of relief from the requirements of this Ordinance which permits construction in a manner that would otherwise be prohibited by this Ordinance. See NCGS 160D-705(d)

VEGETATIVE BUFFER
An area of natural or established vegetation directly adjacent to surface waters through which storm water runoff flows in a diffuse manner to protect surface waters from degradation, as more defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

VEGETATIVE FILTER
An area of natural or planted vegetation through which storm water runoff flows in a diffuse manner, so that runoff does not become channelized, as more particularly defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

VEGETATIVE GROUND COVER
Wood bark, shredded or chipped wood (installed over an adequate matte of fabric weed barrier), sod, or live plants.

VEHICLE
Any self-propelled device in, upon, or by which any person or property may be transported upon a public highway excepting devices moved by human power or used exclusively upon stationary rails or tracks.

VEHICLE, ABANDONED OR JUNK
A vehicle or any major portion thereof which is incapable of movement under its own power and will remain without major repair or reconstruction.

VEHICLE, COMMERCIAL
Any motor vehicle with a manufacturer's chassis rating greater than one ton.

VEHICLE SIGN
See Portable Sign.

VESTED RIGHT
The right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan or an approved phased development plan for a specified time, regardless of changes in this Ordinance. (Source: NCGS § 160D-108)

VETERINARIAN
A facility or establishment rendering surgical and medical treatment to animals, which may include overnight accommodations for purposes of recovery or boarding. For the purpose of these regulations, small animals shall be deemed to be ordinary household pets, excluding horses, donkeys, or other such animals not normally housed or cared for entirely within the confines of a residence. Crematory facilities shall not be considered part of a veterinarian establishment.

VINES
A woody plant that spreads as it grows over the ground, walls or trellises.

VIOLATION
The failure of a structure or other development to be fully compliant with this Ordinance. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in § 1.6 is presumed to be in violation, until such time as that documentation is provided.

WALL, EXTERIOR
A wall, bearing or nonbearing, which is used as an enclosing wall for a building, other than a party wall or fire wall. (Source: North Carolina State Building Code, Vol. 1, § 201.3)

WALL SIGN
A sign affixed on and parallel to the exterior wall of any building and projecting not more than 12 inches from the wall. Signs mounted on porticoes shall be considered as wall signs.

WAREHOUSING AND/OR STORAGE
Any building or use classified as LBCS Structure 2700 through 2782, of LBCS Function 3600.

WASTE-RELATED USE
Any of the following, (see Use Matrix and this Appendix A for rules of interpretation: Concentrated Animal Feeding Operation or Animal Production; Demolition Landfill; Hazardous Waste facility; Land Clearing and Inert Debris Landfill; Materials Recovery Facility; Salvage Yard; Septic and Other Waste Management Service; Slaughter House; Solid Waste Disposal Facility (including any Landfill, Incinerator or Combustor); Hazardous Waste Collection facility; or Nonhazardous Waste Collection facility.

WASTEWATER
Any sewage or industrial process wastewater discharged, transmitted, or collected from a residence, place of business, place of public assembly, or other places into a wastewater system. (Source: NCGS § 130A-334).

WASTEWATER COLLECTION SYSTEM
A unified system of pipes, conduits, pumping stations, force mains, and appurtenances other than interceptor sewers, for collecting and transmitting water-carried human wastes and other wastewater from residences, industrial establishments or any other buildings, and owned by a local government unit. (Source: NCGS § 159G-20).

WASTEWATER FACILITIES
Structures or systems designed for the collection, transmission, treatment or disposal of sewage and includes trunk mains, interceptors, and treatment plants, including package treatment plant and disposal systems, and on-site septic systems.

WASTEWATER SYSTEM
A system of wastewater collection, treatment, and disposal in single or multiple components, including a privy, septic tank system, public or community wastewater system, wastewater reuse or recycle system, mechanical or biological wastewater treatment system, any other similar system, and any chemical toilet used only for human waste. (Source: NCGS § 130A-334).

WATERCOURSE
Any lake, river, stream, creek, or other body of water or channel having banks and bed through which water flows at least periodically.

WATER DEPENDENT STRUCTURES
As defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

WATER FACILITIES
Systems or structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, storage facilities, and transmission and distribution mains.

WATER POLLUTION
The man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of the waters of the State, including, but specifically not limited to, alterations resulting from the concentration or increase of natural pollutants caused by man-related activities. (Source: NCGS § 143- 213).

WATER POLLUTION CONTROL FACILITY
Any structure, equipment or other facility for, including any increment in the cost of any structure, equipment or facility attributable to, the purpose of treating, neutralizing or reducing liquid industrial waste and other water pollution, including collecting, testing, neutralizing, stabilizing, cooling, segregating, holding, recycling, or disposing of liquid industrial waste and other water pollution, including necessary collector, interceptor, and outfall lines and pumping stations, which shall have been certified by the agency exercising jurisdiction to be in furtherance of the purpose of abating or controlling water pollution. (Source: NCGS § 159C-3).

WATER POLLUTION CONTROL SYSTEM
A system for the collection, treatment, or disposal of waste for which a permit is required under rules adopted by either the North Carolina Environmental Management Commission or the Commission for Health Services. (Source: NCGS § 90A-46).

WATER SUPPLY FACILITIES
A public water supply system consisting of facilities and works for supplying, treating and distributing potable water including, but not limited to, impoundments, reservoirs, wells, intakes, water filtration plants and other treatment facilities, tanks and other storage facilities, transmission mains, distribution piping, pipes connecting the system to other public water supply systems, pumping equipment and all other necessary appurtenances, equipment and structures. (Source: NCGS § 159G-20).

WATER SUPPLY SYSTEM
A public water supply system consisting of facilities and works for supplying, treating and distributing potable water including, but not limited to, impoundments, reservoirs, wells, intakes, water filtration plants and other treatment facilities, tanks and other storage facilities, transmission mains, distribution piping, pipes connecting the system to other public water supply systems, pumping equipment and all other necessary appurtenances, equipment and structures. (Source: NCGS § 159G-20).

