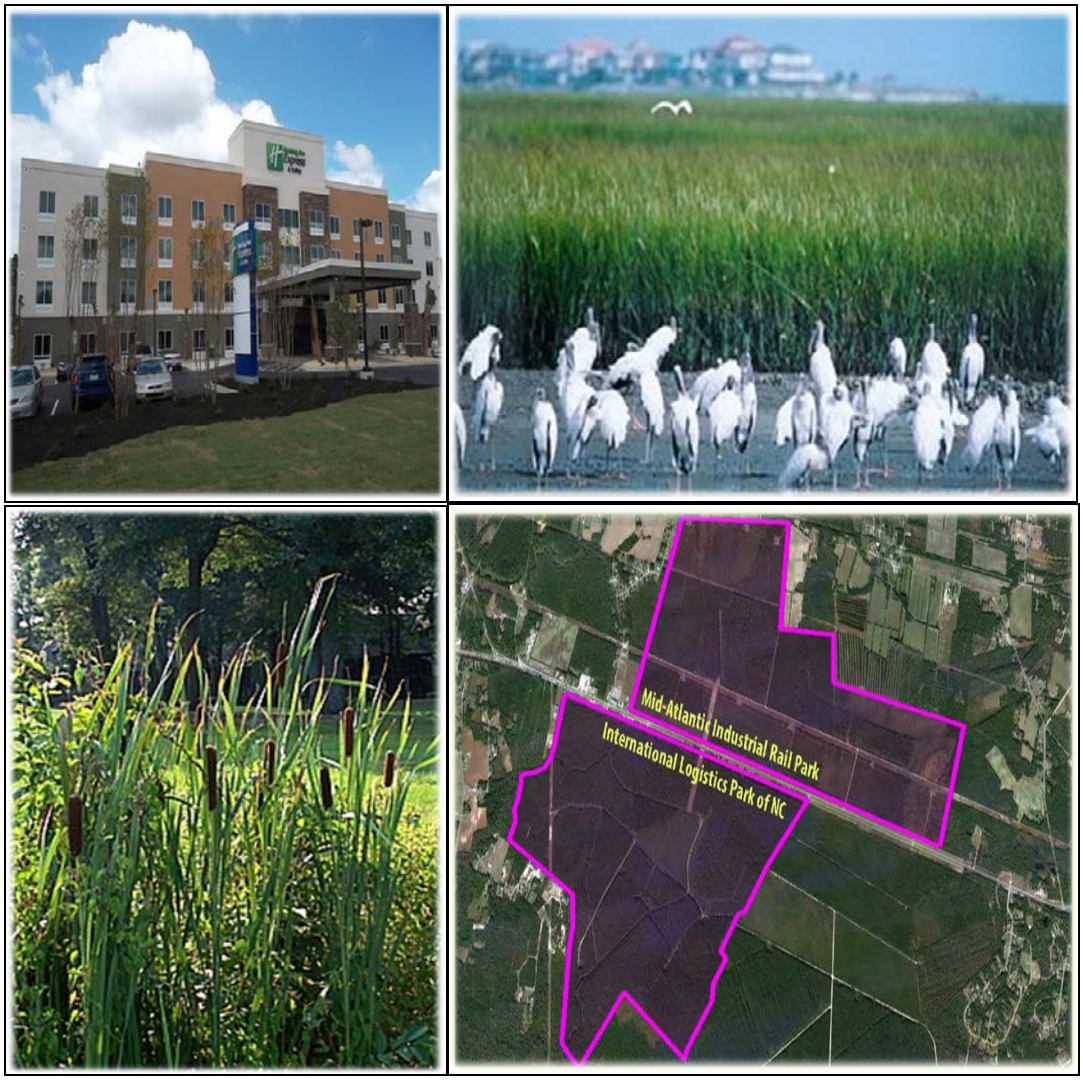
# Brunswick County, NC

# Unified Development Ordinance




Revised and Readopted
March 16, 2015

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# ARTICLE 1. GENERAL PROVISIONS

## 1.1 TITLE

These regulations shall be known and may be cited as the Unified Development Ordinance of Brunswick County, North Carolina and may be referred to as this "UDO" or this "Ordinance".

## 1.2 AUTHORITY

These regulations are adopted pursuant to the authority granted to Brunswick County by Ordinance 153A, Article 18, of the General Statutes of North Carolina.

## 1.3 JURISDICTION

These regulations govern the development and use of all land, waters, and structures in Brunswick County which are outside of the zoning jurisdiction of any other governmental unit having equal land use regulatory authority.

## 1.4 PURPOSE

It is the purpose of this Ordinance to:

**1.4.1.** promote the health, safety, and general welfare of the residents of Brunswick County;

**1.4.2.** implement the policies and goals contained with officially adopted plans, including the *Brunswick Tomorrow* Comprehensive Plan, Coastal Area Management Act (CAMA) Land Use Plan, any other adopted County land use documents;

**1.4.3.** preserve the overall quality of life for residents and visitors;

**1.4.4.** protect the character of established residential neighborhoods;

**1.4.5.** maintain economically vibrant as well as attractive business and commercial areas;

**1.4.6.** retain and expand the County's employment base;

**1.4.7.** maintain orderly and compatible land-use and development patterns;

**1.4.8.** lessen congestion in the streets and accommodate the use of alternatives to the private automobile including public transportation, and pedestrian and bicycle facilities;

**1.4.9.** ensure adequate light, air, privacy, and access to property;

**1.4.10.** encourage environmentally responsible development practices;

**1.4.11.** promote rehabilitation and reuse of older buildings;

**1.4.12.** maintain a range of housing choices and options;

**1.4.13.** establish clear and efficient development review and approval procedures; and

**1.4.14.** accommodate growth and development that complies with the preceding stated purposes.

## 1.5 RELATIONSHIP TO ADOPTED PLANS

The administration, enforcement, and amendment of this Ordinance shall be accomplished with consideration of recommendations presented in the documents comprising the Comprehensive Plan. These documents include, but are not limited to, the following: the *Brunswick Tomorrow* Comprehensive Plan, the CAMA Land Use Plan, thoroughfare plan, collector street plan, neighborhood plans, small area plans, community facilities plan, capital improvement program, economic development strategies, housing assistance plan, recreation plan, greenways plan, drainage way and open space plan, and watershed

management plan. A copy of the adopted Brunswick Tomorrow Comprehensive Plan shall be filed with the County Clerk.

## 1.6 Matters Regulated

Matters regulated include, but are not limited to:

**1.6.1.** Use of land and water for trade, industry, residence, parking, and other purposes;

**1.6.2.** Size of lots, yards, and other spaces;

**1.6.3.** Maximum coverage of lots by buildings and other structures, and by uses;

**1.6.4.** Height, size, location, erection and construction, reconstruction, alteration and use of buildings and other structures for trade, industry, residence, and other purposes;

**1.6.5.** Density of population; and

**1.6.6.** Division and subdivision of land.

## 1.7 Effective Date

These regulations shall become effective upon March 16, 2015.

## 1.8 Relation to Other Codes and Ordinances

It is not intended that this Ordinance in any way repeal, annul or interfere with the existing provisions of any other law or ordinance. In addition, it is not intended that this Ordinance in any way repeal, annul or interfere with any rules, regulations or permits which were legally adopted or issued under previous ordinances for the use or development of land or structures. Finally, it is not intended that this Ordinance interfere with any easements, covenants, or other agreements between parties besides the County of Brunswick. However, if the provisions of this Ordinance impose greater restrictions or higher standards for the use of a building or land, or for yards or size of structures than is called for by other ordinances, permits, easements or agreements, then the provisions of this Ordinance will take precedence over the others and will control the use of development, except as otherwise provided under Section 1.11, Transitional Provisions.

## 1.9 Repeal of Conflicting Ordinance

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

## 1.10 General Rules of Construction

For the purposes of these regulations, the following rules of construction shall apply:

**1.10.1.** These regulations shall be construed to achieve the purposes for which they are adopted.

**1.10.2.** In the event of a conflict between the text of these regulations and any caption, figure, illustration, or table, the text of these regulations shall control.

**1.10.3.** In the event of any conflict in limitations, requirements, or standards applying to an individual use or structure, the more stringent or restrictive provision shall apply.

**1.10.4.** The words "shall", "must", and "will", are mandatory in nature, implying an obligation or duty to comply with the particular provision.

**1.10.5.** The word "may" is permissive in nature, except when the context of the particular use is negative, and then it is mandatory.

**1.10.6.** Words used in the present tense include the future tense.

**1.10.7.** Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise.

**1.10.8.** Words used in the masculine gender include the feminine gender.

## 1.11 Transitional Provisions

### 1.11.1. Construction in Progress

The adoption of this Ordinance does not require a change in the plans, construction, or designated use of any building for which actual construction was lawfully begun before May 1, 2007 and on which actual construction has been diligently pursued. For the purpose of this provision, "actual construction" includes the erection of construction materials in permanent position and fastened in a permanent manner; and demolition, elimination, and removal of an existing structure in connection with such construction, provided that actual construction work must be diligently pursued until completion of the building.

### 1.11.2. Approvals Granted Before Effective Date

Building permits, variances, special exception permits, subdivision plans, site plan approvals, and other similar development approvals that are valid on April 30, 2007 will remain valid until their expiration date. Development may be completed in accordance with such approvals even if such building, development or structure does not fully comply with provisions of this Ordinance. If building is not commenced and diligently pursued in the time allowed under the original approval or any extension granted, then the building, development or structure must meet the standards of this Ordinance in effect at the time of re-application.

### 1.11.3. Applications in Progress before Effective Date

Applications for building permits, variances, special exception permits and other similar development approvals that were submitted in complete form and are pending approval on April 30, 2007 must be reviewed wholly under the terms of the ordinance in effect on April 30, 2007. Any re-application for an expired approval must meet the standards of this Ordinance in effect at the time of re-application.

### 1.11.4. Violations Continue

Violations of the previous ordinance will continue to be a violation under this Ordinance and be subject to penalties and enforcement under Section 9.10. The adoption of this Ordinance does not affect nor prevent any pending or future action to abate violations of previous ordinances.

### 1.11.5. Nonconformities

Nonconformities under the previous ordinance may continue under this Ordinance.

### 1.11.6. Zoning District Conversions

The zoning map designations in effect on March 16, 2015 are converted as follows:

| New Map Designation | | Previous Map Designation | Map Designation as of 08-Sep-09 | |
|---|---|---|---|---|
| Symbol | Name | Symbol | | Status |
| Residential Districts | | | | |
| RR | Rural Residential | RU<br>R-10000 | Rural Low Density Residential | Unchanged |
| R-7500 | Low Density Residential | R-7500 | Medium Density Residential | Unchanged |
| R-6000 | Medium Density Residential | R-6000 | High Density Residential | Unchanged |
| SBR-6000 | Medium Density Site Built Residential | SBR-6000 | High Density Site Built Residential | Unchanged |
| MR-3200 | Multifamily Residential | MR-3200 | Multifamily Residential | Unchanged |
| Commercial Districts | | | | |
| C-LD | Commercial-Low Density | C-LD | C-LD | Unchanged |
| N-C | Neighborhood Commercial | NC | NC | Unchanged |
| C-I | Commercial-Intensive | C-M | C-M | Unchanged |
| Industrial Districts | | | | |
| RU-I | Industrial-Rural | RU-I | RU-I | Unchanged |
| I-G | Industrial-General | H-M | H-M | Unchanged |
| Special Purpose Base Districts | | | | |
| MI | Military Installation | MI | MI | Unchanged |
| CP | Conservation and Protection | | | Unchanged |
| Overlay Districts | | | | |
| ED | Economic Development | ED | ED | Unchanged |
| TO | Transitional Office | | | Unchanged |
| WQP | Water Quality Protection | WQP | WQP | Unchanged |
| Optional Overlays | | | | |
| Planned Development | | PD | District plus PD | Renamed |
| Conditional Zoning | | ---- | District plus CZ | New Option |

## 1.12 Separability

If any section of specific provisions or standards of these regulations that are hereby established or may exist in the future is found by a court of competent jurisdiction to be invalid for any reason, the decision of the court shall not affect the validity of any other section, provision, standard, or district boundary of these regulations, except the provision in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

## 1.13 Technical Corrections

The Planning Director is authorized to make corrections of a purely technical nature to this ordinance to cure typographical, formatting or other similar errors.

## 1.14 COMMENTARY

Commentary Sections found throughout this document are intended to aid with clarification and interpretation of Ordinance Provisions. Further, Commentary Sections are not considered text for the purposes of any amendments to the Unifified Development Ordinance unless specific Text Amendments are needed to change provisions of Ordinance requirements.

# ARTICLE 2. DECISION-MAKING AND ADMINISTRATIVE BODIES

## 2.1 GENERAL

### 2.1.1. Purpose

This Section establishes review authority under this Ordinance. Specific requirements for each type of application or permit are described in Article 3, Common Review and Approval Procedures.

### 2.1.2. Temporary Disqualification

A board, commission, or committee member may not participate in any vote on a matter that would violate an applicant's right to an impartial decision maker. Common 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, 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 of the board, commission, or committee shall by majority vote rule on the objection.

## 2.2 BOARD OF COUNTY COMMISSIONERS

### 2.2.1. Establishment, Membership and Procedure

Information regarding the establishment, membership and rules of procedure of the Board of County Commissioners is available in the County Code.

### 2.2.2. Powers and Duties

**A.** General

The Board of County Commissioners shall have the following general powers and duties:

1. To maintain a Planning Board and assure that the Board performs satisfactorily in development of the CAMA Land Use Plan and any other adopted County land use documents including scheduled review and update of same from time to time, and further that the Planning Board performs duties and responsibilities assigned by statute and by this Ordinance;
2. To establish a Zoning Board of Adjustment and assure that Board performs satisfactorily in the duties and responsibilities assigned to it by this Ordinance;
3. To provide by appropriation funds for the administration of this Ordinance;
4. To direct and assist the County Manager and County Attorney in their responsibilities assigned by this Ordinance and by Statute.

**B.** Final Action

The Board of County Commissioners shall hear and take final action on the following development review procedures:

1. Ordinance Text Amendments (Section 3.7); and
2. Rezonings (Section 3.8).

## 2.3 PLANNING BOARD

### 2.3.1. Establishment, Membership and Procedure

The Planning Board is established by Article II, Code of Ordinances, Brunswick County, N.C. As stated in that Article and hereby reaffirmed, the Planning Board is that planning agency designated by N.C.G.S. 153A-344. In addition to the duties and responsibilities assigned by Article II, Code of Ordinances, Brunswick County, N.C. and by N.C.G.S. 153A-322, the Planning Board shall have the specific powers and duties provided within this Ordinance.

### 2.3.2. Powers and Duties

**A.** Review and Recommendation

The Planning Board shall review and make a recommendation on the following development review procedures:

1. Ordinance Text Amendment (Section 3.7); and
2. Rezoning (Section 3.8);

**B.** Final Action

The Planning Board shall hear and take final action on the following development review procedures:

1. Variance from the Subdivision Requirements (Section 3.6);
2. Major Subdivision- Preliminary Plat (Section 3.4.11);
3. Major Site Plan (Section 3.2);
4. Planned Development Review (Section 3.3.3) and
5. Zoning Vested Rights determination (Section 9.5).

## 2.4 Zoning Board of Adjustment

### 2.4.1. Establishment, Membership, and Rules of Procedure

**A.** Establishment

A Zoning Board of Adjustment is hereby created. This board may also be known as the Board of Adjustment (BOA).

**B.** Membership

1. The Zoning Board of Adjustment shall consist of five voting members, each a resident of one of the five electoral voting districts, two alternate members, and one non-voting ex officio member who shall be the Zoning Administrator, who shall also serve as Clerk.
2. In the event the Zoning Administrator is unavailable, then the Planning Director or his/her designee shall serve as an ex officio member.
3. Terms of office of ex officio member(s) are at the pleasure of their appointing authority.

**C.** Rules of Procedure

1. The Board of Adjustment is a quasi-judicial body; it shall establish a regular schedule of meeting as to time, date, and place, and shall establish Rules of Procedure.
2. A quorum is not obtained unless four voting members are present. In the event there is abstention for reason declared into the record by a voting member, then a particular matter cannot proceed unless and until four other voting members are present and vote. As required by N.C.G.S. 153A-345.1, a four-fifths vote is required to grant a variance, but only a simple majority is required for special exception permits and ordinance interpretations.
3. The Year of the Zoning Board of Adjustment is August 1–July 31.
4. As early as possible in each new year of the Board, the voting members shall elect a chairman and vice-chairman. Either such party when in the chair shall have the authority to administer oaths to witnesses.
5. All decisions of the Board of Adjustment run with the land, never the person or corporation. Special Exceptions may have time limits imposed on their validity.
6. The minutes of the Zoning Board of Adjustment shall be kept in such detail as necessary, and do not reflect official action of the Board until adoption of same.

7. Minutes shall be filed in the office of the Zoning Administrator, as a public record.
8. The Board of Adjustment shall have the authority to subpoena witnesses and compel the production of evidence as specified in N.C.G.S. 153A-345.1.

### 2.4.2. Powers and Duties

**A.** Final Action

The Board of Adjustment shall hear and take final action on the following development review procedures:

1. Variance (Section 3.6 );
2. Zoning Vested Right (Section 9.5);
3. Special Use Permit (Section 3.5);
4. Appeal of Administrative Decision (Section 9.8);

## 2.5 Agricultural Advisory Board

### 2.5.1. Establishment, Membership, and Rules of Procedure

**A.** Establishment

In accordance with N.C.G.S. 106-739, the Board of County Commissioners hereby establishes an Agricultural Advisory Board. This board may also be known as the Advisory Board.

**B.** Membership

1. Appointment

   Initially, the Agricultural Advisory Board shall consist of five members approved by the Board of Commissioners. The members shall be appointed in conformance with Section 4.9.4.H, Appointment of New Advisory Board Members.

2. Membership Requirements

   i. Each Board member shall be a resident of Brunswick County and registered to vote in the County.

   ii. Four of the five members shall be actively engaged in farming.

3. Tenure

   i. Members are to serve for terms of three years, except that the initial Board is to consist of two appointees for a term of one year, two appointees for terms of two years, and one appointee for a term of three years. Tenures of the initial Board shall be determined by lottery.

   ii. Reappointment to the Board shall be permitted.

4. Vacancies

   Any vacancy on the Agricultural Advisory Board shall be filled by the Board of Commissioners for the remainder of the unexpired term following the same procedure as for an initial appointment to the Advisory Board.

5. Removal for Cause

   Any member of the Advisory Board may be removed by the Board of Commissioners upon receipt of written charges and after a public hearing before the Board of Commissioners.

### 6. Funding

#### i. Compensation

The per-meeting compensation of members of the Advisory Board shall be established by the Board of Commissioners.

#### ii. Approporations for Performance of Duties

Funds shall be appropriated by the Board of Commissioners to the Advisory Board to perform its duties. The Advisory Board shall present an annual budget request to the Board of Commissioners.

## C. Procedures

The Agricultural Advisory Board shall adopt rules of procedure which are consistent with the enabling legislation and other applicable statutes.

### 1. Chairperson

The Advisory Board shall elect a chairperson and vice-chairperson each year at its first meeting of the fiscal year. The chairperson shall preside over all regular or special meetings of the Board. In the absence or disability of the chairperson, the vice-chairperson shall preside and shall have and exercise all the powers of the chairperson. Additional officers may be elected as needed.

### 2. Jurisdiction and Procedures- Supplementary Rules

The Advisory Board may supplement the rules and procedures established in this Section by adoption of additional rules of procedure provided no additional rule shall be inconsistent with this Section or any other applicable laws or regulations.

### 3. Year

The Advisory Board shall use the County fiscal year as its meeting year.

### 4. Meetings

#### i. Scheduling

**(a)** The Advisory Board chairperson shall call all meetings.

**(b)** The Advisory Board shall hold a called meeting at least once every three months.

**(c)** Additional meetings may be held at the call of the chairperson or at such times as the Advisory Board specified in the adopted rules of procedure.

#### ii. Quorum

A quorum shall consist of a majority of the members of the Advisory Board.

### 5. Voting

The concurring vote of a majority of the members of the Advisory Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or agency, to decide in favor of an applicant, or to pass upon any other matter on which it is required to act.

### 6. Records

The Advisory Board shall keep minutes of the proceedings showing the vote of each member upon each item, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Advisory Board immediately following each meeting. All minutes and other records shall be public record.

7. Administrative Services

The North Carolina Cooperative Extension Service shall serve the Advisory Board for record keeping, correspondence, and application procedures of this Section together with such other services the Advisory Board needs to complete its duties.

### 2.5.2. Powers and Duties

The Advisory Board shall have the following powers and duties:

**A.** Review and approve applications for qualified farmland and participation in the Agricultural Preservation Program (Section 4.9).

**B.** Approve or deny applications for implementation and expansion, of a Voluntary Agricultural District. The Advisory Board may only approve applications for withdrawal from an Voluntary Agricultural District (Section 4.9.4 through Section 4.9.6);

**C.** Advise the Board of Commissioners on projects, programs or issues effecting the agricultural economy or activities within the County and that will effect the Agricultural Preservation Program.

## 2.6 Planning Director

### 2.6.1. General

The Planning Director is designated as head of the Planning Department and shall be responsible for administering the provisions of this Ordinance as set forth in this section.

### 2.6.2. Delegation of Authority

The Planning Director may designate any staff member to represent the Director in any function assigned by this Unified Development Ordinance. The Director shall remain responsible for any final action.