WATER SYSTEM
All plants, systems, facilities or properties used or useful or having the present capacity for future use in connection with the supply or distribution of water or the control and drainage of storm water runoff and any integral part thereof, including but not limited to water supply systems, water distribution systems, structural and natural storm water and drainage systems of all types, sources of water supply including lakes, reservoirs and wells, intakes, mains, laterals, aqueducts, pumping stations, standpipes, filtration plants, purification plants, hydrants, meters, valves, and all necessary appurtenances and equipment and all properties, rights, easements and franchises relating thereto and deemed necessary or convenient by the authority for the operation thereof. (Source: NCGS § 162A-2).

WATER SYSTEM IMPROVEMENTS OR SEWER SYSTEM IMPROVEMENTS
Such repairs, replacements, additions, extensions and betterments of and to a water system or a sewer system as are deemed necessary by the authority to place or to maintain such system in proper condition for its safe, efficient and economic operation or to meet requirements for service in areas which may be served by the authority and for which no existing service is being rendered. (Source: NCGS § 162A-2).

WATER TREATMENT FACILITY
See NCGS § 90A-20.1, as may be amended from time to time, which is hereby incorporated by this reference.

WATERS
Any stream, river, brook, swamp, lake, sound, tidal estuary, bay, creek, reservoir, waterway, or other body or accumulation of water, whether surface or underground, public or private, or natural or artificial, that is contained in, flows through, or borders upon any portion of the County of Lee. (Source: NCGS § 143-212).

WATERSHED
A natural area of drainage, including all tributaries contributing to the supply of at least one major waterway within the State, the specific limits of each separate watershed to be designated by the North Carolina Environmental Management Commission. (Source: NCGS § 143-213).

WATERSHED COMMISSION
The Lee County Watershed Improvement Commission.

WET DETENTION POND
As defined in 15A NCAC 2H.1002, which is hereby incorporated by this reference.

WETLAND
Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands shall be designated in accordance with the Corps of Engineers Wetlands Delineation Manual (United States Department of Commerce, National Technical Information Service, January 1987). Copies of the Wetland Delineation Manual may be obtained by contacting the National Technical Information Service.

WIND-DRIVEN SIGN
Consists of one (1) or more banners, flags, pennants, ribbons, spinners, streamers, captive balloons or other objects or materials designed or intended to move when subject to pressure by wind or breeze and by that movement attract attention and function as a sign (see definition of SIGN).

WINDOW SIGN
A sign which is applied to the building glass area located such that the identifying/advertising message, symbol, insignia, visual representation, logotype or any other form which communicates information can be read from off-premise.

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 of Section 5.43.4.

WOODLAND
An area of contiguous wooded vegetation where trees are at a density of at least one six-inch or greater caliper tree per 325 square feet of land and where the branches and leaves form a continuous canopy. For purposes of submitting a Site Plan or Subdivision Plat, a Woodland shall include areas with a continuous canopy of trees over an area of at least twenty thousand (20,000) square feet, and may be delineated through an aerial photograph or a ground survey.

XERISCAPE
Landscaping with native plants that utilizes the existing environmental conditions to the best advantage, conserving water and protecting the native environment.

YARD
An open unoccupied space, other than a Court, unobstructed from the ground to the sky, on the Lot on which a Building is situated. (Source: North Carolina State Building Code, Vol. 1, § 202 and Vol. VII. § 202).

YARD, FRONT
A yard extending across the front width of a lot and being the minimum horizontal distance between the street line and the principal building or any projection thereof, other than steps, unenclosed balconies and unenclosed porches. The front yard of a corner lot is the yard adjacent to the designated front lot line.

YARD, REAR
A yard extending between the side yards of a lot or between the side lot lines in the absence of side yards, and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projection thereof, other than steps, unenclosed balconies or unenclosed porches. On corner lots and interior lots the rear yard is in all cases at the opposite end of the lot from the front yard.

YARD, REQUIRED
The minimum open space as specified by the regulations of this Ordinance for front, rear and side yards, as distinguished from any yard area in excess of the minimum required. See "Buildable Area."

YARD SALE
All general sales, open to the public, conducted for the purpose of disposing of used personal household items including, but not limited to, all sales entitled "garage", "yard", "attic", "porch", "patio", "rummage", or "moving sale". Yard sales shall be permitted as an accessory to any residential use on any property that contains a dwelling unit subject to the following conditions:

- A yard sale shall be conducted on the property of the owner or tenant conducting the event.
- Yard sales shall be conducted only during daylight hours.
- Merchandise purchased for resale or obtained on consignment is prohibited.

- Yard sale are limited to two (2) events within a ninety (90) consecutive day period.
- Yard sale events shall not exceed two (2) consecutive days.
- All personal property exhibited outdoors during the sale shall be placed within a building or otherwise removed from the premises immediately following the end of the sale.
- No zoning or temporary use permit is required for yard sales as defined in this. ordinance.
- Any sale (or display) of merchandise on a residential lot (or lot zoned for residential) that does not conform to the standards as defined within this section for a yard sale shall be considered a business use and shall be prohibited.

YARD, SIDE
A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building. This side yard definition may apply for three sides of a flag lot if the flag pole portion of the lot exceeds the front yard setback. Where a lot has sufficient land area, the side yard may exceed the minimum side setback as specified in § 4.7 of this Ordinance. An interior side yard is defined as the side yard adjacent to a common lot line.

YARD SETBACK
The minimum horizontal distance between any building and the property line.

ZERO LOT LINE
The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

ZONING CLEARANCE
The issuance of a permit or authorization by the Zoning Inspector indicating that a proposed building, structure or use of land meets all of the standards, criteria, procedures and requirements contained in this Ordinance.