### 2.6.3. Powers and Duties

**A.** Review and Recommendation

The Planning Director shall make a recommendation on the following development review procedures:

1. Ordinance Text Amendment (Section 3.7);
2. Rezoning (Section 3.8;
3. Variance (Section 3.6);
4. Preliminary Plat (Section 3.4.11);
5. Major Site Plan (Section 3.2); and
6. Planned Development Review (Section 3.3.3).

**B.** Final Action

The Planning Director shall hear and take final action on the following development review procedures:

1. Subdivision- Minor Plat (Section 3.4.10)
2. Subdivision- Final Plat (Section 3.4.12);
3. Minor Site Plan (Section 3.2);
4. Administrative Adjustment (Section 9.6);
5. Traffic Impact Analysis (Section 6.16); and
6. Written Interpretation (Section 9.7).

**C.** Acting as Zoning Administrator

In the absence of the Zoning Administrator, the Planning Director shall be responsible for assuring the actions requiring Zoning Administrator review or approval are carried out.

## 2.7 Zoning Administrator

### 2.7.1. General

The County Manager shall name a Zoning Administrator.

### 2.7.2. Delegation of Authority

The Zoning Administrator may designate any staff member to represent the Administrator in any function assigned by this Unified Development Ordinance. The Administrator shall remain responsible for any final action.

### 2.7.3. Powers and Duties

**A.** Review and Recommendation

The Zoning Administrator shall make a recommendation on the following development review procedures:

1. Ordinance Text Amendment (Section 3.7);
2. Rezoning (Section 3.8);
3. Variance (Section 3.6); and
4. Special Use Permit (Section 3.5).

**B.** Final Action

The Zoning Administrator shall hear and take final action on the following development review procedures:

1. Development Permit (Section 9.3);
2. Temporary Use Permit (Section 9.4.3); and
3. Sign Permit (Section 8.2.1).

## 2.8 Building Inspector

### 2.8.1. General

The County Manager shall designate a Building Inspector to review and approve certain permit applications.

### 2.8.2. Powers and Duties

**A.** Final Action

The Building Inspector shall hear and take final action on the following development review procedures:

1. Certificate of Occupancy (Section 9.4.1); and
2. Certification of Mobile Home (Section 5.3.3.C.6).

## 2.9 Director of Engineering Services

### 2.9.1. General

The County Manager shall designate a Director of Engineering Services to review and approve certain permit applications.

### 2.9.2. Powers and Duties

**A.** Review and Recommendation

The Director of Engineering Services shall review and make recommendations on the following development review procedures:

1. Subdivision (Section 3.3);
2. Site Plan (Section 3.2);
3. Planned Development (Section 3.3); and
4. Any other review requested by an approving authority.

**B.** Final Action

The Director of Engineering Services shall hear and take final action on the following development review procedures:

1. Approval and release of Improvement Guarantees for Subdivisions (Section 3.4.12.D); and
2. Approval and release of Improvement Guarantees for Site Plans (Section 3.4.12.D).

## 2.10 Utilities Director

### 2.10.1. General

The County Manager shall designate a Utilities Director to review and approve certain permit applications.

### 2.10.2. Powers and Duties

**A.** Review and Recommendation

The Utilities Director shall review and make recommendations on the following development review procedures:

1. Subdivision (Section 3.3);
2. Site Plan (Section 3.2);
3. Planned Development (Section 3.3); and
4. Any other review requested by an approving authority.

## 2.11 Director of Emergency Management Services

### 2.11.1. General

[Reserved]

### 2.11.2. Powers and Duties

**A.** Review and Recommendation

The Director of Emergency Management Services shall review and make recommendations on the following development review procedures:

1. Subdivision (Section 3.3);
2. Site Plan (Section 3.2);
3. Planned Development (Section 3.3); and
4. Any other review requested by an approving authority.

## 2.12 Technical Review Committee

### 2.12.1. Establishment, Membership, and Procedures

**A.** Establishment

A Technical Review Committee shall be established to provide a coordinated and centralized technical review process. The members of the Technical Review Committee shall be composed of persons from various County departments and agencies which have an interest in the development review process.

**B.** Membership

**1.** Chair

The Planning Director shall serve as Chair of the Technical Review Committee and shall be responsible for all final decisions of the Committee.

**2.** Other Members

In addition to the Chair, the Technical Review Committee shall be comprised of the following members:

**i.** A representative from the Brunswick County Planning Board;

**ii.** A representative from Brunswick Director of Engineering Services;

**iii.** A representative from Brunswick County Utilities;

**iv.** A representative from Brunswick County Geographic Information Services;

**v.** A representative from Brunswick County Emergency Management Services;

**vi.** A representative from Brunswick County Parks and Recreation;

**vii.** A representative from Brunswick County Environmental Health;

**viii.** A representative from Brunswick County Board of Education;

**ix.** A representative from Brunswick County Soil and Water Conservation;

**x.** A representative from Brunswick County Solid Waste;

**xi.** A representative from North Carolina Department of Transportation (NCDOT)

**xii.** A representative from Brunswick Electric Membership Corporation (BEMC);

**xiii.** A representative from Duke Energy Progress;

**xiv.** A representative from Atlantic Telephone Membership Corporation (ATMC);

**xv.** A representative from AT&T; and

**xvi.** Any other County staff or external agencies the Chair deems necessary for the professional review of an application.

**C.** Procedures

The Technical Review Committee shall meet as often as necessary to fulfill its duties or upon call of the Chair of the committee to review and discuss development applications. The meeting notes of each meeting shall be filed with the Planning Director.

### 2.12.2. Powers and Duties

**A.** Review and Recommendation

The Technical Review Committee shall make a recommendation on the following development review procedures:

**1.** Subdivision- Preliminary Plat (Section 3.3);

**2.** Site Plan- Major/Multifamily (Section 3.2);

3. Planned Development review (Section 3.3);
4. Traffic Impact Analysis (Section 6.16); and
5. Any other review requested by an approving authority.

## 2.13 Other Departments

Other departments may be empowered by the Board of County Commissioners to develop, maintain and implement technical standards, specifications, and guidelines.

## 2.14 Summary of Review Authority

The following table summarizes review and approval authority under this Ordinance.

| | Technical Review Committee | Building Inspector | Zoning Administrator | Planning Director | Zoning Board of Adjustment | Planning Board | Board of County Commissioners | |
|---|---|---|---|---|---|---|---|---|
| | TRC | BI | ZA | PD | BOA | PB | BOCC | |
| "R" = Review and Recommendation authority; | | | | | | | | |
| Text Amendment | | | R | R | | <R> | <D> | Section 3.7 |
| Rezoning | | | R | R | | <R> | <D> | Section 3.8 |
| Variance | | | R | R | <D[2]> | <D[2]> | <D[2]> | Section 3.6 |
| Subdivision- Minor Plat | R | | | D | | | | Section 3.4.10 |
| Subdivision- Preliminary Plat | R | | | R | | <D> | | Section 3.4.11 |
| Subdivision- Final Plat | R | | | D | | | | Section 3.4.12 |
| Site Plan | R | | | D[1]/R | <D[1]> | <D[1]> | | Section 3.2 |
| Planned Development Review | R | | | R | | <D> | | Section 3.3.3 |
| Zoning Vested Right | | | | | <D[3]> | <D[3]> | | Section 9.5 |
| Special Use Permit | | | R | | <D> | | | Section 3.5 |
| Appeal of Administrative Decision | | | | | <D> | | | Section 9.8 |
| Administrative Adjustment | | | | D | | | | Section 9.6 |
| Traffic Impact Analysis | R | | | D | | | | Section 6.16 |
| Written Interpretation | | | | D | | | | Section 9.7 |
| Development Permit | | | D | | | | | Section 9.3 |
| Certificate of Occupancy | | D | | | | | | Section 9.4.1 |
| Temporary Use Permit | | | D | | | | | Section 9.4.3 |
| Certification of Mobile Home | | | D | | | | | Section 5.3.3.C.6 |
| Sign Permit | | | D | | | | | Section 8.2.1 |
| "R" = Review and Recommendation authority; "D" = Decision authority; "< >" = Public Hearing Required | | | | | | | | |

Notes:

[1] The Planning Director shall serve as the approving authority for all Minor Site Plan applications (review only for Major Site Plans). The Zoning Board of Adjustment shall serve as the approving authority for all Major Site Plan applications requiring Special Use Approval. The Planning Board shall serve as the approving authority for all other Major Site Plan applications.

[2] The Planning Board shall serve as the approving authority for all variances from Subdivision requirements; the Board of County Commissioners shall serve as the approving authority for all variances from the Stormwater Permit requirements; the Zoning Board of Adjustment shall serve as the approving authority for variances from all other requirements.

[3] The Board of Adjustment shall serve as the approving authority for a vested rights determination on all site plans involving a Special Use Permit except Planned Developments. The Planning Board shall serve as the approving authority for all other vested rights determinations.

# ARTICLE 3. COMMON REVIEW AND APPROVAL PROCEDURES

This article outlines the most common types of review and approval of development activity. Less frequently used approvals, such as temporary use permits, vested rights, etc., are outlined in Article 9, Administration.

### 3.1.1. Development Permit Required

No land shall be used or occupied and no building hereafter constructed, structurally altered, erected or moved shall be used or its use changed until a Development Permit is issued by the Planning Director. The purpose of the Development Permit is to guide the applicant in carrying out their improvement plans and avoid potential pitfalls by ensuring that the appropriate approvals are obtained in the most effeicent and effective manner possible. There shall be no fee charged for Development Permits. Additional administrative provisions pertaining to Development Permits are outlined in Section 9.3 of Article 9, Administration, Enforcement and Penalties of this ordinance.

### 3.1.2. Change of Use Approval Required

Change in the use of a structure shall require approval of the Zoning Administrator and other County Departments or outside agencies as required by applicable regulations or as deemed appropriate for the proposed use. There shall be no fee charged for review of changes within the same category (e.g., retail to retail, residential to residential, etc.). Fees for Changes of Use to a different category (e.g., retail to industrial, storage to assembly, residential to office, etc.) shall be charged in accordance with the current fee schedule adopted by the Board of Commissioners.

### 3.1.3. Building Permit/Certificate of Occupancy

No building permit or certificate of occupany shall be issued until the required site plan of the proposed use or development has been approved and all County requirements have been met and approved by the appropriate County officials. All applicable state and federal approvals/permits must also be obtained. (Note: *Applicants are responsible for ensuring compliance with outside agency requirements, except as specifically referenced in County ordinances such as Stormwater Management).*

Building permits shall not be issued until substantial completion of required infrastructure improvements.

Option: Building permits may be issued prior to substantial completion of required infrastructure improvements, or obtaining all approvals from outside agencies, subject to:

**A.** Recorded Development Plan Agreement or Development Agreement between the County and the Property Owner specifically limiting scope of building permit to the shell of the building only;

**B.** Access acceptable to County Emergency Services for emergency vehicles must be provided;

**C.** No further building permits beyond shell shall be issued until substantial completion of required infrastructure improvements have been completed; and

**D.** Provision of a Certification acceptable to the County that required infrastructure improvements will be completed a minimum of thirty days prior to completion of the building.

No certificate of occupany shall be issued until all required improvements are completed and approved by the appropriate County officials.

### 3.1.4. Subdivision and Planned Development Recordation & Building Permit Issuance Requirements

No subdivision or planned development (PD) shall be recorded nor any structural building permit issued within a proposed subdivision until all County requirements have been met and approved by the appropriate County officials as follows:

**A.** Approval of detailed preliminary subdivision plat or PD Final Master Plan, including required plans and specifications upon meeting all applicable County, State and Federal requirements. (Note: *the final plat or PD plan must conform to the preliminary plat or PD plan in content and layout with only minor deviations*).

**B.** Approval of final plat or PD plan upon completion of all required improvements with the exception of the final lift of asphalt on roadways and minor improvements such as required landscaping or electric utilities. Surety acceptable to the County must be provided in the amount of 125% of the engineer certified cost of the final lift of asphalt.

**C.** Building permits may be issued upon approval of final subdivision plat or PD plan.

Option: Building permits may be issued prior to final plat approval subject to:

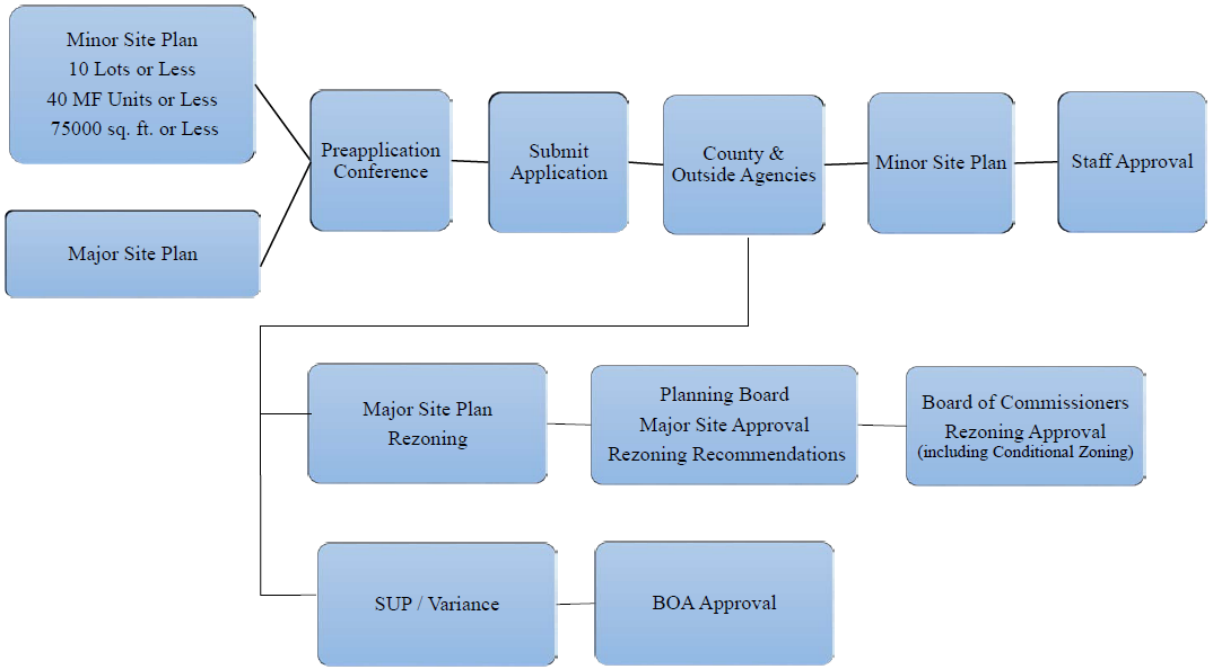
1. Approval or conditional approval of a detailed preliminary subdivision plat or PD plan;
2. Recorded Development Plan Agreement or Development Agreement between the County and the owner of the property limiting building permits to no more than two model units;
3. Water and sewer service approved by the County must be provided to unit(s) and a certificate of occupancy obtained for model unit(s);
4. Access acceptable to County Emergency Services for emergency vehicles must be provided; and
5. Required infrastructure improvements must be substantially complete for additional building permits.

**D.** Final plat or PD plan approval and recordation required for transfer of lot ownership.

### 3.1.5. Site Plan Approval Required

Approval of the site plan is required for all proposed development activity including, but not limited to, single family lots, individual businesses, non-residential developments, multifamily units, subdivisions, planned developments, special use permits, conditional zoning, change of use, or modification of a previously approved site plan.

## Approval Structure




**A.** Minor Site Plan

**1.** Criteria:

**i.** 10 lots or less;

**ii.** Total building floor area of 75,000 square feet or less including existing buildings on the site; or

**iii.** Parking lot expansion with total building floor area (including existing buildings) less than 75,000 square feet.

**2.** Approval Authority

The Planning Director shall be responsible for final action regarding a minor site plan. However, the Planning Director shall have the discretionary authority to refer a minor site plan to the Planning Board for final action.

**3.** Multifamily Dwellings

Forty (40) multifamily dwellings or less; provided however, multifamily projects of any size permitted by right in the MR-3200, NC and C-LD zoning districts are approved administratively.

**B.** Major Site Plan

**1.** Criteria:

Any site plan not listed under Minor Site Plan above shall be considered a Major Site Plan.

**2.** Approval Authority

The Planning Board shall be responsible for final action regarding all major site plans with the exception of applications reviewed by the Board of Adjustment and Conditional Zoning applications which shall be reviewed by the Planning Board for a recommendation to the Board of Commissioners for final action.

### 3.1.6. Pre-Application Conference

**A.** Before submitting an application for development approval, each applicant is strongly urged to contact the Planning Department to schedule a pre-application conference to discuss the procedures, standards and regulations required for development approval in accordance with this Ordinance.

**B.** A pre-application conference with the Planning Director shall be required for the following approvals:

1. Rezoning (Section 3.8);
2. Subdivision review (Section 3.3);
3. Major Site plan review (Section 3.2.1.C);
4. Planned Development review (Section 3.3.3); and
5. Special use permit (Section 3.5).

### 3.1.7. Application Requirements (see Article 6)

**A.** Minimum Information Required

1. All applications for land use permits shall be accompanied by accurate plot plans, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the legal description of the lot to be built upon or used; or the location of the plans as recorded by the Brunswick County Register of Deeds, the exact sizes and location on the lot of all existing buildings and accessory buildings; the lines within which the proposed building or structure shall be erected; the existing and intended use of each building or part of building and any other data deemed necessary by the approving agency to determine compliance of a proposed development with the terms of this Ordinance.
2. Applications for rezoning, subdivision, or planned developments shall designate on preliminary development plans, the location and distance to any Agricultural Preservation Districts within 1/2 aerial mile of the proposed development.
3. For nonresidential use: a properly completed checklist including the following information shall accompany all applications:
   - **i.** Driveway entrance permit application for transmittal to the North Carolina Division of Highways, District Engineer.
   - **ii.** Location of signs, if any, including ownership and type (identification, commercial, or those not requiring a permit).
   - **iii.** Whether excavation, clearing of ground, or moving of earth other than that actually required for the building, is expected to occur.
4. Additional information or materials may be required by the approving agency.
5. Additional information may be required by the approving authority to determine compliance with all applicable requirements of this Ordinance.

**B.** A landscaping plan shall be required in accordance with Section 6.1.2.A. For minor site plan applications, this landscaping plan may not necessarily need to be on a separate plan document.

**C.** All site plans shall clearly indicate all required open space and/or recreation area that has been dedicated or reserved to conform with the requirements of Section 6.4.4, Open Space and Recreation Area.

**D.** Major site plans may be required to include a heritage tree survey in accordance with Section 6.1.3.

**E.** In most instances, major site plans will require a detailed infrastructure improvements plan prepared by a licensed engineer. The specifications, standard details, etc. for such plans are available from the County Engineering Department and on the County's website.

**F.** Site plans should cite the presence of significant historic resources *(consult with the Planning and Community Development Department for inventory available on County GIS)*.

**G.** All site plan submittals include a lighting plan in conformance with Section 6.9, Lighting Plan.

**H.** All outdoor display and storage areas shall be clearly indicated on the site plan for the project (see Section 6.22).

**I.** A Traffic Impact Analysis may be required if the proposed site plan meets the thresholds established in Section 6.16, Traffic Impact Analysis.

**J.** Forms

Applications required under this Ordinance shall be submitted on forms and in such numbers as required by the appropriate department.

**K.** Electronic Files Required

1. Applications for major site plan and major subdivision (preliminary and final) shall provide electronic drawings in ".dwg", ".dxf", or ".shp" format. Files must be drawn to scale in feet units, referenced to the NC State Plane coordinate system.
2. Consult with the Planning and Community Development Department for more information on electronic data requirements.

**L.** Fees

1. Filing fees shall be established from time to time to defray the actual cost of processing the application.
2. Before any permit shall be issued or application review initiated, a fee in an amount fixed by the Board of County Commissioners shall be paid.
3. An applicant who has paid the appropriate fee pursuant to the submission of an application, but who chooses to withdraw such application, must do so within ten business days of submittal of the original application to be entitled to a refund of the total amount paid, less ten percent for administrative costs, upon written request to the appropriate department.

**M.** Applications Sufficient For Processing

1. All applications must be sufficient for processing before the appropriate department is required to review the application.
2. The presumption shall be that all of the information required in the application forms is necessary to satisfy the requirements of this section. However, it is recognized that each application is unique, and therefore more or less information may be required according to the needs of the particular case. The applicant may rely on the recommendations of the appropriate department as to whether more or less information should be submitted.
3. Once the application has been determined sufficient for processing, copies of the application shall be referred by the appropriate department to the appropriate reviewing entities.
4. The appropriate department may require an applicant to present evidence of authority to submit the application.

**N.** Application Deadline

Applications sufficient for processing shall be submitted to the appropriate department in accordance with the published calendar schedule. Schedules indicating submittal dates shall be developed each

year and made available to the public.

**O.** Staff Consultation after Application Submitted

**1.** Upon receipt of an application sufficient for processing, the Planning Director shall review the application and confer with the applicant to ensure an understanding of the applicable requirements of this Ordinance; that the applicant has submitted all of the information they intend to submit; and that the application represents precisely and completely what the applicant proposes to do.

**2.** Once the applicant indicates that the application is as complete as the applicant intends to make it, the application shall be placed on the agenda of the appropriate review board in accordance with standard procedures. However, if the Planning Director believes the application is incomplete, a recommendation to deny the application on that basis shall be provided to the appropriate reviewing entity.