ZONING DISTRICT
Any portion of the area of the County of Lee in which the same Zoning regulations apply.

ZONING INSPECTOR
The Department of Community Development or his duty authorized representative.

SANFORD-BROADWAY-LEE COUNTY
UNIFIED DEVELOPMENT ORDINANCE

APPENDIX B. SPECIFICATIONS FOR FORMS TO BE SUBMITTED

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B-1. GENERAL PROVISIONS.

The Department of Community Development shall promulgate submittal requirements, instructions for completing forms, and internal procedures for acceptance and filing of applications. Additional information may be required for particular applications. Necessary forms for all applications for:

- administrative permits;
- applications for board of adjustment review;
- applications for planning commission review; and
- applications for legislative review.

All such forms/applications shall be shall be maintained at the office of the Department of Community Development.

B-2. CERTIFICATES OF ZONING COMPLIANCE.

An application for approval of a Zoning Clearance Permit shall include the following information:

(a) Location of structure(s), including but not limited to all proposed decks, steps, or other similar structural improvements; and

(b) Building setbacks; and

(c) Location of off-street parking areas; and

(d) Location of 100-year floodplain.

B-3. BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY.

See North Carolina State Building Code.

B-4. SUBDIVISION PLATS.

GENERALLY

(1) The plat shall be prepared by a Registered Land Surveyor meeting the requirements of NCGS Chapter 89C (Engineering and Land Surveying).

(2) The plat shall be prepared in accordance with the mapping requirements of NCGS § 47-30 and the requirements of this ordinance. The plat shall be drawn at an appropriate scale to assure legibility with none at a scale less than one (1) inch equals 200 feet. The dimensions of the plat shall meet the outside marginal and boarder sizes established by the Lee County Register of Deeds. The plat shall be submitted to the Department of Community Development in a form suitable for recording at the Lee County Register of Deeds on reproducible, polyester (mylar) film, transparent and archival. An additional mylar copy and three (3) blueprint copies of the plat shall be submitted to the Department of Community Development along with the original copy. Submission of a preliminary copy of the plat to the Department of Community Development for review prior to the preparation of the original for recording isrecommended.

(b) REQUIREMENTS FOR A SKETCH PLAT.

Sketch plats shall be drawn to a scale of not more than one hundred (100) feet to an inch. Supporting information required by this section may allow for a larger scale. A minimum of twelve (12) prints/copies of a sketch plan shall be submitted to the Community Development Department for review (see § 6.3.2). The sketch plat shall include the following information:

(1) Type of development.

(2) Name, address, and telephone number of developer and designer.

(3) Graphic and written scale.

(4) Proposed name of subdivision.

(5) Current Zoning and district lines.

(6) Total acreage of the site.

(7) Total number of proposed lots/units and the approximate location and dimensions of all proposed or existing lots.

(8) The approximate location, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.

(9) Whenever the sketch plat covers only a part of an applicant's contiguous holdings, the applicant shall submit, the proposed subdivision or development area, together with its proposed utilities and street system, and an indication of the probable future street system, and an indication of the probable future utilities and street and drainage system of the remaining portion of the tract.

(10) Approximate topography.

(11) Existing utilities available to the site and preliminary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting and discharging surface water drainage.

(c) REQUIREMENTS FOR PRELIMINARY PLAT

No specific size requirements apply to preliminary plats, except that such plats shall be prepared at a scale of one (1) inch equals one hundred (100) feet, or a scale for which one (1) inch equals a distance less than one hundred (100) feet. A minimum of twelve (12) rints/copies of a preliminary plat shall be submitted to the Community Development Department to allow for review by staff, the respective planning board, and the respective governing board (see § 6.3.3). Upon approval, a digital copy of the preliminary plat is also requested (if possible). The preliminary plat shall include the following information:

(1) Legend--Title and revision number;

(2) Location map showing relationship of subdivision to the County of Lee surrounding area;

(3) Tract boundaries shown by a heavy line including all bearings and distances;

(4) Existing and proposed property lines, any structures, water courses, railroads, bridges, culverts, and storm drains on the tract and on adjoining property within 100';

(5) Lot lines and scaled dimensions, lot numbers;

(6) Proposed street names, right-of-way and pavement widths, and typical cross-sections;

(7) Existing streets on subject and adjoining properties including right-of-way and pavement width;

(8) Proposed easements or rights-of-way other than for streets (e.g. for drainage, storm water detention, utilities, pedestrian ways, buffers); location, width and purpose;

(9) Zoning classification and district lines on the tract and adjoining properties;

(10) Names and PIN numbers of adjoining property owners and subdivisions both proposed and of record;

(11) Site calculations, including:

a. Total acreage,

b. Number of lots in each phase,

c. Total number of lots in the subdivision,

d. Acreage in lots,

e. Acreage in street rights-of-way,

f. Linear feet of each individual street, and

g. Anticipated date of final platting;

(12) The location and size of parks, school sites, open space areas, etc. and their ownership;

(13) Existing topography at a contour interval of two (2) feet;

(14) Boundaries of floodways and one hundred-year flood plains; and

(15) Proposed water, sanitary sewer and storm drainage systems showing location.

(16) Building Setbacks (in table format).