### 3.1.8. Neighborhood Meeting

This section provides the requirements pertaining to Neighborhood Meetings. Additional details such as suggested format, etc. for neighborhood meetings is provided in Section 9.2 of Article 9, Administration.

**A.** After the pre-application conference, the applicant is encouraged to hold a neighborhood meeting prior to submitting an application for any of the following approvals:

**1.** Rezoning (Section 3.8);

**2.** Planned Development review (Section 3.3.3); and

**3.** Special Use Permit (Section 3.5).

**B.** A neighborhood meeting is required (MANDATORY) prior to submitting an application for any of the following approvals:

**1.** All Conditional Zoning requests;

**2.** Modifications to an existing Planned Development (Section 3.3.3.B.15); or

**3.** An existing Major Subdivision (Section 3.4.12), except in situations where the Planning Director is authorized to approve the modification administratively.

*Commentary: Examples of situations where a neighborhood meeting is required include a change in land use from open space to single-family or single-family to multi-family.*

**C.** The purpose of the neighborhood meeting is to inform the neighborhood of the nature of the proposed land use and development features, explain the plan (if applicable), and receive comments. Comments from the neighborhood are not binding on the applicant. However, the applicant may elect to revise elements of the project to incorporate suggestions.

**D.** When a neighborhood meeting is required, a neighborhood meeting verification form shall be obtained from the Planning and Community Development Department prior to holding said meeting.

## 3.2 Site Plan Approval Procedures

### 3.2.1. Action by Planning Director

**A.** All Site Plans

Upon receipt of a completed application, the Planning Director, in consultation with the Technical Review Committee shall review all site plans for conformance with the approval criteria found in Article 6. In addition, the Planning Director may consult with any County or state official if the need arises.

**B.** Minor Site Plan

The Planning Director may approve, approve with conditions, or disapprove a minor site plan, refer the site plan to the Technical Review Committee for further consideration, or refer the site plan application to the Planning Board for a final decision under the procedure established for a major site plan application. Applications for minor site plan not receiving final action may be deemed denied and the applicant may appeal the decision in conformance with Section 9.8, Appeal of Administrative Decision. Notification of Planning Director decision shall be transmitted to the applicant in writing.

**C.** Major Site Plan

1. The Planning Director shall prepare a staff report based on the comments provided by the Technical Review Committee. The staff report and recommendations shall be forwarded to the Planning Board, Board of Adjustment, or Board of Commissioners, as appropriate, for review and final action.
2. The Planning Director shall place the item on the next available agenda of the appropriate review body and give notice in accordance with Section 9.1, Notice and Public Hearings.

### 3.2.2. Actions by the Planning Board

**A.** Before taking action on a major site plan, the Planning Board shall consider the recommendations of the Planning Director and the Technical Review Committee.

**B.** For applications which the Planning Board serves as the approving authority, the Planning Board may approve or disapprove the application, approve the application with conditions, or send the application back to the Planning Director for additional consideration. Approval by the Planning Board shall be in the form of the conceptual plan for the project including street layout, lot/building layout, development type (commercial, residential, multifamily), number of dwelling units, floor area of buildings, building form and size (stories, etc.), open space areas, setbacks, buffers, etc. The detailed site plan shall be approved by the Planning Director, the components of which shall be in general conformance with the components of the conceptual plan as approved by the Planning Board. For Conditional Zoning site plans, the Planning Board shall make recommendations on the conceptual plan to the Board of Commissioners for final action.

**C.** Notification of Board decision shall be transmitted to the applicant in writing.

### 3.2.3. Action by the Board of Adjustment

**A.** Before taking action on a major site plan, the Board of Adjustment shall consider the recommendations of the Planning Director and the Technical Review Committee.

**B.** For applications which the Board of Adjustment serves as the approving authority, the Board of Adjustment may approve or disapprove the application, approve the application with conditions, or send the application back to the Planning Director for additional consideration.

**C.** Notification of Board decision shall be transmitted to the applicant in writing.

### 3.2.4. Action by the Board of Commissioners

**A.** Before taking action on a site plan in conjunction with a Conditional Rezoning request, the Board of Commissioners shall consider the recommendations of the Planning Director and the Planning Board.

**B.** The Board of Commissioners may approve or disapprove the application, approve the application with conditions, or send the application back to the Planning Board for additional consideration.

**C.** Notification of Board decision shall be transmitted to the applicant in writing.

### 3.2.5. Approval Criteria

In approving an application, the reviewing entity shall consider the following:

**A.** Compliance with all applicable requirements of this Ordinance;

**B.** Agreement with the most recently adopted CAMA Land Use Plan and any other applicable adopted land use document(s).

**C.** That the plan, site design and development intensity is appropriate for and tailored to the unique natural characteristics of the site, such as significant wooded areas, specimen trees, wetlands, significant historic resources, steep slopes, and floodplains;

**D.** For nonresidential and multifamily projects, the site plan displays the location of trash handling, recycling, grease bins, and other waste-related facilities employed in the normal operation of the use;

**E.** That the location of parking areas and pedestrian and vehicular access points is in compliance with all requirements of the Unified Development Ordinance;

**F.** That the design of traffic patterns, traffic control measures and street pavement areas, with provisions for maintaining traffic flows for both public use as well as emergency management services are consistent with the requirements of the Unified Development Ordinance;

**G.** Compliance with site construction specifications;

**H.** That stormwater facilities, water supply, sanitary sewer service, fire protection and hydrants, street signs, and street lighting are in conformance with department standards, specifications and guidelines; and

**I.** Easements or dedications are compliant with the Unified Development Ordinance.

### 3.2.6. Decisions

Unless specifically provided elsewhere, all decisions on land use changes, including rezoning, shall require an affirmative vote. Tie votes shall be considered denials of any requested change.

### 3.2.7. Notice of Decision

After a decision is made, a copy of the decision shall be sent to the applicant within reasonable time and filed in the Planning Department, where it shall be available for public review during regular office hours.

### 3.2.8. Applications Receiving Conditional Approval

Site plans granted conditional approval shall be corrected and returned to the Planning Director within 90 days of notification of decision or the application shall be considered withdrawn. One 90 day extension period may be granted by written petition to the Planning Director prior to to the expiration of the revision period.

### 3.2.9. Site Plan Amendments

**A.** Minor changes to the approved site plan, such as those resulting from field conditions or which result in an equivalent or better performance may be approved by the Planning Director in conjunction with the Building Official.

**B.** Significant changes to the approved site plan, as determined by the Planning Director, shall be resubmitted for review and approval by the approving authority as if they were a new application.

### 3.2.10. Duration of Validity

An approved site plan shall remain valid for a period of three years from the date of approval. After the initial three-year period, construction or development activity must be actively pursued to maintain validity. If construction or development activity is discontinued for a period of greater than 180 calendar days, the site plan shall expire and a new application must be submitted.

### 3.2.11. Building Permit/Certificate of Occupancy

No building permit or certificate of occupancy shall be issued until the required site plan of the proposed use or development has been approved by the appropriate County officials.

### 3.2.12. Appeal

**A.** Final action on a minor site plan may be appealed to the Board of County Commissioners in accordance with Section 9.8, Appeal of Administrative Decision.

**B.** Final action on a major site plan that does not involve a Special Use may be appealed to the Board of County Commissioners.

**C.** Final action on a major site plan that involves a Special Use may be appealed by filing a petition for certiorari with the Brunswick County Superior Court.

## 3.3 Subdivision and Planned Development Approval Process

### 3.3.1. Applicability

**A.** This Article shall apply to all new land development within the County's planning jurisdiction, including Planned Developments.

**B.** Each subdivision of land or Planned Development shall meet the minimum standards of design and contain the improvements required by this article and in Article 6, Design and Performance Standards. Land may be dedicated and reserved in subdivisions or Planned Developments and the required improvements shall be paid for by the subdivider or developer.

### 3.3.2. Approval Required before Division of Land

Approval of a Subdvision or Planned Development shall be required before the division of land (for any purpose) into two or more parcels, except as expressly exempted in Section 3.4.1 .

### 3.3.3. Planned Development

**A.** Intent

The Planned Development (PD) option is intended to encourage the development of desirable and innovative projects for both residential and nonresidential uses. This may include a mixture of uses not ordinarily permitted in a traditional development. Certain development privileges, through diversified land development standards in exchange for preplanning and innovative design considerations, provide flexibility in utilizing new development concepts that are intended to:

**i.** Encourage creative development that preserves natural and scenic features.

**ii.** Promote the efficient use of land resulting in infrastructure networks that maximize the allocation of fiscal and natural resources.

**iii.** To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.

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

**v.** To permit clustering of houses and structures in a manner that will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for development.

**vi.** To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in development.

**vii.** To protect scenic views.

**viii.** To promote interconnected greenways and corridors throughout Brunswick County in accordance with the County-wide Greenways Master Plan.

**ix.** To create contiguous greenspace within and adjoining the development site.

**x.** To preserve important historic and archaeological sites.

**B.** Planned Development Approval

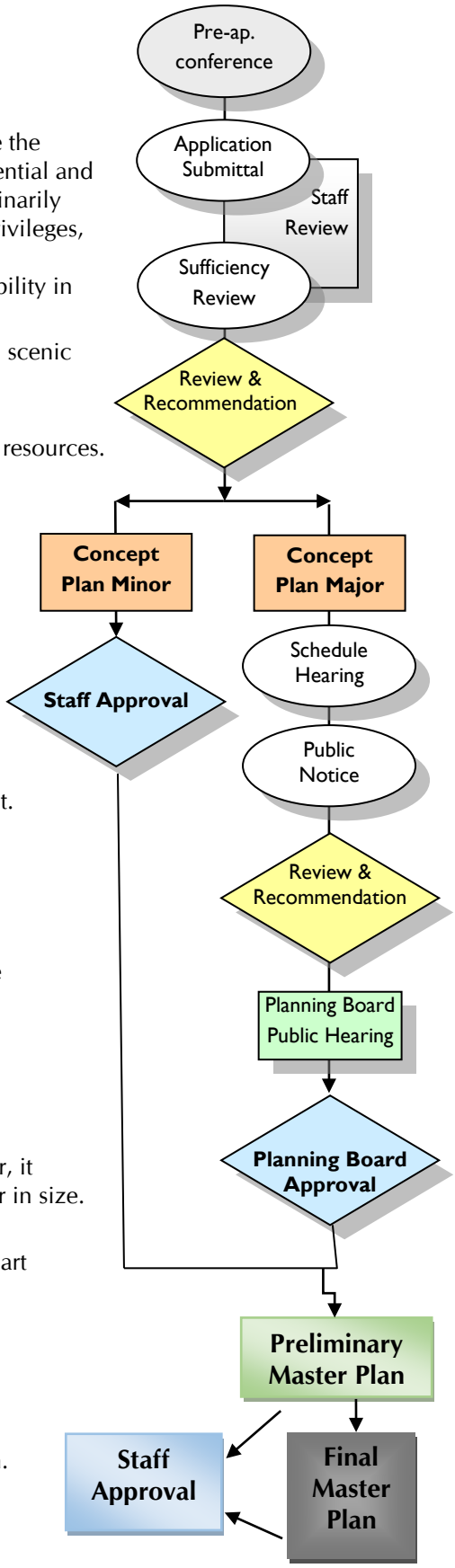
**1.** Establishment Criteria

**i.** There is no minimum acreage requirement. However, it is envisioned that PD projects are two acres or greater in size.

**ii.** The PD may be developed in phases or sections in accordance with the phasing schedule submitted as part of the approved plan.

**2.** Applicability

**i.** All proposed developments utilizing a Planned Development or modifications to an approved Planned Development shall be subject to the review and approval procedures found in this Section.



**ii.** Additional review or permits including a Traffic Impact Analysis may be required.

### 3. Pre-Application Conference

**i.** All applicants seeking Planned Development approval shall schedule a pre-application conference with the Planning Director in accordance with Section 3.2. At the pre-application conference, the Planning Director shall review the proposed concept plan.

**ii.** Once the pre-application conference is complete, the applicant will prepare a Preliminary Master Plan of the entire Planned Development. The Preliminary Master Plan will consist of both a preliminary site plan and a preliminary utilities plan.

### 4. Neighborhood Meeting

**i.** All applicants seeking approval of a Planned Development are encouraged to hold a neighborhood meeting in accordance with Section 9.2, Neighborhood Meeting.

**ii.** Applicants seeking approval of modifications, including expansions to an existing Planned Development shall be required to hold a neighborhood meeting.

### 5. Application Requirements

**i.** General

**(a)** An application for Planned Development plan review shall be submitted in accordance with Section 3.1.7, Application Requirements.

**(b)** A Traffic Impact Analysis may be required if the proposed site plan meets the thresholds established in Section 6.16, Traffic Impact Analysis.

**ii.** Concept Plan

At minimum, the concept plan should contain the following information in schematic form:

**(a)** The location and size of the area involved.

**(b)** The current zoning of the surrounding properties.

**(c)** Location of existing waterways and other riparian areas, and other significant environmental features.

**(d)** General layout of transportation routes including streets, pedestrianways and off-street parking and loading areas.

**(e)** Estimated population density and extent of activities to be allocated to parts of the project.

**(f)** Reservations for public uses including schools, parks, fire and medical emergency services, and other open spaces.

**(g)** The general means of the disposition of sanitary wastes and storm water.

**(h)** A tabulation of the land area to be devoted to various uses and activities and overall densities.

**(i)** If a project is to be developed in phases, a general breakdown showing the various phases and the estimated schedule of construction.

**iii.** Preliminary Master Plan

**(a)** Preliminary Master Plan must include, at minimum, major thoroughfares, acreage and development type (i.e., residential, commercial, open space) of each phase, vicinity map, density, Flood Zone(s) and proximity of nearest water and/or sewer main.

**(b)** All site specific plans shall clearly indicate all required open space with the requirements of Section 6.4.4, Open Space and Recreation Area.

**(c)** A heritage tree survey must be submitted in accordance with Section 6.1.3.

**(d)** Recommenations and findings listed during the concept stage are preliminary only, subject to modifications as a result of information provided during the Preliminary Master Plan Application Approval process for all or each phase(s) of development.

**(e)** The applicant will complete and submit to the Planning Department the Preliminary Master Plan compliance sheet.

**(f)** The Preliminary Master Plan will consist of and be labeled, at a minimum: major thoroughfares, cross-section of proposed road type(s), recreational space, golf courses, natural or man-made lakes, setbacks, residential areas (single family, multi-family, townhouses, etc…), vicinity map, drainage and topography, approximate delineation of wetlands (404 jurisdictional wetlands) by Corps of Engineers or certified designee, land dedication for public facilities (i.e., public safety facilities, schools, EMS) and acreage (if applicable), environmentally sensitive areas, north arrow, adjoining land owners, and commercial area. Other relevant information such as the total number of acres within the planned development, and the total number of residential and commercial units or square footage (broken down into various phases and acreage) should be included. A proposed timetable of each development phase should also be included.

**(g)** A detailed landscaping plan must be submitted that indicates the location of all required buffers and the minimum nimber of required plantings, (canopy trees, understory trees, shrubs) that are required in each buffer area.

**(h)** The Preliminary Master Plan shall be accompanied with a preliminary utilities plan which consists of size and location of water and/or sewer lines, fire hydrant locations and spacing, estimated fire flows, utility easements / right-of-way, drainage and topography, location and/or type of solid waste disposal containers and shall be approved by the Director of Engineering Services and/or Public Utilities Director.

**(i)** A mechanism and/or instrument guaranteeing adequate maintenance and continued operation of all assured open space and other private service facilities shall be submitted as part of the Preliminary Master Plan requirement and then properly recorded upon Planning Board approval of the Preliminary Master Plan. Assured open space and other facilities shall not be dedicated for public purpose or maintenance. However, NCDOT on-system roads within the PD are excluded from this provision.

**iv.** Notice and Public Hearings

The County shall hold all required public hearings and give notice in accordance with Section 9.1, Notice and Public Hearings.

### 6. Approval Authority

**i.** Approval authority for the Concept Plan shall be as for Minor and Major Site Plan approval.

**ii.** The Planning Director shall have approval authority for the Preliminary Master Plan and the Final Master Plan, including projects meeting the criteria of a Major Site Plan where there are no significant modifications to the approved Concept Plan are required.

**iii.** Preliminary Master Plans or Final Master Plans meeting Major Site Plan criteria which differ significantly from the Conceptual Plan approval by the Planning Board shall require Planning Board review and approval.

### 7. General Provisions

Planned Developments shall be in conformance with all provisions of this Ordinance except for the following development standards:

**i.** Approval of uses within a PD shall be limited to the mix of uses permitted in the base zoning district and uses allowed in the C-LD District.

**ii.** PDs shall provide stormwater drainage systems in accordance with the County Stormwater Ordinance and the Flood Damage Prevention standards found in Article 7.

**iii.** Electrical, telephone and cable shall be underground. A written statement by the utility company authorized to provide electrical service to the PD stating their commitment to install electric utilities may be accepted in lieu of installation of the electrical service facilities.

### 8. Action by Planning Director

**i.** Concept Plan

The Planning Director shall approve or deny Concept Plans meeting the Minor Site Plan criteria. In rendering a decision, the Planning Director may consult with the Technical Review Committee and/or any County or state official if the need arises. Final action on a Concept Plan shall be taken within 45 days of receipt of a completed application. Incomplete applications shall not be considered. One extension of 45 days may be obtained by submitting a written notice to the applicant. If final action is not taken within the required time, the Concept Plan shall be considered to be approved.

**ii.** Preliminary Master Plan

**(a)** Upon receipt of a completed Preliminary Master Plan application, the Planning Director shall undertake a preliminary review of the application.

**(b)** Once the Planning Director completes preliminary review of the Preliminary Master Plan, the owner/applicant will then be required to present 15 copies and an electronic version of the Master Plan to the Planning and Community Development Department for review by the Technical Review Committee (TRC), according to the published schedule of the TRC meetings.

### 9. Action by the Technical Review Committee

Upon receipt of a Preliminary Master Plan application from the Planning Director, the TRC will hold a joint meeting between the respective County departments and applicant/agent to review both the Preliminary Master Plan, including preliminary utilities plan.

**i.** The Planning Director shall prepare a staff report based on the comments provided by staff and the Technical Review Committee. The report and recommendations shall be forwarded to the Planning Board for final action. The Planning Director shall schedule the Preliminary Master Plan on the next available Planning Board agenda.

**ii.** The Planning Director will then inform the applicant/agent when they will appear on the Planning Board agenda for action on the Preliminary Master Plan application. The applicant will then be required to submit 18 copies of the Preliminary Plan for Planning Board review.

### 10. Final Master Plan Approval

**i.** The Planned Development may be completed at once or in phases. It is the responsibility of the applicant or owner to present Final Master Plans (in accordance with the approved Preliminary Master Plan) of each phase prior to development of the phase.

**ii.** The Final Master Plan shall be submitted to the Planning Director for approval. Streets, utilities, and drainage will be reviewed and approved by the Director of Engineering Services and shall conform with Master Plan (preliminary utility plans) according to Section

3.3.3.B.5.iii above. If utility changes are proposed in the Final Master Plan, said changes shall be reviewed and approved by the Director of Engineering Services and/or Public Utilities Director. The applicant/agent will be presented with a PD compliance sheet to assist with the completing of the Final Master Plan in a more accurate and efficient manner.

### 11. Final Master Plan Requirements

If the proposed Planned Development is to be completed in one initial phase, the applicant/owner may submit a Final Master Plan that contains all of the following mentioned elements of the Final Master Plan. The Final Master Plans are in more detail and must contain or provide evidence of the following information:

**i.** North point, full right-of-way of all abutting and intersecting streets, including curbs, and center line.

**ii.** Scale, date, and legal description of the proposed site;

**iii.** Location, dimensions and use of existing and proposed structures and parking areas;

**iv.** Location and dimensions of proposed boundaries, setback lines and required buffers, and easements, open space and recreational areas;

**v.** All site specific plans shall clearly indicate all required open space and/or recreation area that has been dedicated or reserved to conform with the requirements of Section 6.4.4, Open Space and Recreation Area.

**vi.** Landscaping, irrigation and sedimentation control plans (including location, types, and quantities of all required plantings);

**vii.** Site data breakdowns in square footage for building coverage, paved areas, green areas, lake areas, commercial structures and the gross site area;

**viii.** Specific identification of the size, number, and type of proposed units and offices, commercial, total acreage, total dwelling units and total density per acre;

**ix.** Type and/or location of trash containers;

**x.** Elevations of building types, proposed walls, fences and bridges;

**xi.** Evidence of all Federal and State approvals including approved wetlands delineation (404 jurisdictional wetlands);

**xii.** Construction plans showing proposed location and size of streets, sidewalks, trafficways, location of spacing of fire hydrants or other emergency facilities, fire flow ratings, sanitary sewers, water mains, culverts, retention ponds, drainage structures and other utilities. These plans shall include the existing location and size of the nearest street(s), sidewalk(s), sanitary sewer main(s), water main(s), drainage culvert(s) in which this Final Master Plan will be tied to. These plans shall be approved by the Director of Engineering Services and/or Public Utilities Director, according to the County's Utility Policy.

**xiii.** Each phase of a multi-phase PD shall be developed in acreage in accordance with Master Plan approval.

### 12. Planning Director Review and Approval

**i.** The Planning Director shall review the Final Master Plan application to ensure that all required elements are met.

**ii.** Land dedicated to and accepted by the County for the construction of public facilities (i.e., schools, parks, public safety facilities, etc.) must be noted and shown on the Final MasterPlan.

**iii.** Once the Final Master Plans have been received and reviewed by the appropriate County departments and the applicant has met all of the required elements of this Ordinance and any other applicable regulations, and density requirements, the Planning Director shall issue a final approval of the Final Master Plan so that the applicant or owner may begin the process of having the proposed Final Master Plan recorded.

**iv.** If any modifications are made to the Final Master Plan, the Planning Director will follow the specific conditions specified in Section 3.3.3. B.15, Amendments to Preliminary Master Plan and/or Final Master Plan.

**v.** The applicant or owner shall complete these steps each time a new phase of a PD is to be developed.

### 13. Action by the Planning Board

Conceptual Plans meeting the Major Site Plan criteria shall be submitted to the Planning Board along with the Planning Director's and the TRC's recommendation for review and approval. The Planning Board may approve, or approve with conditions, or deny a Conceptual Plan, as well as preliminary Master or Final Master Plans that differ significantly from Conceptual Plans approved by the Planning Board. The Planning may also send such plans back to the Planning Director for additional consideration.

### 14. Recordation of Final Master Plan

**i.** A survey on reproducible medium that is consistent with the Approved Final Master Plan with the appropriate information (including all applicable notes) will then be submitted so that the applicant or owner can record the plat with the Brunswick County Register of Deeds.

**ii.** Except as provided in Section 3.1.4.C., all required improvements must be installed and approved by the applicable County or outside agencies prior to recordation of the final master plan.

### 15. Amendments to Preliminary Master Plans and/or Final Master Plans

Any and all amendments to the Preliminary Master Plan and/or Final Master Plans for the PD shall be subject to the following review procedures:

**i.** Planning Director shall have the authority to approve:

**(a)** Changes which result in a decrease in assigned density for a specific parcel, either residential or non-residential.

**(b)** Change in land use designation from multi-family to single-family or a change from any other use to open space/passive recreation.

**(c)** Change in major infrastructure features (i.e., roads/access, sewer, water, storm drainage) of the Master Plan area which are clearly beneficial to the occupants of the Master Plan area. The applicant requesting such change shall notify the property owners association that would be affected by the change of the request and ask that all comments be directed to the Planning Director. Proof of such notification shall be provided to the Planning Director. If the proposed changes affect the construction of roadways, water, sewer and/or stormwater infrastructure, the Planning Director shall notify the Director of Engineering Services of such changes. The Director of Engineering Services and/or Public Utilities Director shall review and approve said changes. If the Planning Director determines that the change does not have the support of the affected property owners association, the request may be referred to the Planning Board for review.

**(d)** Change in approved land use designations and to less intense use(s) [example: from a fast food restaurant to retail or office].

**(e)** Change in land use designation from any use to allow the addition of governmental or quasi-governmental facilities such as schools (not including day care); fire stations, police stations, or other emergency management service facilities.

**ii.** Planning Board approval is required for the following:

**(a)** Change in major infrastructure features (i.e. roads/access, sewer, water, storm drainage) of the Master Plan area for a request which has been referred to the Planning Board by the Planning Director.

**(b)** Change in Land Use Designation to increase density for an approved Concept Plan, Master Plan and/or Final Master Plan.

**(c)** Any other change not specifically outline in Section 3.3.3.B.15.i.

### 16. Dedication and Improvements

**i.** In the development of any property for which PD approval is required, the applicant shall be required to dedicate any additional right-of-way necessary to the width required by the State for streets adjoining the property, to install curbs and gutters and pave all streets adjoining the property to NCDOT standards, and to install sidewalks in accordance with and requirements of Article 6.

**ii.** The applicant shall bear the costs of the installation of all on-site and off-site improvements as required by this Ordinance, including provision for surface drainage, pavement, landscaping, and utilities.

**iii.** Required improvements shall be installed and approved prior to the recordation of the approved final master plan.

**iv.** Inspections of Required Improvements

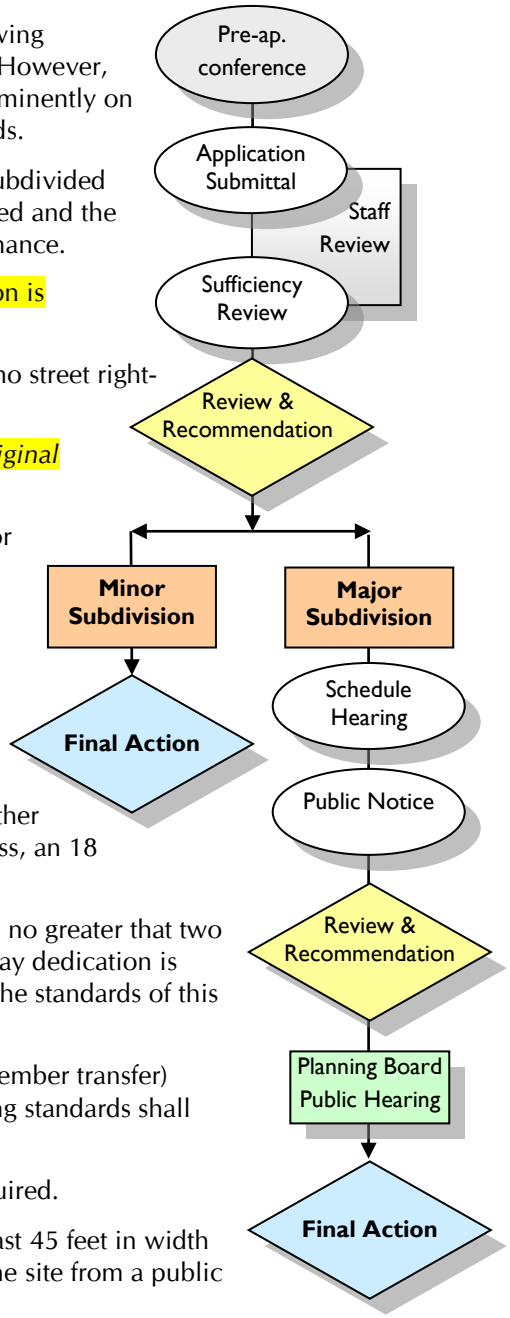
**(a)** Inspections during the installation of site improvements shall be made by the entity responsible for such improvements as required to certify compliance with approved PD plans. No improvements shall be accepted for maintenance by the County unless and until the requirements regarding public improvements have been met.

### 17. Building Permit/Certificate of Occupancy

No building permit or certificate of occupancy shall be issued until the required PD of the proposed use or development has been approved by the appropriate County officials and all required improvements are installed and approved, except for up to two model units as provided in Section 3.4.1.C.

## 3.4 Subdivision Approval

### 3.4.1. Activities Eligible for Waiver




The Planning Director may grant a waiver exempting any of the following activities from the requirement for Subdivision review and approval. However, Planning Director certification of exempt status must be indicated prominently on the approved plat so that it may be recorded with the Register of Deeds.

**A.** The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resulting lots are equal to or exceed the standards of this Ordinance.

Commentary: An accompanying recordable instrument of combination is recommended.

**B.** The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;

Commentary: *This means that each resulting parcel (including the original parcel) has to be at least 10 acres.*

**C.** The public acquisition by purchase of strips of land for water or sewer infrastructure.

**D.** The public acquisition by purchase of stips of land for the widening or opening of streets;

**E.** Utility easements and utility lease agreements;

**F.** Cemeteries and individual cemetery plot(s) may be platted and recorded that do not meet the minimum lot size of the zoning district; however, the cemetery shall comply with all other zoning district restrictions. Where there is no reasonable access, an 18 foot easement for ingress and egress may be established.

**G.** The division of a tract in single ownership whose entire area is no greater that 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 this Ordinance.

**H.** Subdivision activity for transfer to a family member (family member transfer) provided that no more than ten lots are created. The following standards shall apply:

**1.** Connections to public water and/or sewer may be required.

**2.** For family member transfers, an access easement at least 45 feet in width shall provide access to lots created on the interior of the site from a public roadway.

**3.** The following Statement shall appear on the plat and be signed by the Grantor(s) and Grantee(s) prior to approval:

The Grantor(s) and Grantee(s) certify that the Grantee(s) is within four (4) degrees of collateral kinship to the Grantor(s), and that the purpose of this waiver is not to circumvent the provisions of the Brunswick County Unified Development Ordinance (effective May 1, 2007), and that none of the lots shall be conveyed to non-family members for a period of not less than one (1) year.

_____ _____

Grantor(s) Grantee(s)

THE PROPOSED STREET(S) WILL NOT BE MAINTAINED BY BRUNSWICK COUNTY AND THE MAINTENANCE SHALL BE THE RESPONSIBILITY OF ALL ADJACENT PROPERTY OWNERS TO SAID STREET(S).

**4.** If the number of lots created (including original parcel) is at least six (6) and no more than ten (10) lots, a road maintenance agreement shall be presented with the plat and prepared for recordation.

**5.** Failure of any person to comply with the provisions of Paragraph H.3 above shall be in violation of this Ordinance, and all of the remedies available in G.S. 153A-331 shall apply.

**I.** Subdivision activity resulting for Court Activity.

**1.** Connections to public water and/or sewer may be required.

**2.** An access easement shall be provided with sufficient width to comply with the court order.

### 3.4.2. No Subdivision without Plat Approval

Pursuant to G.S. 153A-330, a final plat shall be prepared, approved, and recorded pursuant to the provisions of this Ordinance whenever any subdivision of land takes place in Brunswick County.

**A.** No person may subdivide land except in accordance with all of the provisions of this Ordinance. In particular, no subdivision may occur unless and until a final plat of the subdivision has been approved in accordance with the provisions of this section and recorded by the Brunswick County Register of Deeds.

**B.** The Brunswick County Register of Deeds shall not record a plat of any subdivision within the County's planning jurisdiction unless the plat has been approved in accordance with the provisions of this Ordinance.

**C.** Not all divisions of land constitute subdivisions that are subject to regulation under this Ordinance. However, to ensure that such divisions are in fact exempt from the requirements of this Ordinance, all plats creating a division of land shall be presented to the Planning Department before recordation in the Brunswick County Registry and the Planning Director shall indicate on the face of the plat that the division is exempt from the provisions of this Ordinance if that is the case.

### 3.4.3. Unlawful to Record Plat without Plat Approval

Pursuant to G.S. 153A-331, no final plat of a subdivision within the jurisdiction of Brunswick County shall be recorded by the Register of Deeds of Brunswick County until it has been approved by the Planning Director or designee or by the County Planning Board pursuant to the procedures established in this Section.

### 3.4.4. Subdivision Required

As of March, 2015, any person who, being the owner or agent of the owner of land located within the territorial jurisdiction of this Ordinance, thereafter subdivides his land in violation of this Ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly ap0proved under the terms of this Ordinance

shall be guilty of a misdemeanor. The description of metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The County, through its attorney or other official designated by the Board of Commissioners, may enjoin illegal subdivision, transfer, or sale of land by action for injunction. Further, the violation of any provision of this Ordinance shall subject the offender to the penalties prescribed by G.S. 153A-334.

### 3.4.5. Delegation of Authority

The Board of County Commissioners shall delegate review and approval authority for all minor plats and final plats to the Planning Director, with review by the Technical Review Committee.

### 3.4.6. Definitions

**A.** Minor Subdivision

A minor subdivision is any subdivision activity that creates no more than ten lots (including the original lot). Certain subdivision activities may be eligible for a waiver (see Section 3.4.1).

**B.** Major Subdivision

All other divisions of land not exempted in Section 3.4.1, Activities Eligible for Waiver, or listed in paragraph 3.4.6.A, above shall be considered major subdivisions.

### 3.4.7. Pre-Application Conference and Sketch Plan

**A.** All applicants seeking subdivision approval shall schedule a pre-application conference with the Planning Director, in accordance with Section 3.1.6.

**B.** At the time of the pre-application conference, applicants shall submit a sketch plan for review by the Planning Director. This plan should, in simple sketch form, show the proposed layout of streets, lots and other features in relation to existing conditions.

### 3.4.8. Application Requirements

**A.** All applications for subdivision review shall be submitted in accordance with Section 3.1.7, Application Requirements and any specific requirements listed in Appendix A. In addition, all applications for major subdivision shall submit electronic versions of surveyor's files for both preliminary plat and final plat. Files shall be in the North Carolina State Plane, NAD 1983, feet coordinate system and may be in ".shp", ".dwg", or ".dxf" format.

**B.** A Traffic Impact Analysis may be required if the proposed subdivision meets the thresholds established in Section 6.16, Traffic Impact Analysis.

**C.** All preliminary and final plats shall clearly indicate all required open space and/or recreation area that has been dedicated or reserved to conform with the requirements of Section 6.4.4 , Open Space and Recreation Area.

**D.** When berms are planned to be installed within required buffers, storm drainage plans submitted with the application shall be designed to anticipate a 100-year storm event.

Commentary: *Berms can dramatically alter the drainage patterns in an area, and result in significant flooding both within a development and in areas abutting a development. Therefore, it is is important to understand any potential impacts.*

### 3.4.9. Notice and Public Hearings

The County shall hold all required public hearings and give notice in accordance with Section 9.1, Notice and Public Hearings.

## 3.4.10. Minor Plat Approval

### A. Applicability

1. Minor plat approval shall apply only to minor subdivisions as defined in paragraph 3.4.6.A above.
2. The procedures for approval of minor subdivisions are intended to simplify processing of routine small subdivisions with due regard to protection of the public interest. The primary difference between the minor and major subdivision processes is that minor subdivisions are approved administratively. For routine minor subdivisions, a preliminary plat is not necessary and only the final plat is required; however, a more detailed preliminary plat may be required for project where the layout, utilities, or other elements are more complex. Preliminary plats for minor subdivisions, when required, shall be approved administratively.
3. There shall be only one minor subdivision approved on any original tax parcel in any three-year period.
4. After completion of a pre-application conference and sketch plan review, the applicant may apply directly for approval of a final plat for routine developments.
5. A minor subdivision plat shall only be approved when it meets all of the approval criteria in paragraph 3.4.11, below.

### B. Procedure

1. Staff Consultation
   - i. Applicants petitioning for minor subdivision plat approval shall meet with the Planning Director and submit a sketch plan in accordance with paragraph 3.4.7 above for a determination of whether the approval process authorized by this Section can be used.
   - ii. The Planning Director may require the applicant to submit whatever information is necessary to make this determination, including, but not limited to, a copy of the tax map showing the land being subdivided and all lots created out of that tract of land within the previous five years.
2. Action by Planning Director
   - i. The Planning Director may refer the minor plat application to Engineering Services for consideration and recommendation. Engineering Services shall provide comments to the Planning Director on the application.
   - ii. Following Engineering Services review, the Planning Director may approve or deny the application. Reasons for decision shall be transmitted in writing to the applicant.

### C. Final Plat

A final plat for a minor subdivision shall be approved in accordance with paragraph 3.4.12, below.

## 3.4.11. Preliminary Plat Approval

### A. Applicability

A preliminary plat shall be required for all subdivisions that do not meet the definition of a minor subdivision set forth in paragraph 3.4.6.A above; or minor subdivisions that are determined to be sufficiently complex to necessitate a preliminary plat.

### B. Staff Consultation

Prior to submitting a preliminary plat, the applicant shall meet with the Planning Director and submit a sketch plan in accordance with paragraph 3.4.7 above.

## C. Application Requirements

1. Applications for preliminary plat approval shall be submitted in conformance with Section 3.1.7, Application Requirements, and specific requirements for Major Subdivision-Preliminary Plat Applications which may be found in the Appendix.
2. When a subdivision is to be developed in stages, a master plan shall be submitted for the entire development and a preliminary plat shall be submitted for each individual stage. A final plat is submitted for individual stages as each stage is developed.
3. An approximate delineation of wetlands at preliminary plat stage and surveyed delineation of Federally regulated wetlands at final plat stage are required in major subdivisions.

## D. Action by Planning Director

1. Applications for preliminary plat approval shall be submitted to the Planning Director.
2. Upon receipt of a completed application, the Planning Director shall distribute the application to the Technical Review Committee for review and comment (see E, below).
3. The Planning Director shall prepare a staff report based on the comments provided by the Technical Review Committee. The report and Planning Director's recommendation shall be forwarded to the Planning Board for final action at the next available public hearing.
4. The Planning Director shall provide notice of the hearing as required in Section 9.1, Notice and Public Hearings.
5. The applicant may appeal an application to the Planning Board if final administrative review and recommendation has not been completed by the expiration of the revised application review period.

## E. Action by Technical Review Committee

1. The Technical Review Committee shall review the preliminary plat and associated application documents for conformance with the requirements of this Ordinance in accordance with the published review schedule.
2. Upon completion of the review period, the Technical Review Committee shall provide written comments to the applicant stating any corrections or modifications that may be required.
3. The Technical Review Committee may meet with the applicant and discuss any modifications or corrections in development design that may be required, based on the recommendations made by members of the Technical Review Committee.
4. The applicant shall have 30 days to make corrections and return the revised application to the Planning Director. The applicant may apply for an extension of this review period by written request to the Planning Director, provided that such request shall be received prior to the expiration of the 30-day period.
5. Within ten business days of receipt of a revised application, the Technical Review Committee shall review the revised application for satisfactory completion of all required corrections and shall make a recommendation to approve, approve with conditions, or deny the application. The application and associated comments shall then be returned to the Planning Director.

## F. Action by Planning Board

1. The Planning Board shall take final action on the preliminary plat application after review and recommendation by the Planning Director and Technical Review Committee. Applications that have not received final administrative review and recommendation shall be deemed recommended for denial.
2. The preliminary plat shall be considered by the Planning Board at the next available hearing.

3. The Planning Board may approve the preliminary plat, approve the preliminary plat with conditions, deny the preliminary plat, or return the preliminary plat to the Planning Director for additional consideration.

4. A simple majority of all eligible voting members of the Planning Board shall be necessary for approval of any preliminary plat. The Planning Board's minutes shall include identification of each member present on their vote on the preliminary plat. No final action shall be deemed to have been given by the Planning Board on the preliminary plat until the Planning Board's written decision on the preliminary plat is delivered to the applicant by the County.

5. If the Planning Board should deny the preliminary plat, the reasons for such action shall be given to the subdivider, or their agent along with recommendations for changes in the plat.

**G.** Effect of Preliminary Plat Approval

1. Approval of a preliminary subdivision plat shall not constitute approval of the final subdivision plat, nor shall it constitute approval of portions of a subdivision to be developed in future phases or stages that have not been reviewed in conformance with this Section. Application for approval of the final (recorded) plat (see Section 3.4.12.C, below) will be considered only after the requirements for final plat approval as specified below have been fulfilled and after all other specified conditions have been met.

2. Upon approval of the preliminary subdivision plat, the subdivider may proceed to comply with the other requirements of these regulations, including construction plan approval, preparation of the final subdivision plat, and all other required approvals and permits.

**H.** Duration of Preliminary Plat Validity

1. A preliminary plat shall remain valid for a period of three years. Modifications or amendments to an approved plan do not extend the period of validity unless specifically provided by the Planning Board upon approval of the modification and or amendment.

2. The Planning Board may approve an extension of a preliminary plat for a period of two years resulting in a total validity period of five years. Applications to extend preliminary plat validity shall be considered by the same authority that approved the original plat.

**I.** Modifications to an Approved Preliminary Plat

1. Limited changes to an approved preliminary plat may be approved by the Planning Director administratively. In granting such approval, the Planning Director may consult with the Technical Review Committee. Administrative approval of limited modifications shall not have the effect of extending the period of preliminary plat validity.

2. Significant changes to an approved preliminary plat shall be resubmitted for review and approval as a new application.

### 3.4.12. Final Plat Approval

**A.** Applicability

1. A final plat shall be required for all subdivision of land in the planning jurisdiction of Brunswick County.

2. The final plat shall constitute only that portion of the approved preliminary plat (if required) that the subdivider proposes to record and develop at the time of submission. After the improvements shown on the approved preliminary plat have been installed, or guaranteed, for the whole or portion of a subdivision, the applicant shall submit a final plat of the area covered by such improvements.

**B.** Conformance with Preliminary Plat

The final plat shall conform to the approved preliminary plat, as revised, and may constitute only that portion of the preliminary plat which is proposed for recordation.

## C. Application Requirements

1. All applications for final plat approval shall be submitted in accordance with Section 3.1.7, Application Requirements and any specific requirements provided by the Planning Director.
2. The final plat shall be prepared by a land surveyor licensed to practice in North Carolina, and such registration shall be indicated on the final plat. All final plats to be recorded by the Brunswick County Register of Deeds shall be probated and shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in G.S. 47-30 as amended, and the Standards of Practice for Land Surveying in North Carolina.

## D. Provision of Improvement Guarantees

Provisions of sureties in lieu of required improvements is limited to the final lift of asphalt on roadways or other minor improvements such as landscaping. Where the required improvements have not been completed prior to the submission of the final plat, the Director of Engineering Services may accept from the subdivider a financial guarantee with surety or other guarantees satisfactory to the County in an amount equal to 125% of the cost of the installation of the required improvements, whereby improvements may be made and installed without cost to the County in the event of default by the subdivider. One of the methods described in Section 3.4.14, Improvement Guarantees shall be used by the subdivider to guarantee the installation of said improvements.