(d) REQUIREMENTS FOR A FINAL PLAT

No specific size requirements apply to final plats, except that such plats shall be prepared at a scale of one (1) inch equals one hundred (100) feet, or a scale for which one (1) inch equals a distance less than one hundred (100) feet. A minimum of four (4) prints/copies and two (2) mylars of the final plat shall be submitted to the Community Development Department to allow for review by staff (see § 6.3.4). Upon approval, a digital copy of the final plat is also requested (if possible). The shall depict or contain the information set forth below:

(1) Legend containing subdivision names, vicinity map (See 301.31(2), legal description including township, county and state, the date or dates of survey, the date of any revisions to plat, a north arrow and declaration, scale in feet per inch and bar graph, the name and address of the owner(s) and the name, address, registration number and seal of engineer and/or surveyor;

(2) Exact boundary lines of tract in heavy line, full dimensions by lengths and bearings, and intersecting boundaries of adjoining lands;

(3) Street names, right-of-way lines, pavement widths of tract and adjacent streets, and the location and dimensions of all easements;

(4) Accurate descriptions and locations of all monuments, markers, and control points;

(5) Location, purpose, and dimensions of areas to be used for other than residential purposes;

(6) Sufficient engineering data consistent with the requirements of NCGS § 47-30 and the Standards Of Practice For Land Surveying In North Carolina, 21 NCAC 56, Section 1600. ;

(7) Boundaries of floodways and one-hundred-year flood plains;

(8) Lots numbered consecutively throughout the subdivision;

(9) The names of owners of adjoining properties;

(10) Building Setbacks (in table format).

(11) Site calculations, including:

a. Total acreage;

b. Total number of lots;

c. Acreage in lots;

d. Acreage in street rights-of-way;

e. Linear feet of each individual street;

(12) The location, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.

(13) Whenever the sketch plat covers only a part of an applicant's contiguous holdings, the applicant shall submit, the proposed subdivision or development area, together with its proposed utilities and street system, and an indication of the probable future street system, and an indication of the probable future utilities and street and drainage system of the remaining portion of the tract.

(14) Approximate topography.

(15) Existing utilities available to the site and preliminary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting and discharging surface water drainage.

(16) The following certificates shall appear on all copies of the plat as noted for the appropriate jurisdiction. Items (a) and (b) shall be signed when submitted. Items (c) through (h) will be signed when the plat is approved:

(a) CERTIFICATE OF OWNERSHIP AND DEDICATION
(Use for all jurisdictions)

I hereby certify that I am owner of the property shown and described hereon and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, alleys, walks, parks and other sites and easements to public or private use as noted. Furthermore, I dedicate all public sewer and/or water lines to the (City of Sanford/Town of Broadway).

_____ _____
Owner Date

(b) CERTIFICATE OF SURVEY AND ACCURACY
(Use for all jurisdictions)

I,_____, certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description, etc.) (other); that the error of closure as calculated by latitudes and departures is 1:_____ that the boundaries not surveyed are shown as broken lines plotted from information found in Book_____, Page_____. that this map was prepared in accordance with General Statute 47-30, as amended. Witness my hand and seal this_____day of_____, A.D., 20.

_____
Surveyor or Engineer

(c.1) CERTIFICATE OF APPROVAL OF DESIGN AND INSTALLATION OF PUBLIC WATER, SEWER AND/OR STREETS.
(Use for City of Sanford/Town of Broadway only, if applicable)

I hereby certify that all public water, sewer, and streets (where applicable) have been installed in an acceptable manner and according to the (City/Town) specifications and standards in the _____ Subdivision or that a guarantee of the installation of the required improvements in an amount or manner satisfactory to the (City/Town) has been received.

_____ _____
Director of Public Works Date

(c.2) CERTIFICATE OF APPROVAL OF DESIGN AND INSTALLATION OF WATER AND SEWER UTILITIES. (Use for Lee County only, if applicable)

I hereby certify that all (water) (water and sewer) (apply whichever is appropriate) utilities have been installed in an acceptable manner and according to the City of Sanford specifications and standards in the_____Subdivision or that a guarantee of the installation of the required improvements in an amount or manner satisfactory to the City of Sanford has been received.

_____ _____
Director of Public Works Date

(d) CERTIFICATE OF APPROVAL OF PRIVATE WATER SUPPLY AND/OR SEWAGE DISPOSAL SYSTEM **(Use for all jurisdictions, if applicable)**

I hereby certify that the lot(s) on this plat have been evaluated under the current provisions of Title 15A NCAC 18A .1900 et seq., and the Regulations Governing Construction and Abandonment of Wells in Lee County and found to have (adequate space for an on-site, individual, private water source and)* acceptable soils for an on-site, subsurface sewage treatment and disposal system. NOTE: Due to variations in siting specific uses and potential for changes in regulations or soil conditions, issuance of a Well Permit or Improvement Permit by Lee County Environmental Health is not guaranteed.

_____(SEAL) _____
Licensed Soil Scientist Date
License No. _____

* NOTE: Delete this language if a public water supply exists to serve each lot. If public water mains need to be extended to serve the lot(s), the procedures for a major subdivision must be followed.

(e) CERTIFICATE OF APPROVAL OF STREET DESIGN BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION. **(Use for Lee County only, if applicable)**

North Carolina Department of Transportation
Division of Highways

Proposed Subdivision Road Minimum Construction Standards Certification. The roads indicated on this plat are designed to the Department's Minimum Construction Standards. The roads must be constructed to these standards, paved, and in an acceptable state of maintenance at the time that they are accepted onto the State System. All responsibility for the roads remains with the owner of the property, his heirs, or assigns until such time as the roads are accepted for maintenance by the Board of Transportation.

_____ _____
District Engineer Date

(f) CERTIFICATE OF FINAL PLAT APPROVAL **(Use for all jurisdictions)**

In accordance with the (City of Sanford/Town of Broadway/Lee County) Unified Development Ordinance, having met the general requirements of the preliminary plat as approved, final authority is hereby granted to_____Subdivision shown hereon.

_____ _____
Director of Community Development Date

(g) PLAT REVIEW OFFICER CERTIFICATE **(Use for all jurisdictions)**

State of North Carolina

County of Lee

I,_____, Review Officer of Lee County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

_____ _____
Review Officer Date

(h) REGISTER OF DEEDS CERTIFICATE

NORTH CAROLINA, LEE COUNTY

Presented for Registration on the_____day of_____20__ at_____and Recorded in Plat Cabinet_____, Slide_____.