## E. Action by the Planning Director

1. Upon receipt of a completed application, the Planning Director shall review the application for conformance with the applicable approval criteria listed in paragraph I below. In performing such review, the Planning Director may consult with the Technical Review Committee or other applicable review entities. The Planning Director shall take final action within 30 days. However, this time period may be extended upon written request to the applicant if the Director finds that extensive corrections are necessary.
2. If the final plat for a subdivision is in compliance with the applicable approval criteria listed in paragraph I below, the Planning Director shall approve the final plat. This approval, and all other required endorsements (see F, below) shall be noted on the original and one copy of the final plat. The original shall be returned to the subdivider. The approval shall grant the subdivider authority to record the subdivision plat and to begin the sale of lots.
3. If the final plat is not in compliance, the reasons for disapproval and conditions to be met before approval of the final plat shall be noted on two copies of the proposed final plat. One copy shall be returned to the subdivider and one copy shall be retained for the Planning Board's records.

## F. Required Endorsements

The following endorsements shall be prominently located on all copies of an approved final plat:

1. Certificate of Survey and Accuracy;
2. Brunswick County Plat Review Officer's Certificate;
3. When required by the federal government, all final plats shall contain a Certificate for a Federally Funded Project; and
4. A listing with examples of additional certifications is provided in Appendix C.

## G. Appeal

1. The applicant may appeal Planning Director action on a final plat to the Planning Board in accordance with Section 9.8, Appeal of Administrative Decision. The applicant shall notify the Planning Director in writing of his/her intent to appeal, within ten days of the denial. The Planning Director shall place the appeal on the next available Planning Board agenda.
2. If the final plat is denied by the Planning Board, the applicant may appeal to the Board of Commissioners. Any appeal to the Board of Commissioners must be taken within 30 days after the decision of the Planning Board is filed in the Planning office, or after a written copy of the decision is mailed to the appellant by registered mail return receipt requested, whichever is later. Such appeal shall be for the Board of Commissioners to determine if the Planning Board correctly applied the subdivision ordinance to the subdivision request.

## H. Effect of Denial

The subdivider shall have six months from the time of final notification of denial by the Planning Board to submit a revised final plat. If the revised final plat is not received by the planning staff within six months, the approved preliminary plat shall be null and void.

## I. Final Plat Approval Criteria

### 1. Minor Subdivision

Minor subdivision plats shall be approved only when the Planning Director, after Technical Review Committee review, finds that all of the following conditions exist:

i. The plat complies with the standards of Article 8, Subdivision Standards, and any other applicable requirements of this Ordinance;

ii. The plat indicates that all subject lots will have frontage on existing approved streets; or an access for ingress and egress is created in conformance with Section 6.11.5.B.i, Private Roads;

iii. New or residual parcels conform to the requirements of this Ordinance and other applicable regulations;

iv. The proposed subdivision will not adversely effect permissible development of the remainder of the parcel or of adjoining property;

v. All necessary drainage easements have been provided; and

vi. All required endorsements and certifications have been obtained.

### 2. Major Subdivision

Major subdivision plats shall be approved only when the Planning Director, upon Technical Review Committee recommendation, finds that all of the following conditions exist:

i. The plat substantially complies with the approved preliminary plat.

ii. The plat complies with the standards of Article 6 and the other applicable requirements of this Ordinance;

iii. New and residual parcels will conform to the requirements of this Ordinance and other applicable regulations;

iv. The proposed subdivision will not adversely affect permissible development of the remainder of the parcel or of adjoining property;

v. All necessary right-of-way has been offered for reservation or dedication;

vi. All necessary drainage easements have been provided; and

vii. All required endorsements and certifications have been obtained.

**J.** Expiration of Final Plat Approval/Recordation Required

**1.** Approved final plats shall be recorded with the Brunswick County Register of Deeds within six months from the date of approval.

**2.** If the final plat is not recorded within this period, it shall expire. The plat may be resubmitted for review and it shall be reviewed against the ordinance in effect at that time.

**K.** Limitations of Final Plat Approval

The approval of a final plat pursuant to regulations adopted under this article shall not constitute or affect the acceptance by the County or the public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. Public roads must be accepted by the North Carolina Department of Transportation.

**L.** Resubdivision Procedures

For any replatting or resubdivision of land, the same procedures, rules, and regulations shall apply as prescribed herein for an original subdivision submittal.

### 3.4.13. Development Agreements

Development Agreements may be considered as specified in N.C.G.S. 153A-376 in accordance with the following minimum criteria:

**A.** The property must have at least 25 developable acres (excluding wetlands, unbuildable slopes, etc.).

**B.** The Development Agreements shall be limited to a term not exceeding 20 years.

**C.** Development Agreements are subject to public hearing procedures set forth in N.C.G.S. 153A-323 and must be adopted by the Brunswick County Board of Commissioners.

**D.** Development Agreements are binding and must be recorded at the Brunswick County Register of Deeds. Once executed, the agreement shall run with the property, never the person or corporation.

**E.** Development Plan Agreements proposed in conjunction with issuance of Building Permits as specified in Sections 3.1.3.A and 3.1.4.C.2 shall be subject to approval by the County Attorney.

### 3.4.14. Improvement Guarantees

**A.** Agreement and Security Required

In lieu of requiring the completion, installation, and dedication of all improvements prior to final plat approval, the County may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements. Such agreement shall be limited to the final lift of asphalt on roadways and minor improvements such as required landscaping or electric utilities. This agreement shall be accompanied by a survey plat indicating the property boundaries and lot lines (if applicable) of the area subject to the agreement. Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the Planning Director, if all other requirements of this Ordinance are met. To secure this agreement, the subdivider shall provide, subject to the approval of the Director of Engineering Services, either one or a combination of the following guarantees equal to 125% of the entire cost as provided herein:

**1.** Surety Performance Bond

The subdivider shall obtain a performance bond from a surety financial guarantee company authorized to do business in North Carolina. The financial guarantees shall be payable to Brunswick County and shall be equal to, either alone or in combination with any other surety discussed in this section, to a total amount equal to 125% of the entire cost, as estimated by the subdivider and approved by the Director of Engineering Services, of installing all required

improvements, with the exception of electric utilities. The duration of the financial guarantee(s) shall be until such time as the improvements are accepted by the County of Brunswick.

**2.** Letter of Credit or Cash Security

The subdivider shall deposit an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the County or in escrow with a financial institution designated as an official depository of the County. The amount of the deposit shall be equal to, either alone or in combination with any other security discussed in this section, to a total amount equal to 125% of the cost, as estimated by the subdivider and approved by the Director of Engineering Services of installing all required improvements, with the exception of electric utilities. If cash or other instrument is deposited in escrow with a financial institution as provided above, then the subdivider shall file with the Director of Engineering Services an agreement between the financial institution and himself guaranteeing the following:

**i.** That said escrow account shall be held in trust until released by the County and may not be used or pledged by the subdivider in any other matter during the term of the escrow; and

**ii.** That in the case of failure on the part of the subdivider to complete said improvements the financial institution shall, upon notification by the County and submission by the County to the financial institution of an engineer's estimate of the amount needed to complete the improvements, immediately either pay to the County the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the County any other instruments fully endorsed or otherwise made payable in full to the County.

**3.** Certification of Electric Utilities

A written statement by the utility company, authorized to serve the subdivision, stating their commitment to install electric utilities with projected completion dates may be accepted in lieu of guarantees set forth in paragraphs 1 and 2 of this section.

**B.** Default

Upon default, meaning failure on the part of the subdivider to complete the required improvements in a timely manner as spelled out in the performance financial guarantee or escrow agreement, then the surety, or the financial institution holding the escrow account shall pay all or any portion of the financial guarantee or escrow fund to Brunswick County up to the amount needed to complete the improvements based on an engineering estimate. Upon payment, the County may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements.

**C.** Release of Guarantee Security

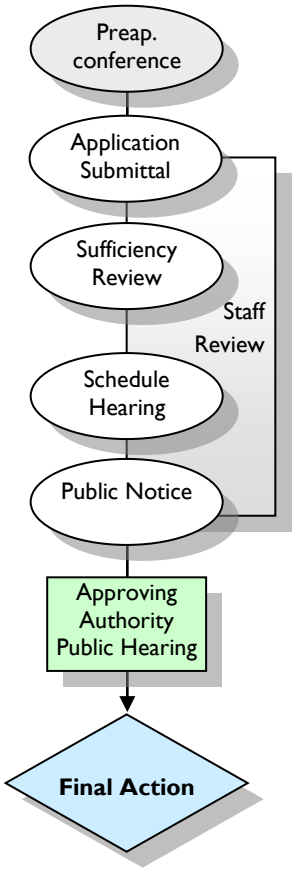
**1.** The Director of Engineering Services may release a portion of any security posted as the improvements are completed.

**2.** In the event that the applicant wishes to occupy any building or any portion of any building prior to the completion of the required site improvements, the financial guarantee guaranteeing improvements shall be retained by the County until the remaining required improvements are completed.

NOTE: **Example agreements are provided in Appendix D**

## 3.5 Special Use Permit

As specified in N.C.G.S. 153A-345.1, the Zoning Board of Adjustment may grant permits for special exceptions for uses indicated as permissible with approval of a Special Use Permit.




### 3.5.1. Applicability

**A.** Special uses within the zoning districts are considered to be uses which are appropriate in a particular zoning district but because of their potential for incompatibility with neighboring uses may require individual review.

**B.** A Special Use Permit shall be required as set forth in the use table in Section 5.2, Use Table.

### 3.5.2. Approving Authority

Special Use Permits shall be considered by the Board of Adjustment ***only, no Planning Board items***, as set forth in the use table in Section 5.2. For purposes of this section, the term "approving authority" shall refer to the Board of Adjustment.

### 3.5.3. Pre-Application Conference

All applicants applying for a Special Use Permit shall schedule a pre-application conference in accordance with Section 3.5.

### 3.5.4. Neighborhood Meeting

The applicant is encouraged to hold a neighborhood meeting in conformance with Section 9.2.

### 3.5.5. Application Requirements

All applications for Special Use permits shall be submitted in accordance with Section 3.1.7, Application Requirements.

### 3.5.6. Notice and Public Hearings

Once the application has been determined complete, the Zoning Administrator shall schedule a public hearing and give public notice as set forth in Section 9.1.

### 3.5.7. Action by the Zoning Administrator

The Zoning Administrator shall prepare a report that reviews the Special Use permit in light of any requirements of this Ordinance. A copy shall be provided to the approving authority and the applicant.

### 3.5.8. Approval of a Special Use Permit

**A.** Prior to scheduling the public hearing on the Special Use permit, the corresponding site plan shall be ready for action by the approving authority.

**B.** After conducting the public hearing, and hearing the recommendations of the Zoning Administrator, the approving authority shall:

1. Approve the request;
2. Approve the request with conditions.
3. Deny the request; or
4. Continue the hearing.

**C.** The approving authority may place conditions on the use as part of the approval to assure that adequate mitigation measures are associated with the use. The conditions shall become a part of the Special Use permit approval. Violations of any of the conditions shall be treated in the same manner as other violations of this Ordinance.

### 3.5.9. Criteria for Special Use Permits

**A.** General Findings

Applications for Special Use permits shall be approved only if the approving authority finds that the use as proposed, or the use as proposed with conditions, is:

1. In harmony with the area and not substantially injurious to the value of properties in the general vicinity;
2. In conformance with all special requirements applicable to the use;
3. Will not adversely affect the health or safety of the public; and
4. Will adequately address the review factors identified below.

**B.** Review Factors

The applicant shall demonstrate that the review factors listed below have been adequately addressed. If an application is denied, the approving authority shall specify which of these review factors, if any, were not adequately addressed.

1. Circulation

   Adequacy of easements and rights-of-way. Number and location of access points to the property and the proposed structures and uses, with particular reference to automotive, bicycle, mass transit and pedestrian safety and convenience, traffic flow and control, connections with adjoining uses (connections may be desired or not desired), and access in case of fire or catastrophe.

2. Parking and Loading

   Support facilities such as off-street parking areas and driveways.

3. Service Entrances and Areas

   Locations of refuse and service areas with particular reference to ingress and egress of service vehicles.

4. Lighting

   Locations of exterior lighting with reference to glare, traffic safety, economic effect and compatibility with other property in the area.

5. Signs

   Appropriateness of signs considering location, height, size, and design within the context of other property in the area.

6. Utilities

   Location and availability of utilities.

7. Open Spaces

   Location of required yards and other open spaces and preservation of existing trees and other natural features.

8. Environmental Protection

   Preservation of tree cover, floodplain, stream buffers, wetlands, steep slopes, open space and other natural features, and protection of water quality.

**9.** Screening, Buffering and Landscaping

Installation of screening, buffering, fencing and landscaping where necessary to protect adjoining property.

**10.** Effect on Adjoining Property

Effects of the proposed use on nearby property, including, but not limited to, the effects of noise, and odor.

**11.** Compatibility

The level of general compatibility with nearby properties and the appropriateness of the use in relationship to other properties.

**12.** Impacts on Military Installations

In cases of a Special Use permit that would change or affect the list of permitted uses within five miles of a military base, comments and analysis of the base commander shall be included in the consideration before making a final determination (NCGS 160A-323).

### 3.5.10. Effect of Approval

**A.** The applicant shall file the approved Special Use with the Brunswick County Register of Deeds prior to review of Final Plats. If a Final Plat is not recorded in the specified timeframe per Section 3.5.15, Expiration, then the Special Use will expire.

**B.** All special uses that are granted shall run with the property or structure for which the exception is being sought and not with the owner of the property or structure.

### 3.5.11. Coordination with Variances

Applications for variances may be submitted concurrently with requests for Special Use permits. However, decisions shall be rendered separately for any variance and the Special Use permit.

### 3.5.12. Coordination with Rezoning Applications

An application for a special exception permit may be reviewed concurrently with a Rezoning application.

### 3.5.13. Resubmittals

The Zoning Administrator may allow re-submission of a Special Use application within one year period if it is determined that, since the date of action on the prior application:

**A.** There has been a significant change in the zoning district classification of an adjoining piece of property.

**B.** The Board of Commissioners has adopted a plan that changes public policy regarding how the property affected by the amendment should be developed.

**C.** There has been some other extraordinary change in conditions or circumstances, outside the control of the petitioner, which justifies waiver of the one year restriction on a new position; this, however, shall not include a change in the ownership of the subject property.

### 3.5.14. Amendments

Alterations or revisions to approved special exceptions may be approved by the Zoning Administrator if the Special Use still meets the intent of the standards established with the original approval. Significant modifications to approved special uses, as determined by the Zoning Administrator, shall require submittal of a new application.

### 3.5.15. Expiration

A special exception permit shall become null and void in any of the following cases:

**A.** If a final site plan is not approved within 24 months of the date of permit approval.

**B.** If an approved final site plan expires.

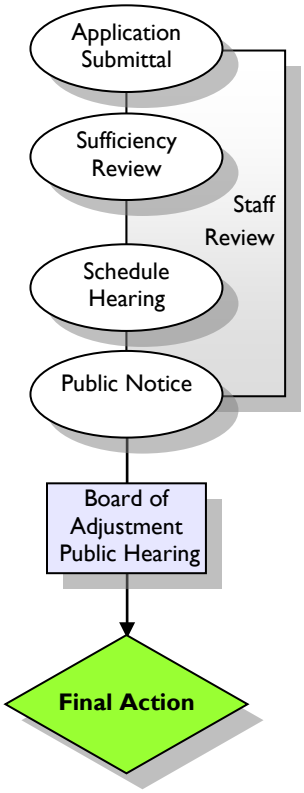
**C.** If a substantial violation of the conditions of the permit, as determined by the Zoning Administrator occurs. The addition of language to the special exception permit regarding such voiding shall not be required.

### 3.5.16. Appeal

Appeal from a final action by the approving authority on a Special Use permit may be taken by filing a petition for *certiorari* with the Brunswick County Superior Court.

## 3.6 VARIANCE

### 3.6.1. Applicability




**A.** The approving authority may vary certain requirements of this Ordinance, in harmony with the general purpose of these regulations, where special conditions applicable to the property in question would make the strict enforcement of the regulations impractical or result in a hardship in making reasonable use of the property.

**B.** The approving authority may waive certain requirements when authorized to do so by provisions adopted as a part of this Ordinance.

**C.** No variance shall be permitted that would have the effect of allowing a use not permitted in the use table of Section 5.2.

**D.** No variance shall be permitted that would allow a project to exceed the maximum density as to number of dwelling units to the acre in a Zoning District (This maximum density shall be inclusive of any density bonus allowance (see Section 4.3.2) or additional units in a planned udevelopment (see Section 4.3.1.C).

**E.** The need for the variance cannot be a result of the owner's own actions and cannot be for strictly economic reasons.

**F.** The approving authority may grant variances in the following special circumstances, as indicated elsewhere in this Ordinance.

*Commentary: Variances may be granted for, among other things, height, structure size, lot dimensions, and setbacks.*

### 3.6.2. Approving Authority

**A.** The Planning Board shall be the approving authority for applications for a variance of the regulations of Section 3.4, Subdivision Approval and Section 3.3.3, Planned Development.

*Commentary: Stormwater Variance will be in accordance with the Stormwater Ordinance.*

**B.** The Zoning Board of Adjustment shall be the approving authority for all other requirements.

### 3.6.3. Pre-Application Conference

All applicants seeking a variance shall schedule a pre-application conference with the Zoning Administrator in accordance with Section 3.1.6, Pre-Application Conference, to discuss the procedures, standards, and regulations required for variance approval.

### 3.6.4. Application Requirements

An application for a variance shall be submitted in accordance with Section 3.1.7, Application Requirements.

### 3.6.5. Notice and Public Hearings

Once the application has been determined complete, the Zoning Administrator shall schedule a public hearing and give public notice as forth in Section 9.1.

### 3.6.6. Burden of Proof

The applicant seeking the variance shall have the burden of presenting evidence sufficient to allow the approving authority to reach the conclusions set forth below (Findings), as well as the burden of persuasion on those issues.

### 3.6.7. Findings

**A.** In granting any variance, the approving authority shall make the following findings when unnecessary hardships would result from carrying out the strict letter of the ordinance, the Board of Adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the *property*.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

**B.** The approving authority may grant a variance to expand an existing structure, including the expansion of a nonconforming structure if the findings listed above can be made. In the case of expansions to nonconforming structures, the variance granted shall be the smallest that is reasonably necessary.

### 3.6.8. Action by the Zoning Administrator

The Zoning Administrator shall provide the approving authority with a copy of the application and all relevant materials pertaining to the request prior to the public hearing.

### 3.6.9. Action by the Approving Authority

**A.** Each decision shall be accompanied by a finding of fact by the approving authority which specifies the reasons for the decision.

**B.** A decision of the approving authority to approve a variance or reverse an interpretation requires an affirmative vote by four-fifths of the members present and voting.

**C.** The approving authority may approve the request, deny the request, or continue the request. In approving the variance, the approving authority may prescribe reasonable and appropriate conditions which will ensure that the use will be compatible with neighboring properties and will not alter the character of the neighborhood.

### 3.6.10. Effect of Approval

**A.** The applicant shall file the approved variance with the Brunswick County Register of Deeds within six months from the date of approval or the variance shall be deemed void.

**B.** All variances that are granted shall run with the property or structure for which the variance is being sought and not with the owner of the property or structure.

## 3.7 Ordinance Text Amendment

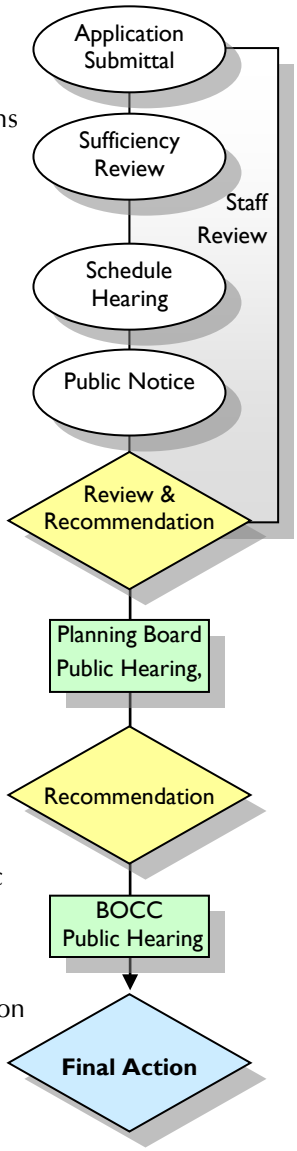
### 3.7.1. Applicability

**A.** The Board of County Commissioners shall consider amendments to the text of this Ordinance, as may be required from time to time.

**B.** Amendments to the text of this Ordinance shall be made in accordance with the provisions of this section.

**C.** A request to amend the text of this Ordinance may be initiated by the Board of County Commissioners, the Board of Adjustment, the Planning Board, the Agricultural Advisory Board, the Zoning Administrator, or a citizen of Brunswick County.

**D.** Amendments to the Agricultural Preservation Program (Section 4.9) shall not use the procedures contained in this Section and shall instead be amended subject to Section 4.9.17, Amendments to the Agricultural Preservation Program.




### 3.7.2. Action by the Zoning Administrator

**A.** The Zoning Administrator shall be responsible for review and recommendation regarding amendments to the text of this Ordinance.

**B.** When a text amendment is initiated, the Zoning Administrator, in consultation with the appropriate body, shall draft an appropriate ordinance and present that ordinance to the Planning Board at a public hearing.