_____
Register of Deeds

B-5. <u>SITE PLANS (CONDITIONAL REZONING/SPECIAL USE PERMITS)</u>.

The application for a Major Site Plan shall include the following information:

(1) A description of the proposed development including proposed uses and coverage.

(2) The following data, when such data is applicable to a given development plan:

a. Total number of dwelling units, by development phase;

b. Residential density and units per acre;

c. Total floor area and floor area ratio for each type of use;

d. Total area in open space;

e. Total area in developed recreational open space; and

f. Total number of off-street parking and loading spaces.

(3) The location and arrangement of all proposed uses or lots. For uses other than single-family, the massing (height and width) and number of floors of all buildings shall be shown.

(4) Location for all ground-mounted signs (and lighting).

(5) Submission of an architectural plan consistent with the provisions of this Appendix B.

(6) If a phased project, a development phasing schedule including the sequence for each phrase; approximate size in area of each phase; and, proposed phasing of construction of public improvements, recreation and common open space areas.

(7) The approximate location and widths of proposed streets.

(8) The location of all entrances onto adjacent roadways, whether existing or proposed.

(9) The traffic and the pedestrian circulation system, including the location and width of all streets, driveways, entrances to parking areas and parking structures, walkways and bicycle paths.

(10) Off-street parking and loading areas and structures, including the number of spaces; dimensions of spaces and aisles; and landscaping for parking areas. .

(11) A delineation of environmentally sensitive areas as defined in Appendix A.

(12) Preliminary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting and discharging surface water drainage.

(13) The location of existing public utility easements, railroads, power lines, culverts, drain pipes, drainage channels, flood channels, water bodies, streams, swaps, parks, cemeteries, bridges, or irrigation ditches.

(14) Location of proposed water and sewer lines.

(15) If applicable, location of existing vegetative cover to be retained.

(16) If applicable, the proposed treatment of the perimeter of the development, including materials and techniques used, such as landscaped buffers, fences, berms or walls.

(17) If applicable, the location, acreage, category and type of improvements for passive and active (if required) open space.

(18) If applicable, location of solid waste containers including proposed design provisions for screening.

(19) Location and size in acres of school sites (if planned).

(20) Grading plan consistent with the requirements of this Appendix B.

(21) A detailed exterior lighting plan.

(22) Number of copies to be submitted shall be specified on the application, as it may vary subject to the approving board(s) that may review plan.

B-6. LANDSCAPING PLAN

If applicable, a Landscaping Plan shall include the following information:

(1) A general landscaping delineation indicating the treatment of materials used for open space, landscaped buffers and common ownership (Minimum scale of 1" = 40').

(2) Planting areas drawn to scale with a list of the botanical and common names, number, and size of all plants designated for each area.

(3) Location, name, and size of all existing trees, shrubs, groundcover and other plant materials that are to be incorporated as part of the landscape plan consistent with the Tree Preservation Regulations (§ 9.3 of this Ordinance).

(4) Location and width of landscaped buffer strips, including height of berms.

(5) Location and sizes of irrigation facilities adequate to maintain the planting areas. (Use of automatic watering systems is encouraged). The provisions of this subsection shall not apply to

landscaped areas using xeriscape plantings.

B-7. GRADING PLAN

If applicable, a Grading Plan shall include the following information:

(1) The plan shall have a minimum scale at 1" = 40' with 2' contour intervals based on the USGS quadrangle maps or a field survey.

(2) The plan may be on the same or on a separate plan sheet from the site plan and shall consist of one or more plan sheets showing:

a. topographic information showing existing features and conditions, including floodplains, waterways, vegetation, trees, and slopes exceeding fifteen percent (15%) and proposed clearing and grading; and

b. the extent, location, and type of proposed fill materials.

c. proposed cuts and fills required by the location of all building structures and streets and roads.

d. the location and type of erosion control measures required by the North Carolina Sedimentation Control Commission.

(3) The plan shall show the degree to which the proposed development will preserve existing features on the site. This shall include features such as healthy desirable trees, shrubs and other vegetation, waterways, vistas, and historic sites.

(4) The Grading Plan may also include information as required for a Flood Prevention Plan (see below).

B-8. ARCHITECTURAL PLANS

(a) APPLICABILITY

This Section applies to any application for site plan approval. This Section shall not apply to any application for approval of a Building Permit.

(b) CONTENTS

The architectural plans shall depict architectural details of the proposed development and shall include the following information:

(1) Preliminary renderings of building elevations plus typical cross sections to clearly define the character of the project;

(2) A cross-section elevation plan depicting all buildings, structures, monuments, and other significant natural and man-made features of the proposed development;

(3) An exterior building materials inventory; and

(4) any covenant or dedication establishing an architectural review board.

B-9. FLOOD HAZARD DEVELOPMENT PERMIT

(a) GENERALLY

The floodlands development permit shall include three (3) sets of plans drawn to scale showing:

(1) The nature, location, dimensions and elevations of the area in question;

(2) The boundaries of the Base Floodplain;

(3) the existing or proposed structures; and

(4) the location of fill, materials storage areas and drainage facilities.

(b) SPECIFIC INFORMATION Specifically, the following information is required:

(1) Where base flood elevation data is provided in accordance with Article 13 of this Ordinance, the application for a development permit within Zone A on the flood insurance rate map shall show:

a. The elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures; and

b. If the structure has been floodproofed in accordance with Article 13 of this Ordinance, the elevation (in relation to mean sea level) to which the structure was floodproofed.

(2) Where the base flood elevation data is not provided, the application for a development permit must show construction of the lowest floor at least two (2) feet above the highest adjacent grade.

(3) Where any watercourse will be altered or relocated as a result of proposed Development, the application for a floodlands development permit shall include:

a. A description of the extent of watercourse alteration or relocation;

b. An engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to the properties located both upstream and downstream; and

c. A map showing the location of the proposed watercourse alteration or relocation.

(4) When a structure is floodproofed, the applicant shall provide a certificate from a registered professional engineer or architect that the nonresidential floodproofed structures meet the floodproofing criteria in Article 13 of this Ordinance.

(5) A floor elevation or floodproofing certification is required after the lowest floor is completed. Within twenty-one (21) calendar days of establishment of the lowest floor elevation, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the local Department of Community Development a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a professional land surveyor or professional engineer and certified by same. When floodproofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the twenty-one day calendar period and prior to submission of the certification shall be at the permit holder's risk. The local Department of Community Development shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop work order for the project.

B-10. VARIANCE FROM WATERSHED REGULATIONS

An application for a watershed variance shall include a site plan which includes the following information:

(1) A scale of at least 1" = 40', indicating the property lines of the parcel upon which the use is proposed;

(2) any existing or proposed structures;

(3) any existing or proposed parking areas and other built-upon areas;

(4) any existing or proposed surface water drainage.

The site plan shall be neatly drawn and shall indicate the north arrow, name, and address of person who prepared the plan, date of the original drawing, and an accurate record of any later revisions. A complete and detailed description of the proposed variance, together with any other pertinent information which the applicant feels would be helpful to the Planning Commission in considering the application. The Department of Community Development shall notify in writing each local government having jurisdiction in the watershed and the entity using the water for consumption. Such notice shall include a description of the variance being requested. Local governments receiving notice of the variance request may submit comments to the Department of Community Development prior to a decision by the Planning Commission. Such comments shall become a part of the record of proceedings of the Planning Commission.

B-11. SITE SPECIFIC DEVELOPMENT PLAN (FOR VESTED RIGHTS)

No SSVP shall be approved by the County of Lee or Planning Commission, nor shall any such SSVP or any provision of such SSVP have any legal force and effect, unless the application contains the following minimum provisions:

(1) the approximate boundaries of the site; significant topographical and other natural features effecting development of the site;

(2) the approximate location on the site of the proposed buildings, structures, and other improvements;

(3) the approximate dimensions, including height, of the proposed buildings and other structures;

(4) the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways; and

(5) Any other matters set forth in NCGS § 160D-108.

B-12. STORMWATER DRAINAGE PLANS

A storm water drainage plan submitted for approval under these provisions shall be prepared by a professional engineer in accordance with the standards of this Ordinance and approved by the Department of Public Works based on the criteria established in the Stormwater Management Regulations (§ 9.2) of this Ordinance. A storm water drainage plan submitted for approval under these provisions shall include, but shall not be limited to the following information:

(1) A site plan showing existing and proposed buildings, existing utilities, storm water drainage facilities, soil types, and ground cover.

(2) Site construction plans, grading plans, existing and proposed topography, existing and flow patterns, and existing and proposed drainage system receiving runoff from the parcel.

(3) Drainage plan design date.

(4) Drainage area map and hydrologic engineering calculations including offsite drainage effecting the property.

(5) Projected area of impervious cover and total land area.

(6) Proposed land use and development plans.

A written description of the methodology used to analyze the pre- and post- development runoff with supporting calculations and documentations.

SANFORD-BROADWAY-LEE COUNTY UNIFIED DEVELOPMENT ORDINANCE

APPENDIX C. ACCEPTABLE PLANT SPECIES

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Below is a listing of the more common acceptable plantings that may be used to satisfy the respective landscaping requirements of this Ordinance. Please Note the Department of Community Development may approve additional species as provided in § 7.9.2.

Ground Covers

(Botanical Name/Common Name)

Generally:

Ajuga reptans/Carpet Bugle
Cotoneaster/Bearberry
Hemerocallis/Daylily
Dianthus/Dianthus
Euonymus fortunei/'Coloratus' Wintercreeper Euonymus
Hedera canariensis/Algerian Ivy
Hedera helix/English Ivy
Hypericum calycinum/Aaronsbeard, St. Johnswort
Juniperus conferta/'Blue Pacific,' Shore Juniper
Juniperus horizontalis/Creeping Juniper
Santolina chamaecyparissus/Lavender cotton
Liriope muscari/Liriope
Liriope spicata/Spreading Liriope
Ophiopogon/Japonicus Dwarf Lilyturf or Mondograss
Juniperus conferta/Pacific juniper
Phlox subulata/Moss Phlox
Vinca minor/Common Periwinkle
Vinca major/Large Periwinkle

Ornamental Grasses:

Arundo donax var. versicolor/Varigated Giant Reed
Calamagrostis x acutiflora/'stricta' Feather Reed Grass
Carex morrowii/Japanese Sedge Grass
Chasmanthum latifolium/Northern Sea Oats
Cortaderia selloeana/Pampas Grass
Elymus glauous/Blue Wild Rye
Erianthus ravennae/Ravenna Grass
Miscanthus sinensis/Chinese Silver Grass
Miscanthus sinensis/'Gracillimus,' Maiden Grass
Miscanthus sinensis/'Strictus,' Porcupine Grass
Miscanthus sinensis/'Variegatus,' Varigated Equalia
Miscanthus sinensis/'Zebrinus,' Zebra Grass
Pennisetum alopecuroides/Australian Fountain Grass
Pennisetum setaceum/Fountain Grass
Pennisetum setaceum/'Rubrum,' Crimson Fountain Grass
Pennisetum villosum/Feathertop Grass
Phalaris arundinacea/'Picta,' Ribbongrass
Eragrostis curvula/Weeping lovegrass

Small Shrubs (2 to 5 feet at maturity)

(Botanical Name/Common Name)