**C.** The Zoning Administrator shall prepare a staff report that reviews the proposed text amendment request in light of any applicable plans and the general requirements of this Ordinance.

### 3.7.3. Action by the Planning Board

**A.** Before making any recommendation on a text amendment, the Planning Board shall consider any recommendations from the Zoning Administrator and shall conduct a public hearing where interested parties may be heard.

**B.** Notice and public hearing requirements shall be in accordance with Section 9.1.

**C.** The Planning Board shall make a recommendation based on the approval criteria in Section 3.7.5, as appropriate.

**D.** The Planning Board shall make its recommendation following the initial public hearing.

### 3.7.4. Action by Board of County Commissioners

**A.** Before taking action on a text amendment, the Board of County Commissioners shall consider the recommendations of the Planning Board and Zoning Administrator and shall conduct a public hearing.

**B.** If the Planning Board fails to make a recommendation within 75 days following the date of the first hearing on the text amendment, the Board of Commissioners may process the proposed amendment without a recommendation.

**C.** Notice and public hearing requirements shall be in accordance with Section 9.1.

**D.** The Board of County Commissioners shall make a decision based on the approval criteria in Section 3.7.5, as appropriate.

**E.** Following the public hearing, the Board of County Commissioners may approve the text amendment, deny the amendment, or send the amendment back to the Planning Board or a committee of the Board of County Commissioners for additional consideration.

### 3.7.5. Approval Criteria

**A.** In evaluating any proposed ordinance text amendment, the Planning Board and the Board of County Commissioners shall consider the following:

1. The extent to which the proposed text amendment is consistent with the remainder of the Ordinance, including, specifically, any purpose and intent statements;
2. The extent to which the proposed text amendment represents a new idea not considered in the existing Ordinance, or represents a revision necessitated by changing circumstances over time;
3. Whether or not the proposed text amendment corrects an error in the Ordinance; and
4. Whether or not the proposed text amendment revises the Ordinance to comply with state or federal statutes or case law.

**B.** In deciding whether to adopt a proposed Ordinance text amendment, the central issue before the Board of County Commissioners is whether the proposed amendment advances the public health, safety or welfare and is consistent with any adopted County land use documents, the CAMA Land Use Plan, and the specific intent of this Ordinance.

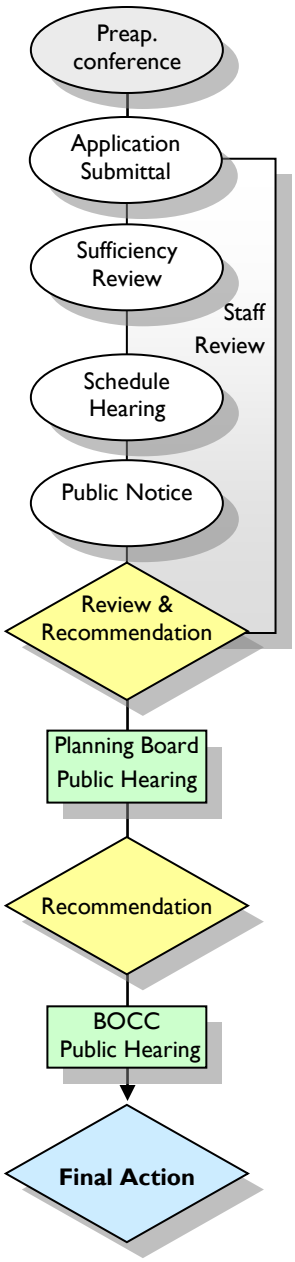
**C.** In cases of a text amendment that would change or affect the list of permitted uses within five miles of a military base, comments and analysis of the base commander shall be included in the consideration before making a final determination (NCGS 160A-323).

### 3.7.6. Changed Application

If the applicant makes significant changes to the application for a text amendment after the Planning Board has made its recommendation, the Zoning Administrator may refer the modified request back to the Planning Board for an additional public hearing.

## 3.8 Rezoning

### 3.8.1. Applicability




**A.** Amendments to the Zoning Map shall be made, including Conditional Zoning (see Section 3.1.6 for additional information), in accordance with the provisions of this section.

**B.** The Board of County Commissioners shall consider amendments to the Zoning Map of Brunswick County, as may be required from time to time.

**C.** Rezoning should correspond with the boundary lines of existing platted lots or tracts. Where the boundaries of a rezoning request stop short of an exterior property line, it must be possible to subdivide and develop that portion of the property outside the proposed rezoning boundary in accordance with the existing zoning and other requirements of this Ordinance.

**D.** All zoning requirements shall be met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, the rezoning shall be expanded to include all property necessary to meet zoning requirements.

### 3.8.2. Initiation of Amendment

A request for a rezoning may be initiated by the Board of County Commissioners, the Board of Adjustment, the Planning Board, the Zoning Administrator, or the property owner or their agent or any other party.

### 3.8.3. Pre-Application Conference

All applicants petitioning for a rezoning shall schedule a pre-application conference with the Zoning Administrator in accordance with Section 3.1.6 .

### 3.8.4. Neighborhood Meeting

All applicants petitioning for a rezoning are encouraged to hold a neighborhood meeting in accordance with Section 9.2. A neighborhood meeting is required for Conditional Zoning requests.

### 3.8.5. Application Requirements

All applications for a rezoning shall be submitted in accordance with Section 3.1.7, Application Requirements.

### 3.8.6. Notice and Public Hearings

The County shall hold all required public hearings and give notice in accordance with Section 9.1, Notice and Public Hearings.

### 3.8.7. Action by Zoning Administrator

**A.** The Zoning Administrator shall prepare a staff report that reviews the rezoning request in light of any applicable plans and the general requirements of this Ordinance. The staff report shall consider the entire range of permitted uses in the requested classification regardless of any representations made that the use will be limited, unless a development plan is submitted that restricts the permitted range of uses to specific uses.

**B.** Following completion of technical review by staff, the Zoning Administrator shall forward the completed request, staff recommendation, and any related materials to the Planning Board for a hearing and recommendation.

**C.** Following Planning Board review, the Zoning Administrator shall forward the completed rezoning request and any related materials, including the Planning Board recommendation, to the Board of County Commissioners for final action.

### 3.8.8. Action by Planning Board

**A.** Before making any recommendation on a rezoning request, the Planning Board shall consider any recommendations from the Zoning Administrator and shall conduct a public hearing where interested parties may be heard.

**B.** Notice and public hearing requirements shall be in accordance with Section 9.1 .

**C.** The Planning Board shall make a recommendation based on the approval criteria in Section 3.8.10, as appropriate.

**D.** Following Planning Board review and recommendation, the completed request, Planning Board recommendation, staff recommendation and any related materials shall be forwarded to the Board of County Commissioners.

**E.** If the Planning Board fails to make a recommendation within 75 days following the date of the first hearing on the request, the Board of County Commissioners may process the request without a recommendation.

### 3.8.9. Action by Board of County Commissioners

**A.** Before making any recommendation on a rezoning request, the Board of County Commissioners shall consider any recommendations from the Planning Board and Zoning Administrator and shall conduct a public hearing where interested parties may be heard.

**B.** Notice and public hearing requirements shall be in accordance with Section___.

**C.** The Board of County Commissioners shall take action on a rezoning request based on the approval criteria in Section___, as appropriate.

**D.** The Board of County Commissioners may approve the rezoning, deny the rezoning, or send the rezoning back to the Zoning Administrator for additional consideration.

### 3.8.10. Review Criteria

The reviewing entity shall consider the following matters:

**A.** Whether the range of uses permitted by the proposed change would be appropriate to the area concerned;

**B.** Whether adequate public school facilities and other public facilities/services (i.e., water, wastewater, roads) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change;

**C.** Whether the proposed change is consistent with the CAMA Land Use Plan or any other adopted land use document.

**D.** Whether the proposed amendment is reasonable as it relates to the public interest.

### 3.8.11. Withdrawal of Rezoning Application

**A.** An applicant may withdraw a rezoning application at any time, by filing a statement of withdrawal with the Zoning Administrator.

**B.** The statement of withdrawal shall be signed by all persons who signed the application, or in the event of death or incompetence, by the estate's lawful personal representative.

### 3.8.12. Resubmission of Application

Upon final action by the Board of Commissioners to deny or approve an application for the rezoning of a piece of property, the Planning Board shall not review any applications for changes affecting the same property or any portion thereof until the expiration of one year from the date of such previous action except as provided as follows:

**A.** The Zoning Administrator may allow re-submission of such petition within one year period if it is determined that, since the date of action on the prior petition:

1. There has been a significant change in the zoning district classification of an adjoining piece of property.
2. The Board of Commissioners has adopted a plan that changes public policy regarding how the property affected by the amendment should be developed.
3. Construction or expansion of a road, water line, sewer line, or other such facilities has occurred to serve the property and can comfortably accommodate the intensity of development allowed under the proposed classification.
4. There has been some other extraordinary change in conditions or circumstances, outside the control of the petitioner, which justifies waiver of the one year restriction on a new position; this, however, shall not include a change in the ownership of the subject property.

### 3.8.13. Period of Validity

**A.** An approved rezoning shall run with the property and shall be valid until the Official Zoning Map is subsequently amended.

## 3.9 Permits and Certificates

Other permits or certificates beyond those included in this Section may be required. Consult with the Planning Director and Article 9 of this ordinace.

### 3.9.1. Stormwater Permit

A stormwater permit may be required for development in Brunswick County. For more information, contact the Stormwater Administrator or review the Stormwater Ordinance.

# ARTICLE 4. ZONING DISTRICTS

## 4.1 ZONING DISTRICTS ESTABLISHED

In order to implement all purposes and provisions of this Ordinance and the adopted CAMA Land Use Plan, and any oth adopted County land use documents, the following districts are hereby established:

| NEW DISTRICTS | |
|---|---|
| Symbol | Name |
| Residential Districts | |
| RR | Rural Low Density Residential |
| R-7500 | Medium Density Residential |
| R-6000 | High Density Residential |
| SBR-6000 | High Density Site Built Residential |
| MR-3200 | Multifamily Residential |
| Commercial Districts | |
| C-LD | Commercial-Low Density |
| N-C | Neighborhood-Commercial |
| C-I | Commercial-Intensive |
| Industrial Districts | |
| RU-I | Industrial-Rural |
| I-G | Industrial-General |
| Special Purpose Base Districts | |
| MI | Military Installation |
| CP | Conservation and Protection |
| Overlay Districts | |
| CZ | Conditional Zoning |
| ED | Economic Development |
| PD | Planned Development |
| TO | Transitional Office |
| WQP | Water Quality Protection |

## 4.2 GROUPING OF DISTRICTS

**4.2.1.** Where the phase "residential district" is used in this Ordinance, the phrase shall be construed to include the following districts:

**A.** RR- Rural Low Density Residential

**B.** R-7500 Medium Density Residential

**C.** R-6000 High Density Residential

**D.** SBR-6000 High Density Site Built Residential

**E.** MR-3200 Multifamily Residential

**4.2.2.** Where the phrase "nonresidential district" is used in the UDO, the phrase shall be construed to include the following districts:

**A.** C-LD Commercial Low Density

**B.** N-C Neighborhood-Commercial

**C.** C-I Commercial- Intensive

**D.** RU-I Industrial-Rural

**E.** I-G Industrial General

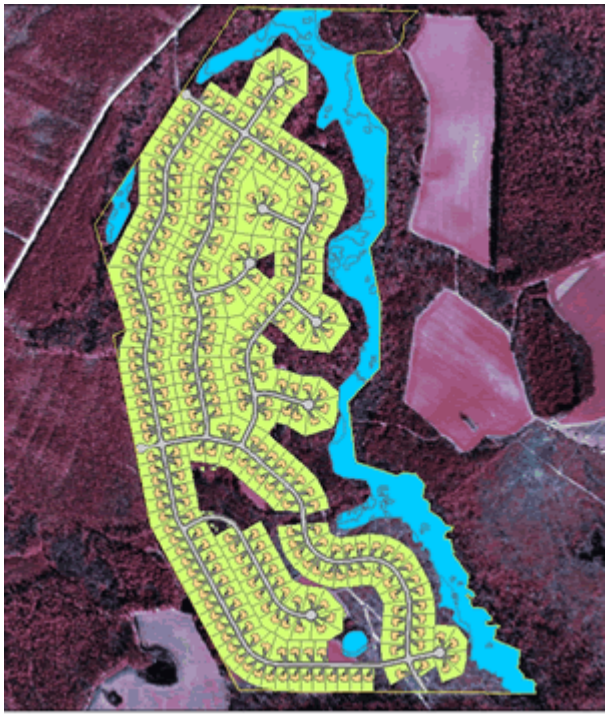
## 4.3 Development Types

Standards within the zoning districts allows two types of developments as follows:

**A.** Planned Development
Planned Development is typified by clustering residential, mixed use or non-residential development on a single parcel or smaller lot sizes (with smaller yards) for additional common open space. Planned Development is generally larger scale projects to ensure sufficient open space can be incorporated into the development design. The Planned Development option provides increased design flexibility with varied development and housing types, provided certain enhancements are incorporated into the design of the project.

**B.** Conventional Development
Conventional development is a pattern of development that conforms with standard dimensional requirements and typically provides a majority of property owners with substantial area on their own property.

**DEVELOPMENT TYPES**



CONVENTIONAL

Example Lot Yield: 308 Lots

PLANNED DEVELOPMENT

Example Lot Yield: 308 Lots

## 4.3.1. Planned Development

### A. Intent

The intent of a Planned Development (PD) is to promote quality development by providing flexibility in the mixture of uses and in meeting dimensional and other requirements of this Ordinance. A PD utilizes innovative design and best management practices that result in development that is aesthetically pleasing, promotes environmental sensitivity and makes more efficient use of the land, resulting in increased open space.

### B. Planned Development Approval

Planned Development projects shall be approved in accordance with the Planned Development approval process found in Section 3.3.3 and the site plan requirements as outlined in Article 3.

### C. Development Intensity

The building area coverage and number of dwelling units in a project utilizing the PD development standards shall be calculated as follows:

1. The building area coverage shall be the dimensional standards of the applicable zoning District (i.e., R-7500, C-LD, etc.). However, the developed area may be increased as a result of utilizing exceptional design and/or best management practices as provided in Section 6.1, Design Flexibility. The extent of the allowable increase will be determined on a case-by-case basis by the Planning Director (minor site plans) or the Planning Board (major site plans) in relation to the extent of the successful use of exceptional design and best management practices in the project site plan.

2. The allowable number of dwelling units in a project shall be determined by dividing the gross site area of the development project by the number of dwelling units (density) permitted in the underlying district.

***Commentary:*** *For example, the density for R-6000 with water and sewer is 7.3. The allowable number of units for a PD project with 20 acres with an underlying R-6000 district would be up to 143 units, provided all other requirements were satisfied.*

3. Increases in the number of dwelling units permitted in a project may be considered through the density bonus provisions in this article.

Commentary: *There is no guarantee that the maximum density can be achieved on a particular site due to consideration such as required open space, site area devoted to easements or roadways, and other site specific issues.*

### D. Uses Permitted within Planned Developments

Uses permitted in the underlying district are permitted in Planned Developments. For residential development, the type of dwellings proposed (e.g., single family, multi-family, cottage style, cluster, etc.) shall be approved in conjunction with the PD approval.

Mixed use projects are encouraged within residential and commercial Planned Developments to reduce travel and maximize the use of land. In residential districts, non-residential uses are allowed in approved Planned Developments as follows:

1. Commercial and other non-residential uses within a PD shall be the same as those uses in the Commercial Low Density (C-LD) and Neighbrohood Commercial (NC) Zoning Districts per Section 5.2.
2. No more than twenty percent of the total acreage may be designated for non-residential, excluding golf courses and other similar facilities.
3. Non-residential use with PDs shall be designed and and located to serve primarily the residents of the subdivision.
4. Such use shall, at minimum, have one internal access to the development.

## E. Planned Development Requirements

Planned Developments are subject to the site plan and improvement requirements of Article 6. Design and Performance Standards. Additionally, PDs are also subject to the following general requirements:

### 1. Recreation Area

Open space and recreation area shall be provided as required in the subject district (per the PD dimensional table). See Section 6.4.4.B.

### 2. Water and Wastewater

Generally, public or community water and wastewater service shall be required in all PD. However, the Planning Board may waive this requirement during the PD approval process.

### 3. Ownership of Development Site

The development site to be subdivided may be held in single ownership or in multiple ownership. If held in multiple ownership, the site shall be developed according to a single plan with common authority and common responsibility.

### 4. PD Perimeter Compatibility

Commentary: *Generally, the perimeter buffer is required along all exterior boundaries, even if the adjacent property is vacant. This is intended to provide visual protection for residents of the PD and any development which may occur on adjacent properties.*

## F. Buffers

1. It is preferable that all buffers shall be a natural, undisturbed wooded area where possible, and shall count towards the provision of open space for the development. See Section 6.3, Required Buffers.
2. A project boundary buffer with a minimum opacity of 0.6 shall be required along all boundaries of a PD except portions of the project located adjoining a street or roadway. Adjustments to the buffering requirements may be allowed by the Planning Director for minor Planned Developments and by the Planning board for major Planned Developments.
3. A street buffer shall be required along all boundaries of a PD fronting on a street or roadway.
4. Additional landscaping and buffering requirements may apply. See Section 6.2, Landscaping and Buffering.

**G.** Private Utilities

**1.** Provision of all utility services, including, but not limited to: gas, water, sewer, electric, cable, and telephone, shall be underground.

**2.** Adequate easements and rights-of-way for ingress and egress for maintenance shall be provided.

**H.** Street/Internal Trafficways

**1.** Creative design of circulation routes and trafficways is encouraged. A base characteristic of a PUD is that the internal circulation routes or streets do not follow fixed linear geometric lines as do most streets. Instead, circulation routes are curvilinear and of meandering character, to preserve tree and landscape features. Generours use of design elements such as curved streets, private restrictions for extremely low speeds and other features to achieve slower-paced traffic movements are strongly encouraged.

**2.** A minimum right-of-way of at least 35 feet in width shall be required for all internal roadways. Additionally right-of-way may be required to accommodate wider roads or utilities.

**3.** A minimum paved street width of 20 feet shall be required for all internal two-way roadways. One-way roadways shall require a minimum paved street width of 14 feet.

**4.** Pedestrian-oriented communities also are encouraged to enhance the quantity of pedestrian activity and to improve the quality of the pedestrian experience. Planned subdivisions must adhere to the design standards for drainage and paving found in Section 6.11.5, Streets.

**5.** Where the development is bound by two or more NC DOT on-system roads, at minimum access to each road shall be provided. Siren activated gate systems shall be required for all unattended gates.

**6.** Adequately constructed and maintained bike and/or hiking trails shall be counted toward the open space requirement. Bicycle lanes and multi-use pathways that extend the minimum right-of-way width shall be designed in accordance with the North Carolina Bicycle Facilities Planning and Design Guidelines Manual.

**I.** Modifications of Standards Using Planned Development

Modification of the base dimensional standards shall require approval by the Planning Director (minor site plan) or the Planning Board (major site plan) in conjunction with the Planned Development approval process found in Section 3.3.3.

**J.** Limits on Modification of Standards

**1.** Modification of the maximum development density or minimum open space requirement shall not be permitted, except as allowed through a density bonus program (see Section 4.3.2 below) or as provided in Section 6.1, Design Flexibility.

**2.** The minimum lot width and minimum yard requirements may be modified by the Planning Director or Planning Board through the PD process. However, the minimum distance between structures shall be as required by International Building Code with North Carolina Amendments.

### 4.3.2. Density Bonus

**A.** Work Force Housing Density Bonus

**1.** Applicability

This program may be utilized at the time of application for new developments with a minimum of 15 dwelling units or projects adding at least 15 units to an existing development.

**i.** At least 15% of the units shall have payments affordable to persons and families with

annual incomes at or below 60% of the area median family income by family size, according to target income limits set by HUD for Brunswick County.

**ii.** Other incentives such as flexible parking or fee deferral agreements may be considered on a case-by-case basis.

**2.** Bonus Program

**i.** A density bonus of up to 20% may be granted for projects providing units affordable to persons with with incomes between 60% and 80% of the median household income for the jurisdiction.

**ii.** A density bonus of up to 25% may be granted by the Planning Board for projects providing units affordable to persons with incomes below 60% of the median household income for the jurisdiction.

**iii.** Workforce units shall be incorporated throughout the project, and shall not be distinguishable from market-rate units through location, grouping, design or other physical characteristics.

**iv.** In single-family and duplex developments, lot sizes and yard requirements in internal lots may be reduced up to 20% in order to incorporate the additional units; however, no decrease in lot size or yard requirements in perimeter lots shall be permitted.

**v.** In multifamily housing developments, height allowance up to 60 feet with flexible setback requirements may be allowed, depending on the design of the project, number of units, etc.

**vi.** Units added through this program shall not increase the amount of open space otherwise required for the project.

**vii.** Affordability limits in rental units shall be adhered to for a minimum of 15 years. An annual report shall be provided by the project developer or manager to the County or designated personnel which identifies the incomes of persons residing in the workforce units, and the rents or initial sales price being charged, to verify these are within the established limits.

**viii.** Affordability in for-sale units shall be required to be adhered to only in the initial sale.

**ix.** Compliance measures may be required at the time of approval, including but not limited to contracts, restrictive covenants, deed restrictions, and stipulated penalties.

**B.** Public Facility Density Bonus

**1.** Applicability

This program may be utilized by projects developed under the PD standards.