Abelia x grandiflora/Abelia
Aucuba japonica/Dwarf Aucuba
Azaleas, Hybrids
Callicarpa americana/Beautyberry
Berberis thunbergii/Japanese Barberry
Buxus microphylla var. japonica/Japanese Boxwood
Cotoneaster/Cotoneaster
Deutzia gracilis/Slender deutsia
Fothergilla/Fothergilla
Gardenia radicans/Creeping Gardenia
Ilex crenata/Japenese Garden holly
Hydrangea arborescens/'Annabelle' Smooth Hydrangea
Hypericum/St. John's-Wort
Ilex cornuta/'Carissa' Carissa Holly
Ilex cornuta/'Rotunda' Dwarf Chinese Holly
Ilex crenata/'Compacta' Compact Holly
Ilex crenata/'Green Lustre'
Ilex crenata/'Helleri' (Heller) Japanese holly
Ilex crenata/'Hetzi' Hetz Holly
Ilex vomitoria/'Nana' Dwarf Yaupon Holly

Itea virginica/Virginia Sweetspire
Jasminum floridum/Showy Jasmine
Chaenomeles japonica/Japanese flowering quince
Jasminum nudiflorum/Winter Jasmine
Juniperus davurica/'Expansa' Parsons Juniper
Juniperus hoirizontalis/'Plumosa,' Andorra Juniper
Kerria japonica/Japanese Kerria
Lonicera pileata/Privet Honeysuckle
Mahonia aquifolium/Oregon Grape Holly
Pinus mugo 'Compacta'/Mugo pine
Nandina domestica/'Harbour Dwarf' or 'Gulf Stream'
Prunus laurocerasus/Otto laurel
Pittosporum tobira/'Nana,' Dwarf Pittosporum
Potentilla/Cinquefoil, Five fingers, Potentilla
Pyracantha koidzumii/'Santa Cruz'
Rhaphiolepis indica/Indian Hawthorne
Spirea x burmalda/Bumald Spirea
Spirea/"little pincess"
Spirea nipponica/'Snowmound'
Spirea thunbergii/Thunberg Spirea
Var./boxleaf euonymus
Viburnum devidii/David Virbunum

Medium Shrubs (5 to 8 feet at maturity)

(Botanical Name/Common Name)

Rhododendron Prunifolium/Azalea, Plumleaf
Rhododendron Indica/Azalea, Southern Indica hybrids
Aronia arbutifolia
Azaleas
Aucubajaponica/Japanese Aucuba
Berberis julianae/Wintergreen Barberry
Buddleja
Buxus sempervirens/Common Boxwood
Carlessiia buikwoodii viburnum
Chinese snowball
Cytissus scoparius/Scotch Broom
Dwarf crape myrtles
English laurel
Forsythia intermedia,hybrids Border Forsythia
Gardenia
Ilex Crenata/Hetzi Japanese holly
Hydrangea macrophylla/Bigleaf Hydrangea
Hydrangea quercifolia/Oakleaf Hydrangea
Ilex cornuta/'Burfodii Nana' Dwarf Buford Holly
Ilex glabra/Inkerry Holly
Japanese Rose
Japanese Yew
Judd viburnam
Kalmia latifolia/Mountain Laurel
Lespedeza thunbergii/Thunberg Lespedeza
Mahonia bealei/Leatherleaf Mohonia
Mentor barberry
Nandina domestica/Nandina or Heavenly Bamboo
North Bayberry
Oakleaf hydrangea
Persia lilac
Picrus
Roundleaf Japanese holly
Sandankusa viburnam
Schipka laurel
Several Rhododendron
Southern Indian Azalea
Spiraea prunifolia/'Plena' Bridalwreath Spirea
Spiraea vanhouttei/Vanhoutte Spirea
Tea olive
Yucca filamentosa/Adam's Needle Yucca
Zabel laurel

Large Shrubs (at least 8 feet at maturity)

(Botanical Name/Common Name)

Arbor vitae
Autumn elaeagnus
Beautybush
Buddleia davidii/Butterfly Bush
Calycanthus floridus/Sweetshrub
Camellia japonica/Camellia
Camellia sansanqua/Sansanqua Camellia
Chaenomeles speciosa/Flowering Quince
Cherry elaeagnus
Cleyera weigelia
Cryptomeria japonica/larger cultivars, e.g 'Yoshino'Japanese Cryptomeria
Deutzia
Elaeagnus x ebbingii/Elaegnus
Elaeagnus pungens
Euonymus alatus/Winged Euonymous

Euonymus japonica
Figtree
Florida leucothoe
Fringe tree
Hamamllis vernalis/Vernal Witchhazel
Hibiscus syriacus/Shrub Althea (Rose of Sharon)
Holly wood juniper
Ilex x attenuata/'Fosteri,' Foster Holly
Ilex cornuta/'Burfordii,' Buford Holly
Ilex vomitoria/Yaupon Holly
Ilex x meserveae/Blue Princess Holly
Ilex aquifolium/English Holly
Ilex latifolia/Lusterleaf Holly
Ilex x Aquipernyi/Perny Holly
Ilex Mary Nell Holly
Ilex deciduas/Possumhaw Holly
Ilex vomitoria/Weeping yaupon holly
Illicium/Chinese privet variegated
Juniperus/Chinesis'Hetzi,' Hetz Juniper
Juniperus chinensis/'Pfitzeriana,' Pfitzer Juniper
Leatherleaf viburnum
Leucothoe populufolia/Fetterbrush
Ligustrum japonicum/Japanese Privet
Ligustrum lucidum/Waxleaf Privet
Ligustrum sinense/Chinese Privet
Ligustrum x vicaryi/Vicary Golden Privet
Linden vibumvia
Loropetalum
Magnolia stellata/Star Magnolia
Myrica cerifera/Southern Waxmyrtle
Osmanthus fortunei/Fortunes Osmanthus
Osmanthus fragrans
Pearlbush
Philadelphis coronaries/Sweet Mockorange
Pittosporum tobira/Japanese Pittosporum
Podocarpus macrophyllus var maki/Southern Yew
Possumhaw
Pyrancantha species/Firethorn
Rhododendron austrinum/Florida Azalea (Red flower)
Rhododendron calendulaceum/Flame Azalea (Yellow-pink flower)
Rhododendron canescens/Piedmont Azalea (Rosy Purple Flower)
Rhus typhina/Staghorn Sumac
Saltcedar
Sky rocket juniper
Strawberry bush
Sweet bay magnolia
Ternstoemia gymnathera/Cleyera
Viburnum lantana/Wayfaringtree, Viburnum
Viburnum opulus/European, Cranberrybush, Viburnum
Viburnum plicatumvar. Tomentosum/Doublefile Viburnum
Viburnum x pragense/Prague Viburnum
Winterberry