**2.** Bonus Program

**i.** A development may be granted a one-to-one density bonus by the Planning Board for land dedication for the construction of public facilities provided all of the following conditions are met:

**(a)** The developer shall first prepare a deed of dedication of the land to the County;

**(b)** The County has accepted the deed of dedication; and

**(c)** The land dedicated is suitable and reasonably sufficient to allow for the construction of a public facility such as a school, park, fire department, police station, or other public use.

**ii.** In such cases, certification of the need for the proposed public facility(ies) shall be required and must be approved by the Board of County Commissioners, and

**iii.** Planning Board approval of a density increase shall be required.

## 4.3.3. Conventional Development Standards

### A. Applicability

Development utilitizing the conventional standards shall be permitted in all residential districts utilizing the standards found in this Section. In addition to the standards contained in this Section, all other provisions in this Ordinance and all other applicable laws shall apply, except those that are incompatible with the provisions contained herein.

### B. Dimensional Standards

Projects utilizing the conventional development option shall meet the following standards:

Table 4-1 Conventional Single Family Residential Development on a Single Lot

| Conventional Development | RR | R-7500 | R-6000 | SBR-6000 | MR-3200 |
|---|---|---|---|---|---|
| *Lot Dimensions* (w/o water & wastewater) | | | | | |
| Lot width (min. ft.) | 75 | 75 | 60 | 60 | 60 |
| Lot area (min. s.f.)[1,10] | 20,000 | 15,000 | 10,000 | 10,000 | 10,000[11] |
| *Density*[2] | *2.2* | *2.9* | *4.4* | *4.4* | *6.2* |
| Lot width for duplex (min. ft.) | 115 | -- | 60 | -- | 70 |
| Lot area for duplex | 35,000 | -- | 17,000 | -- | 7,000 |
| Density[2] | -- | -- | -- | -- | 6.2[9] |
| *Lot Dimensions* (with water & wastewater) | | | | | |
| Lot width (min. ft.) | 75 | 75 | 60 | 60 | 60 |
| Lot area (min. s.f.)[10] | 15,000 | 7,500 | 6,000 | 6,000 | 6,000[11] |
| Density[2] | 2.9 | 5.8 | 7.3 | 7.3 | 13.6 |
| Lot width for duplex (min. ft.) | 115 | -- | 60 | -- | 50 |
| Lot area for duplex | 22,500 | --[3] | 12,000 | -- | 6,400 |
| Density[2] | 2.9 | -- | 7.3 | -- | 13.6[9] |
| *Yards* (mininum feet) | | | | | |
| Front Yard[10] | 25 | 25 | 25 | 25 | 25 |
| Rear Yard[10] | 25 | 9 | 9 | 9 | 20 |
| *Side yard (minimum feet)* | | | | | |
| One Yard[4] | 10 | 5 | 5 | 5 | 5 |
| Total (sum of both side yards) | -- | 10 | 10 | 10 | 12 |
| Street Side Yard[5] | 15 | 15[5] | 15[5] | 15[5] | 15 |
| *Bulk* (maximum) | | | | | |
| Height (feet)[6] | 40[7] | 40[7] | 40[7] | 40[7] | 50[8] |

Notes:

[1] Per dwelling unit.

[2] Approximate density (units per acre) is shown and figures have been rounded to the next highest tenth. Density calculated by dividing 43,560 (1 acre) by the minimum lot area.

[3] In the R-7500 and SBR-6000 zoning districts, duplexes are allowed only in a PD (see Section 4.3.1).

[4] Legally established lots existing prior to January 1, 1994 with a width of less than 60 feet may reduce street side yard requirements to 12 feet.

[5] The "Total Side Yard" requirement is the sum of both side yards, added together. The "One Yard" requirement is the smallest that one of the yards has to be. In order to provide flexibility, side yard requirements are sometimes presented as "One Yard" and "Total Side Yard". This approach allows the owner or developer to move the house a little to one side of the lot or the other to preserve trees, add driveways, or other things. It also reduces the number of variances.

[6] Structures exceeding 30 feet or three stories in height shall have at least three means of fire apparatus access.

[7] If the building or structure is equipped with an internal fire suppression system, with a smoke or fire detection system, and with a fire alarm system, all complying with the International Fire Code with appendices, International Building Code with North Carolina Amendments, the Planning Director, in consultation with the Fire Marshall, may permit additional building height up to ten additional feet of height at the following rates:
Non-Viewshed Protection Overlay areas at a rate of one additional foot of height for every one foot of additional yard depth

Table 4-1 Conventional Single Family Residential Development on a Single Lot

| Conventional Development | RR | R-7500 | R-6000 | SBR-6000 | MR-3200 |
|---|---|---|---|---|---|
| (front, rear, and sides);<br>Viewshed Protection Overlay (see Section 4.8.7) areas at a rate of one additional foot of height for every two foot of additional yard depth (front, rear, and sides).<br>[8] Additional Building Height up to a maximum height of 75 feet is allowed at the following rates:<br>Non-Viewshed Protection Overlay areas at a rate of one additional foot of height for every one foot of additional yard depth (front, rear, and sides);<br>Viewshed Protection Overlay (see Section 4.8.7 ) areas at a rate of one additional foot of height for every two foot of additional yard depth (front, rear, and sides).<br>International Fire Code with appendices and International Building Code with North Carolina Amendments apply.<br>[9] For all other residential development in the MR-3200 Zoning District, minimum lot width shall be the same minimum lot width as a duplex and Lot area (size) will be based on total number of units divided by density of development.<br>[10] If the lot area does not meet the minimum square footage requirement of the current zoning district and fronts both a street and a designated Brunswick County Viewshed Protection Overlay watercourse, the parcel owner may choose which yard is considered the front. The opposite yard will be considered the rear. In no case may the setback be less than the minimum yard requirement for either the front or rear yard as specified in the Unified Development Ordinance.<br>[11] Minimum lot areas of 10,000 and 6,000 sf in MR-3200 applies to single family dwellings. | | | | | |

### C. Multiple Principal Residential Structures

Multiple principal residential structures may be placed on a lot in all residential zoning districts in conformance with Section 5.4.3.

### D. Additional Standards

Additional residential district standards may apply to conventional development projects, including (but not limited to):

1. Open Space and Recreation Area, Section 6.4.4
2. Density Bonus, Section 4.3.2
3. Areas to be Reserved, Section 6.4.5
4. Conventional Development Standards, Section 4.3.3
5. Accessory Structures and Uses, Section 4.4.3
6. Nonresidential Uses in Residential Districts, Section 4.4.4

## 4.4 Residential Zoning Districts

### 4.4.1. Residential District Intent Statements

#### A. RR: Rural Low Density Residential

The Rural Low Density Residential District is intended to accommodate nonresidential agricultural uses and low density residential development, as well as limited nonresidential uses that are supportive of the County's traditional agricultural orientation including farming, silviculture operations and related activities. Development in this District should rely predominantly on individual wells and septic tank systems for domestic water supply and sewage disposal, respectively, although clustered residential development served by public water and wastewater systems may be allowed.

#### B. R-7500, R-6000, and SBR-6000

The R-7500, R-6000, and SBR-6000 districts are established to provide for orderly suburban residential development. A limited number of commercial and civic uses are allowed, subject to the restrictions necessary to preserve and protect the residential character of the neighborhood. A special permit process for higher intensity development is also allowed, using discretion to balance issues of higher density with improved amenities. Due to the higher intensity developments contained in this district, it is intended to be applied to properties served by public sewer and water systems.

**C.** MR-3200

This district is established as an area in which the principal use of the land is for high density residential purposes, not to exceed fourteen dwelling units per acre. The district also provides for the development of less intensive residential uses, as well as for compatible supporting non-residential uses. Due to the higher intensity developments contained in this district, it is intended to be applied only to properties served by public sewer and water systems.

### 4.4.2. Permitted Uses

Only uses specifically listed in the use table in Section 5.2 as a permitted ("P"), permitted subject to limited use standards ("L"), or permitted subject to special use permit ("SUP") shall be permitted in Residential districts.

### 4.4.3. Accessory Structures and Uses

The following accessory structures and uses shall be permitted in any residential district. All accessory structures and uses shall meet the applicable standards as set forth in Section 5.4, Accessory Uses.

1. Accessory use customarily associated with a principal use.
2. Accessory dwellings subject to the provisions of Section 5.4.2.
3. Accessory structures subject to provisions of Section 5.4.1.
4. Home occupations subject to the provisions of Section 5.4.4.
5. Recycling drop-off collection stations subject to the requirements of Section 6.18.1.
6. Fences and walls subject to the provisions of Section 6.10.

### 4.4.4. Nonresidential Uses in Residential Districts

**A.** Dimensional Standards

Unless specifically modified in Section 5.3, Limited Use Standards, permitted nonresidential uses in a residential district shall meet the following standards.

| | RR | R-7500 | R-6000 | SBR-6000 | MR-3200 |
|---|---|---|---|---|---|
| Lot Dimensions (minimum) | | | | | |
| Lot area (square feet) | 30,000 | 17,500 | 15,000 | 15,000 | 10,500 |
| Lot width (feet) | 100 | 75 | 60 | 60 | 60 |
| Yards (minimum feet) | | | | | |
| Front yard | 40 | 35 | 30 | 30 | 25 |
| Rear yard | 40 | 20 | 20 | 20 | 20 |
| Side yard | | | | | |
| One side | 30 | 20 | 15 | 15 | 10 |
| Total | 80 | 50 | 35 | 35 | 25 |
| Street side yard | 30 | 30 | 20 | 20 | 15 |
| Bulk (maximum) | | | | | |
| Height (feet) | 35[1,3] | 35[1,3] | 35[1,3] | 35[1,3] | 35[2,3] |

[1] If the building or structure is equipped with an internal fire suppression system, with a smoke or fire detection system, and with a fire alarm system, all complying with the International Building Code with North Carolina Amendments, the Planning Board may permit additional building height up to ten additional feet of height at the rate of one additional foot of height for every one foot of additional yard depth (side, front, and rear) unless located in a Viewshed Protection Overlay where two additional feet of yard depth shall be required for each additional foot in height(see Section 4.8.7).

[2] The Planning Board may permit additional building height up to a maximum height of 75 feet at a rate of one additional foot of height for every two feet of additional yard depth (front, side, or rear) for portions of the building subject to a Viewshed Protection Overlay (see Section 4.8.7).

[3] Buildings or facilities exceeding 30 feet or three stories in height shall provide at least three means of fire apparatus access for each structure.

Commentary: *Refer to Table 4-1 in Section 4.3.3.B of the Ordinance for setback requirements for Wireless Transmission Facilities in residential districts.*

# 4.5 Commercial Zoning Districts

## 4.5.1. Districts

### A. C-LD: Commercial-Low Density

This District is intended primarily to be used in outlying areas, adjacent to major thoroughfares, with yards and other provisions for reducing conflicts with adjacent residential uses, and with substantial setbacks to reduce marginal friction on adjacent major thoroughfares. Commercial uses in this District will serve the needs of residential neighborhoods for auto-dependent commercial facilities; and serve the needs of highway oriented tourist business.

### B. N-C: Neighborhood-Commercial

The N-C, Neighborhood-Commercial District is primarily intended to accommodate very low intensity office, retail and personal service uses within and adjoining residential areas. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents, including low intensity office, retail, and personal service uses, without disrupting the character of the neighborhood. Compatibility with nearby residences is reflected in design standards for both site layout and buildings. In addition, uses in the N-C District will have minimal infrastructure demands.

### C. C-I: Commercial-Intensive

The C-I District is intended for uses which require close access to major highways. Anticipated uses include those which are necessary to service more intensive commercial and industrial districts, such as warehousing, storage, moving, service and repair, distribution, wholesaling, marketing of specialty goods and light manufacturing plants.

## 4.5.2. Permitted Uses in Commercial Districts

Only uses specifically listed in the use table in Section 5.2 as a permitted ("P"), permitted subject to limited use standards ("L"), or permitted subject to special use permit ("SUP") shall be permitted in Commercial districts.

## 4.5.3. Development Standards

### A. Applicability

Th following standards shall apply to all development within a Commercial zoning district. In addition to the standards contained in this Section, all other provisions in this Ordinance and all other applicable laws shall apply, except those that are incompatible with the provisions contained herein.

### B. Dimensional Standards

Projects shall meet the following standards.

| Commercial Districts | C-LD | N-C | C-I |
|---|---|---|---|
| *Lot Dimensions* (w/o water/wastewater) | | | |
| Lot area (min. s.f.) | 15,000 | 15,000 | 20,000 |
| Lot width (min. ft.) | 100 | 100 | 100 |
| *Lot Dimensions* (with water/wastewater) | | | |
| Lot area (min. s.f.) | 7,500 | 15,000 | 10,000 |
| Lot width (min. ft.) | 100 | 100 | 100 |
| *Yards* (min. ft.) | | | |
| Front Yard | 25 | 25 | 50 |
| Rear Yard | 6 | 6 | 50[1] |
| Side yard | | | |
| One Yard[4] | 10 | 10 | 10[1] |
| Total (sum of both side yards) | 22 | 22 | 25 |
| Street Side Yard | 25[2] | 25[2] | 10[1,2] |
| *Height* (maximum feet) | 50[3,5] | 50[3,5] | 50[3,5] |

Notes:
[1] Completely opaque walls with a minimum height of six feet required if the abutting land is in a residential or C-LD District (see Section 6.10.5).

[2] In cases where a Street Side Yard is required, the minimum interior side yard is equal to the One Yard dimension.
[3] Structures exceeding 30 feet or three stories in height shall provide at least three means of fire apparatus access.
[4] The "Total Side Yard" requirement is the sum of both side yards, added together. The "One Yard" requirement is the smallest that one of the yards has to be. In order to provide flexibility, side yard requirements are sometimes presented as "One Yard" and "Total Side Yard". This approach allows the owner or developer to move the house a little to one side of the lot or the other to preserve trees, add driveways, or other things. It also reduces the number of variances.
[5] Additional Building Height above 50 feet up to a maximum height of 75 feet is allowed at the following rates:

Non-Viewshed Protection Overlay areas at a rate of one additional foot of height for every one foot of additional yard depth (front, rear, and sides);

Viewshed Protection Overlay (see Section 4.8.7) areas at a rate of one additional foot of height for every two foot of additional yard depth (front, rear, and sides).

International Fire Code with appendices and International Building Code with North Carolina Amendments apply.

## 4.5.4. Special Standards in the C-LD Zoning District

### A. Yards

Required front, rear, and side yards abutting streets may be used for parking shelters and lighting devices, provided that visibility across a required front yard or side yard abutting a street shall not be impeded between the heights of 3 feet and 8 feet, and provided further, no signs shall be permitted in any required yard. Where this District borders a Residential District, including across streets, walls shall be provided so that no lights from automotive or other sources on commercial premises shall shine into windows in the Residential District, and no rear or side service areas on commercial premises shall be visible from the ground within Residential Districts. No structure (excluding fences or walls) shall be erected nearer than six feet to any Residential District boundary.

## 4.5.5. Residential Structures in Commercial Zoning Districts

Residential development in a commercial district may be permitted as a primary use in accordance with the Use Table in Section 5.2, subject to the standards and requirements applicable to the district in which it is located. Residential uses serving as an accessory structure or use to a nonresidential primary use shall comply with the standards set forth in Section 4.4.3, Accessory Structures and Uses.

### A. Dimensional Requirements

The dimensional requirements contained in the table below shall apply to all residential or mixed residential commercial development permitted in commercial districts.

| Use | District | Minimum Lot Width (ft.) | | Minimum Lot Area per dwelling unit (s.f.) | | Yard (ft.) | | |
|---|---|---|---|---|---|---|---|---|
| | | With Water and Sewer | Without Water and Sewer | With Water and Sewer | Without Water and Sewer | Front | Rear | Side |
| All residential, except multifamily | C-LD | 60 | 60 | 6,000[3] | 10,000[3] | 25[3] | 6[3] | 5[1,2] |
| | N-C | 75 | 75 | 7,500[3] | 10,000[3] | 25[3] | 25[3] | 10[2] |
| Multifamily/ Mixed commercial-residential | C-LD | 100 | 150 | 3,200 | 15,000 | Per District | | |
| | N-C | 100 | 100 | 3,200 | 7,000 | | | |

Notes:
[1] Street side yards shall have a minimum width of 15 feet. Lots of record (lawfully established prior to January 1, 1994) may be permitted a reduced street side yard of 12 feet.
[2] Single family attached and townhouses may be permitted with a side yard of zero on the side adjacent to an adjoining dwelling of the same type.
[3] If the lot area does not meet the minimum square footage requirement of the current zoning district and fronts both a street and a designated Brunswick County Viewshed Protection Overlay watercourse, the parcel owner may choose which yard is considered the front. The opposite yard will be considered the rear. In no case may the setback be less than the minimum yard requirement for either the front or rear yard as specified in the Unified Development Ordinance.

**B.** Building Separation

Where more than one residential or mixed commercial-residential building is located upon a single lot, the building spacing provisions of Section 4.13.5 shall apply.

**C.** Multifamily and Mixed Commercial-Residential Buildings

The residential density shall be based only on that portion of the structure(s) dedicated to the residential use.

*Commentary: For example, if 75% of a mixed building is to be utilized for residential purposes then 75% of the lot area will be used in calculating the residential density permitted.*

**D.** Open Space

Open space requirements for the residential portion of a multifamily or mixed commercial-residential project shall be the same and conform to the requirements for multifamily developments in the MR-3200 district.

### 4.5.6. Accessory Structures and Uses

The following accessory structures and uses shall be permitted in any commercial district. All accessory structures and uses shall meet the applicable standards as set forth in Section 5.4.

**A.** In All Commercial Districts

1. Accessory use customarily associated with a principal use.
2. Accessory dwellings subject to the provisions of Section 5.4.2.
3. Accessory structures subject to provisions of Section 5.4.1.
4. Home occupations subject to the provisions of Section 5.4.4
5. Fences and walls subject to the provisions of Section 6.10.
6. Recycling drop-off collection stations subject to the provisions of Section 6.18.1.

**B.** In the C-LD and C-I Districts

Nonresidential uses shall be permitted one on-premise accessory attached or detached dwelling unit for occupancy by the owner, lessors, managers, watchmen, or custodians in connection with the operation of any permitted or permissible use. The accessory dwelling shall adhere to the following requirements:

1. The dwelling unit shall be occupied solely by the person engaged in the principal use (owner, lessor, manager, watchman, or custodian), or their family members residing with them;
2. The building shall meet the minimum setback requirements of the zoning district;
3. The amount of floor area for the attached dwelling unit shall be not more than 50% of the total floor area of the principal use;
4. The attached dwelling unit shall be located totally above the ground floor or totally to the rear of the principal use so as not to interrupt the commercial low density frontage;
5. In addition to the required off-street parking for the principal use, two off-street parking spaces shall be provided for the dwelling unit.

## 4.6 Industrial Zoning Districts

### 4.6.1. Districts

**A.** RU-I: Industrial-Rural

1. This District is intended to accommodate uses on lands which have not been in productive agricultural or farmuse in the previous five year period. Also, this District is intended to be applied only on lands not anticipated to become urban or suburban by the Land Use Plan, and which are not wetlands or environmentally sensitive lands. This District is intended to provide areas for uses of open air or extensive rather than intensive character such as:

i. Agricultural industry;

ii. Repositories for waste products whose composition and features require they be removed from other Zoning Districts;

iii. Chemical extraction or energy generation from crops or woods or the wastes of same, or conversion of crops, woods, and animals to various products of use to society; and

iv. Animal slaughtering and processing operations and even incineration of animal remains.

2. This District is intended to be used in an extremely limited manner sufficient only to meet proven needs for such generally adverse uses.

3. Such land uses require restriction of other uses such as residential, institutional, commercial, and manufacturing where there are concentrations of persons likely at any given time.

> *Commentary: The Sunny Point Military Ocean Terminal's buffer zone is an illustration of how man would be expected to be limited in accessibility or closeness to uses in this District.*

**B.** I-G: Industrial-General

The I-G District is intended to provide locations for enterprises engaged in a broad range of manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembly of goods, merchandise or equipment. Lands in this District are to be located on or near Major Thoroughfares as identified in the Major Thoroughfare Plan or Cooperative Transportaion Plan; to rail service; and to in-place infrastructure such as water, sewer, and/or natural gas.

### 4.6.2. Permitted Uses in Industrial Districs

Only uses specifically listed in the use table in Section 5.2 as permitted use ("P"), permitted subject to limited use standards ("L"), or permitted subject to special use permit ("SUP") shall be permitted in Industrial districts.

### 4.6.3. Development Standards

**A.** Applicability

Th following standards shall apply to all development within an Industrial zoning district. In addition to the standards contained in this Section, all other provisions in this Ordinance and all other applicable laws shall apply, except those that are incompatible with the provisions contained herein.