Small Trees (10 to 30 feet in height at maturity)

(Botanical Name/Common Name)

Acer barbatum/Southern Sugar or Florida Maple
Acer buergeranun/Trident Maple
Acer campestre/Hedge Maple
Acer ginnala/Amur Maple
Acer japonica/Japanese Maple
Acer leucoderme/Chalkbark Maple
Amelanchier/Serviceberry
Prunus mume/Flowering Apricot
Carpinus caroliniana/American Hornbean (Ironwood)
Cercis Canadensis/Redbud or Judas Tree
Chinese flame tree
Chionanthus virgincus/Fringe Tree or Grancy Gray-beard
Continus coggygria/Common Smoketree
Cornus florida/Flowering Dogwood
Cornus kousa/Flowering Dogwood
Crataegus phaenopyrum or Crategus virdis 'Winter King' /Washington Hawthorne
Cupressus arizonica/Arizona Cypress
Cupressocyparis leyiandii/Leyland Cypress
Eriobotrya Japonica/Loquat
Franklinia
Gordonia alatamaha/Franklinia
Halesia Carolina/Silverbell
Ilex x attenuata/'Savannah,' Savannah Holly
Ilex deciduas/Possumhaw
Ilex latifolia/Lusterleaf Holly
Ilex x 'Nellie R. Stevens'/Nellie R. Stevens, Holly
Ilex opaca/American Holly
Koelreuteria paniuclata/Goldenraintree
Lagerstroemia indica/Crape Myrtle
Maclura promifera/Osage-orange
Magnolia macrophylla/Bigleaf Magnolia
Magnolia x soulangiana/Saucer Magnolia
Magnolia tripetala/Umbrella Magnolia
Malus/hybrids & cultivarsFlowering Crabapples

Morus alba 'Chaparral' pendula/Weeping Mulberry
Elaeagnus angustifolia/Russian Olive
Ostrya virginiana/American Hophornbeam
Oxydendrum arboreum/Sourwood
Pinus thunbergiana/Black Pine
Pissard plum
Pistachio
Prunus caroliniana/Carolina Laurel, Cherry
Prunus serrulata/(many cultivars) Japanese Flowering Cherry
Prunus subhirtella vars. pendula & autumnalis/Weeping & Autumn Higan Cherry
Prunus x yedoensis/Yoshino Cherry
Pyrus calleryana/Callery Pear & cultivars e.g. Bradford, Aristocrat, Chanticleer and others
Southern blackhaw
Vitex agnus-castus/Chastetree

Large Trees (at least 30 feet in height at maturity)

(Botanical Name/Common Name)

Abies firma/Japanese fir
Acer rubrum/Red Maple
Acer saccharum/Sugar Maple
Betula nigra/River Birch
Carpinus betulus/European Hornbeam
Carya illinoesis/Pecan
Castanea dentate/American Chestnut (new res. var.)
Cedar of Lebanon
Cedrus deodara/Deodar Cedar
Cercidiphyllum japonicum/Katsura Tree
Cladrastis lutea/Yellowwood
Corylus colurna/Turkish Filbert
Cunninghamia lanceolata/Common Chinafir
Cupressocyparis leylandii/Leyland Cypress
Empress tree
Fagus grandifolia/[American] Beech
Fagus/Copper Beech
Fagus/Weeping Beech
Franxius pennsylvanica/White Ash
Franxius Americana/Green Ash
Ginko biloba/Ginko or Maiden Tree
Gleditsia triacanthos var. inermis/Thornless Honey Locust
Gymnocladus dioicus/Kentucky Coffeetree
Ulmus Americana/American Elm “Princeton” resistant to elm beetle
Juniperus virginiana/Deodar Cedar
Liriodendron tulipifera/Tuliptree (Yellow Poplar)
Liquidambar styraciflua/American Sweetgum
Magnolia grandiflora/Southern Magnolia
Metasequoia glyptosfroboides/Dawn Redwood
Nyssa sylvatica/Blackgum, Tupelo
Phelledendron amurense/Amur Corktree
Pinus nigra/Austrian Pine
Pinus palustris/Longleaf Pine
Pinus taeda/Loblolly Pine
Pinus virginiana/Virginia Pine
Pistachia chinensis/Chinese Pistache
Platanus x acerifolia/London Planetree, Sycamore
Quercus alba/White Oak
Quercus acutissima/Sawtooth Oak
Quercus coccinea/Scarlet Oak
Quercus falcate/Southern Red Oak
Quercus imbricaria/Shingle Oak
Quercus lyrata/Overcup Oak
Quercus hemisphaerica/Laurel Oak, Darlington Oak
Quercus laurifolia/Swamp Laurel Oak
Quercus nigra/Water Oak
Quercus nutallii/Pin Oak
Quercus palustris/Pin Oak
Quercus phellos/Willow Oak
Quercus rubra/Northern Red Oak
Quercus shumardii/Shumard Oak
Quercus virginiana/Live Oak
Tilia x euchlora/Crimean or Caucasian Linden
Tilia tomentosa/Silver Linden
Taxodium distichum & T. ascendens/Baldcypress & Pondcypress
Ulmus Americana /American Elm
Ulmus parvifolia/True Chinese Elm, Lacebark Elm)
Zelkova serrata/Japanese Zelkova