**B.** Dimensional Standards

All proposed development shall meet the following standards:

| Industrial Districts | I-G | RU-I |
|---|---|---|
| *Lot Dimensions* | | |
| Lot area (min. ac.) | 1 | 100 |
| Lot width (min. ft.) | 200 | 500 |
| *Yards* (min. ft.) | | |
| Front Yard | 50 | 100[1] |
| Rear Yard | 50 | 100[1] |
| Side yard | 10 | 100 |
| Street Side Yard | 25 | 100 |
| *Height* (maximum feet) | 50[2,3] | 50[2,3] |

Notes:
[1] Completely opaque walls with a minimum height of six feet shall be required if the abutting land is in a residential district (see Section 8.7.5).
[2] Structures exceeding 30 feet or three stories in height shall provide at least three means of fire apparatus access.
[3] Additional Building Height above 50 feet up to a maximum height of 75 feet is allowed at the following rates:
Non-Viewshed Protection Overlay areas at a rate of one

| |
|---|
| additional foot of height for every one foot of additional yard depth (front, rear, and sides);<br>Viewshed Protection Overlay (see Section 4.8.7) areas at a rate of one additional foot of height for every two foot of additional yard depth (front, rear, and sides).<br>International Fire Code with appendices and International Building Code with North Carolina Amendments apply. |

### 4.6.4. Study Required

**A.** In the I-G District

If the Zoning Administrator finds that the CAMA Land Use Plan identifies hazardous or fragile areas or features in close proximity to the land in question in the application, or where other natural and man-made environmental impacts are anticipated, the Zoning Administrator shall withhold action on the application and present it to the Planning Board at the next available meeting. The Planning Board shall make a determination of whether additional information will have to be filed. The nature and detail expected in the study may include a filing for approval of an Environmental Impact Statement to national standards and requirements, which may require an amended application upon the basis of studies.

**B.** RU-I District

**1.** In addition to the requirements for rezoning listed in Section 3.8, an application for a rezoning to the RU-I District shall be accompanied by a study which meets the most current requirements and guidelines for preparation of an Environmental Impact Statement (E.I.S.) under federal law. Prior to initiation of the required study, the Zoning Administrator shall establish the scope and required details of the required study. This scope shall be approved by the Planning Board and the Board of County Commissioners. All costs associated with the preparation of the required study shall be borne by the applicant. Action on the rezoning application shall not be considered until the required study has been received and approved by the Planning Board and Board of County Commissioners.

**2.** Those soil types found in Brunswick County, dependent also on many other factors, which may possibly be found acceptable for inclusion in the zoning District include Baymeade, Baymeade-Marvyn group, Foreston, Goldsboro, Kureb, Newhan, Norfolk, Wando and Bragg.

## 4.7 Special Purpose Base Districts

### 4.7.1. CP – Conservation and Protection

**A.** Intent

The Conservation and Protection District (CP) is intended to be used for the permanent protection and preservation of environmentally sensitive lands, and historical, cultural, and archeological areas of Brunswick County. Generally, activities within a CP district are limited to very low intensity uses, agricultural and silvicultural activities, parks, open space and natural habitat preservation, and very limited residential uses. Construction and land disturbing activities should be limited in nature and scope and should have a very low impact on the environment and the surrounding setting. Public or community water or wastewater facilities are generally discouraged in order to deter development pressure.

**B.** Permitted Uses

Only uses specifically listed in the use table in Section 5.2 as a permitted use ("P"), permitted subject to limited use standards ("L"), or permitted subject to special use permit ("SUP") shall be allowed in a CP District.

## C. Standards

### 1. Applicability

**i.** The following standards shall apply to all development within a CP district with the exception of bona fide farms. However, bona fide farms are encouraged to comply with these requirements to the extent possible to ensure that impacts on the land and the surrounding environment are minimal.

**ii.** In addition to the standards contained in this Section. All other provisions in this Ordinance and all other applicable laws shall apply, except those that are incompatible with the provisions contained herein.

### 2. Dimensional Standards

Projects shall meet the following standards.

| Minimum Lot Area | Minimum Lot Width | Minimum Front Yard | Minimum Side Yard | Minimum Rear Yard | Maximum Height |
|---|---|---|---|---|---|
| 5 Acres | 300 feet | 50 feet | 100 feet | 50 feet | 40 |

Notes:
[1] Additional Building Height above 40 feet up to a maximum height of 75 feet is allowed at the following rates:

Non-Viewshed Protection Overlay areas at a rate of one additional foot of height for every one foot of additional yard depth (front, rear, and sides);

Viewshed Protection Overlay (see Section 4.12.6.) areas at a rate of one additional foot of height for every two foot of additional yard depth (front, rear, and sides).

International Fire Code with appendices and International Building Code with North Carolina Amendments apply.

### 3. Development Standards

In order to reduce the impact of development on the existing natural environment, the following standards apply to all land disturbing activities within a CP district:

**i.** With the exception of a pedestrian trail or a fence, no land disturbing activities may occur within a required yard or within 100 feet of:

**(a)** All lands located within a 100-year floodway;

**(b)** All site area under the jurisdiction of the Army Corps of Engineers (the Corps) or the North Carolina Department of Natural Resources, Division of Water Quality (DWQ)

**(c)** All lands located within a CAMA shoreline buffer;

**(d)** All lands located below the high water line of an existing pond, lake, or stream; and

**(e)** All lands with slopes steeper than 25%.

**ii.** The requirement for mandatory connection to public water and sewer facilities (see Brunswick County Water and Sewer Use Policy) shall be waived.

### 4. Development Guidelines

In order to reduce the impact of development on the existing natural environment, the following guidelines apply to all activities within a CP district. As guidelines, they provide an increased degree of flexibility.

**i.** If development is anticipated to occur, the plan for such development should prioritize the preservation of natural habitat and sensitive environmental features such as large stands of trees, wetlands, Carolina Bays, pocosins, watercourses, marshes, and tidal areas.

**ii.** The use of Low Impact Design, stormwater Best Management Practices (BMPs) and other alternative construction principles is strongly encouraged.

**iii.** All site clearing and preparation, and construction activities should avoid removing existing trees and disturbing existing vegetation to the extent possible.

iv. Although fencing is allowed, such fencing should be designed to allow for easy movement of wildlife. If more impervious fencing is desired, it is recommended that such fencing be limited to the areas around inhabited or occupied structures so that remaining portions of the property allow easy movement of wildlife.

### 4.7.2. MI – Military Installation

**A.** Intent

1. The purpose of the Military Installation District (MI) is to recognize the location of major single use and multiple use military facilities in Brunswick County.
2. While federal government areas are not subject to local zoning and other codes, they occupy large land areas in the County. These areas therefore are identified on the zoning map as a Special Purpose District to differentiate them from other areas that are covered by the regulations in this Ordinance.
3. The main objective of this District is to identify specific resources not otherwise identified where protection can be considered in the public's interest; identify interests relating to land use planning that impact County policy on industry, the environment and residential land uses in general; minimize substantial development impacts of these facilities; and develop a coordinated, planning/zoning process to include all federal entities.

**B.** Permitted Principal Uses and Structures

The uses specified as permitted uses include any uses authorized by, and located in, official Military Installations of the U.S. Government.

**C.** Development Coordination Required/Encouraged

1. Notification Required

When an ordinance amendment or modification would result in a rezoning or change or affect the list of permitted uses within five miles of a military base, comments and analysis of the base commander shall be included in the consideration before making a final determination (NCGS 160A-323). Mailed notification shall be provided prior to any such action as specified in Section 9.1.B.3.iv.

2. Coordinantion Encouraged

In areas of MI Districts not affected by military security in areas where commercial, residential, or mixed use developments are proposed, and in areas where joint public/private development may be explored, the federal government and Brunswick County is encouraged to establish a coordinated planning process to achieve both federal and local benefits, to minimize development impacts, and to help meet the objectives and policies of the Land Use Plan of Brunswick County.

## 4.8 General Overlay Districts

### 4.8.1. General

**A.** Overlays are zoning districts which are applied only in conjunction with a Base Zoning District, and may grant additional use and development requirements upon the underlying Base Zoning Districts. The effect is to have both the Overlay and the underlying Base Zoning District standards control the use and development of land placed into any Overlay.

*Commentary: Some overlays provide additional restrictions on top of the underlying base district standards, while others may provide relief from certain underlying base district standards.*

**B.** Overlays support specific public policy objectives as are to be found in the CAMA Land Use Plan and any other adopted County land use documents.

### 4.8.2. CZ: Conditional Zoning

**A.** Purpose

The Conditional Zoing Overlay is established to offer flexibility to meet project needs that are not accommodated by conventional zoning districts. These overlay districts are approved with individualized development standards adopted as part of the rezoning. Property is rezoned to these districts in response to and consistent with a petition filed by the property's owner. The petition includes a site plan, a specification of the actual use planned, and any rules, regulations, or conditions that would govern development of the site. The petitioner must conduct at least one community meeting on the proposal prior to the official hearing on the rezoning. These districts are potentially available in conjunction with any of the conventional zoning classifications.

**B.** Designation of Conditional Zoning Overlay

**1.** A Conditional Zoning Overlay may only be established as a zoning map change in accordance with the requirements of Section 3.8, Rezoning.

**2.** A Conditional Zoning Overlay may be established in conjunction with any conventional zoning base district.

**C.** Permitted Uses and Development Standards

**1.** Any use permitted by right, subject to limitations, or through special use permit in the underlying base districts may be approved in the overlay. Uses allowed as a special use permit included with the Conditional Zoning Overlay shall not require separate approval.

**2.** Conditions pertaining to the uses, development standards, site features, improvements, etc. may by included with the approval; provided however, the petitioner must be agreeable to such conditions.

### 4.8.3. AHC: Airport Height Control Overlay

**A.** The Airport Height Control Overlay is intended to regulate construction and restrict the location of certain uses within proximity to an airport due to the facts that:

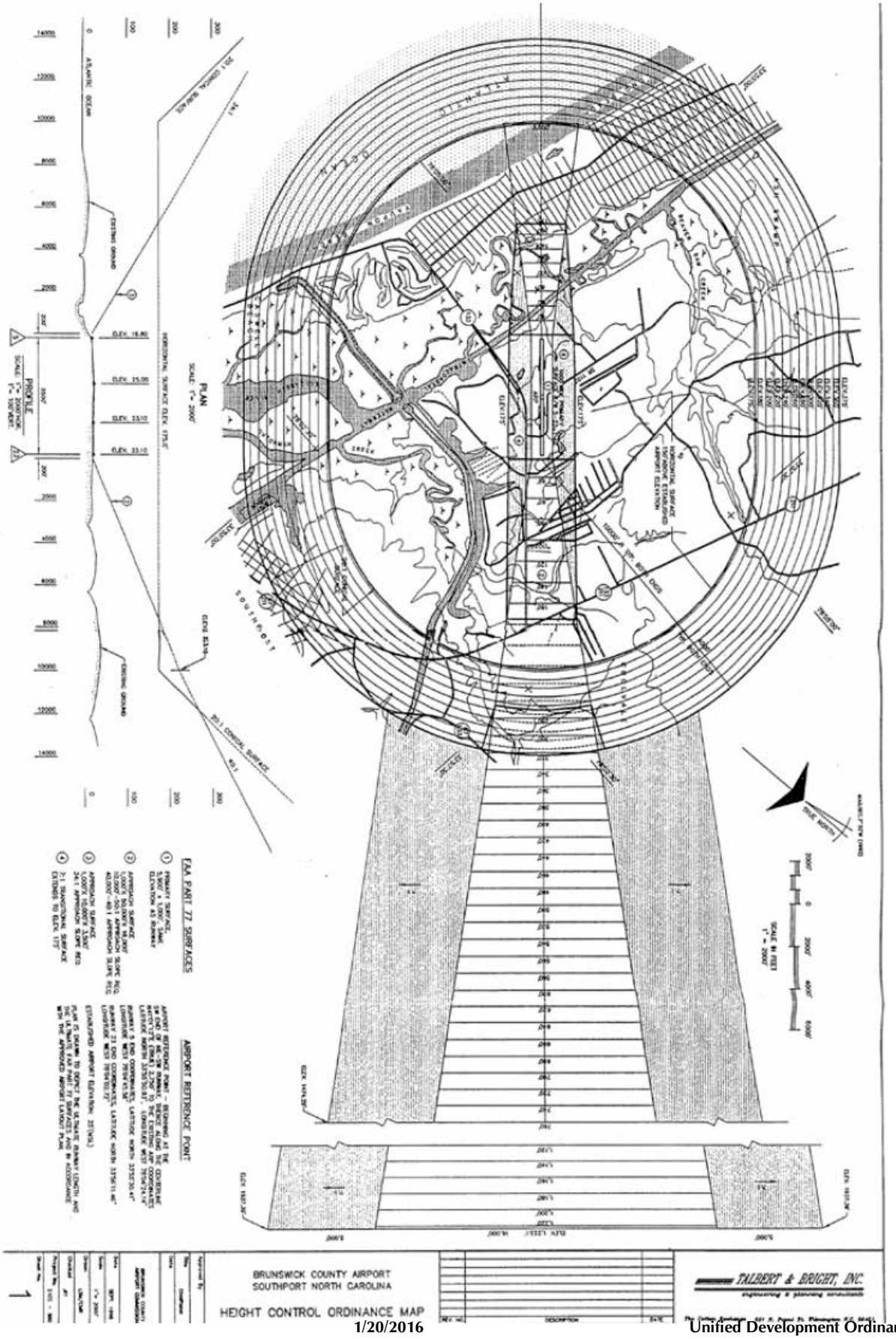
**1.** Airport hazards endanger the lives and property of users of airports and occupants and owners of property in their vicinity;

**2.** The creation or establishment of an airport hazard injures the community served by the airport;

**3.** In the interest of public health, safety, and general welfare, it is necessary to prevent the creation or establishment of airport hazards;

**4.** The prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of police power without compensation.

**B.** Standards applicable in the Airport Height Control Overlay can be obtained from the Brunswick County Planning Department or on the County's website: www.brunswickcountync.gov.


BRUNSWICK COUNTY AIRPORT
SOUTHPORT NORTH CAROLINA
HEIGHT CONTROL ORDINANCE MAP
TALBERT & BRIGHT, INC.
PLAN
PROFILE
FAA PART 77 SURFACES
AIRPORT REFERENCE POINT
SOUTHPORT
ATLANTIC OCEAN

### 4.8.4. ED: Economic Development

**A.** Intent

**1.** The Economic Development Overlay District is intended to provide locations for a wide range of agricultural industry, light and heavy manufacturing, office, institutional and research uses with no adverse impacts beyond the space occupied by the use.

**2.** The Economic Development Overlay District shall only be applied to lands in close association with Major Thoroughfares and over lands in the RR Rural Low Density Residential District. This District is designed to support specific public policy objectives stated in the Coastal Area Management Act Land Use Plan.

**B.** Application Criteria

Ten acres shall be required to initiate an Economic Development Overlay District.

**C.** Applicability

Th following standards shall apply to all development within an ED overlay district. In addition to the standards contained in this Section, all other provisions in this Ordinance and all other applicable laws shall apply. In cases where there is a conflict between provisions found elsewhere in this Ordinance and the standards of this Section, this Section shall supersede unless otherwise noted.

**D.** Standards

**1.** No uses shall be located in an Area of Environmental Concern, as defined by the N.C. Coastal Area Management Act.

**2.** No lot shall be less than one acre in size nor have less than 100 feet in width.

**3.** All operations other than loading or unloading shall be conducted entirely within the building or buildings.

**4.** The sign standards of the RR Districts shall apply.

**5.** The Performance Standards of the C-I District shall apply.

**E.** The more liberal requirements of the underlying Zoning District and of the Overlay Zoning District shall apply in any interpretive construction of this Section.

### 4.8.5. PD: Planned Development

The Planned Development option is outlined in Section 3.3.3 of this Article. PD projects are subject to the approval process in Section 3.1.5 and the site plan requirements outlined in Article 6.

### 4.8.6. TO: Transitional Office

**A.** Purpose

The Transitional Office Overlay is established to allow an orderly transition of land use from residential use to relatively small-scale office use of lots and parcels fronting major roadways, while maintaining a predominantly residential property appearance and building scale.

**B.** Designation of Transitional Office Overlay

**1.** A Transitional Office Overlay may only be established as a zoning map change in accordance with the requirements of Section 3.8, Rezoning.

**2.** A Transitional Office Overlay may only be established in any residential base district, and may be established over more than one residential base district.

**C.** Permitted Uses

**1.** Any use permitted by right, subject to limitations, or through special exception permit in the underlying base districts shall be allowed in the overlay.

**2.** The following uses or use categories shall be permitted in addition to the uses permitted in the underlying residential zoning district:

i. Upper-story residential;

ii. Medical facilities (other than hospitals);

iii. Offices;

iv. Animal hospitals and veterinary clinics (all without outdoor pens or runs). Kennels shall not be permitted in a TO unless they are permitted in the base district;

v. Artist galleries and studios.

3. No retail sales shall be permitted as a primary use in the TO overlay.

### D. Applicability

Th following standards shall apply to all development within a TO overlay district. In addition to the standards contained in this Section, all other provisions in this Ordinance and all other applicable laws shall apply. In cases where there is a conflict between provisions found elsewhere in this Ordinance and the standards of this Section, this Section shall supersede unless otherwise noted.

### E. Development Standards

1. New buildings in the Transitional Office Overlay shall maintain a single-family detached residential appearance and scale. Residential appearance and scale shall expressly include details from residential uses within 150 feet of the overlay area. Such details may include the following features:

   i. Roof type, including extent of eaves, if any;

   ii. Porches or other similar articulation of the front façade;

   iii. Size, pattern and location of windows and doors; and

   iv. Garage or parking location.

2. The underlying district dimensional standards shall be met, except where expressly modified in this paragraph.

   i. The maximum length of a new building shall not exceed 80 feet.

   ii. The maximum floor area of any nonresidential use in the overlay or aggregation of multiple nonresidential uses in a single building shall be 10,000 square feet.

3. All nonresidential activity (except that allowed within a residential district) shall occur within a completely enclosed building.

4. The residential appearance of buildings shall be furthered by the retention of front lawns free of vehicle parking. All off-street parking spaces shall be located no closer to the principal street than the front building line, regardless of any required yard or building setback.

## 4.8.7. (VS) Viewshed Protection Overlay

### A. Intent

1. Brunswick County has numerous waterways, marshes, Carolina Bays, pocosins, and other water courses that contribute to the County's scenic character and serve as a reminder of the important place these water courses hold in the County's history.

2. The water courses are also an important natural resource and amenity to residents of and visitors to Brunswick County, and the scenic views associated with these watercourses are an important attraction to residents and visitors to Brunswick County, which in large part is economically dependent upon tourism.

3. The intent of the Viewshed Protection Overlay is to protect and enhance the scenic character of Brunswick County's riparian areas and water courses, with the broader goal of ensuring the preservation of views from within these scenic areas as well as views of these areas from adjacent lands.

### B. Designation of Viewshed Protection Overlay

1. A Viewshed Protection Overlay may only be established as a zoning map change in accordance with the requirements of Section 3.8, Rezoning.
2. The ordinance adopting the overlay district shall clearly designate the name and geographic limits of the watercourse to be protected (i.e. can't just say Intercoastal Waterway, it must specify the extents of the district along the length of the watercourse).
3. The following watercourses are designated (VS) Viewshed Protection Overlays:

| Watercourse | From | To |
|---|---|---|
| Name | Location | Location |
| Intracoastal Waterway (IWW) | Border with New Hanover County | South Carolina State Line |
| Lockwood Folly River | Genoes Point to Mullet Creek, | To and across the Intracoastal Water to Sheep Island |
| Town Creek | US Hwy 17 | NC 133 |
| Shallotte River | Unincorporated Areas of Brunswick County | |

### C. Applicability

1. Generally, the requirements of this Viewshed Protection Overlay District apply to all structures within 300 feet of the normal high water line of a designated watercourse.
2. However, the Planning Director may waive these requirements for structures related to an industrial use that is located in the RU-I or I-G zoning districts.
3. These requirements shall not apply to water oriented commercial uses (see Section 5.1.4.J).

### D. Development Standards

1. Portions of structures facing a protected watercourse that exceed 50 feet in height shall be set back a minimum of two feet for each additional one foot in height above 50 feet. The Planning Director shall have the authority to determine which portions of a structure are considered to be "facing" the protected watercourse for the purposes of these regulations.
2. With the exception of Water Oriented Commercial Uses (see Section 5.1.4.J), and permitted height obstructions (see Section 5.4.13.C) the maximum height of any structure may not exceed 75 feet.

## 4.8.8. WQP: Water Quality Protection

### A. Purpose and Intent

1. It is the intent of Brunswick County to bolster those regulations of state and federal government as to the unique quality of the water of the Lockwood Folly River associated with naturally occurring shellfish beds.
2. The quality of these defined waters has been affected by such activities as forestry, farming, construction of roads, growth of towns, and rural and suburban residential development, as well as industrial processes associated with the fishing industry.
3. Numerous types of water pollutants have been identified by state studies. No one or even several types or causes of such degradation have been determined as having more impact than any other.
4. The intent of this Water Quality Protection District is to apply a set of regulations for water quality protection, to specifically described areas of land abutting a specifically described water area; which is encompassed by a line drawn to extend across the Lockwood Folly River from Genoe's Point to Mullet Creek, southly to and across the Atlantic Intracoastal Waterway.

**B.** Applicability

1. The requirements and standards of the WQP- Water Quality Protection Overlay shall apply to all lands shown on a special Zoning Overlay Map made a part of this District, whereby all land parcels of public record included are clearly shown. This District includes an area extending 575' landward of the mean high water line, with any lot or parcel falling within such distance being included entirely within this overlay zone.
2. Parcels smaller than one acre in size shall be exempt from the requirements of this Section.
3. Such waters have been defined by the State as being those waters south from a line extending from Genoes Point to Mullet Creek, to and across the Intracoastal Water to Sheep Island.

**C.** Incorporation of Studies by Reference

1. Among the specific studies establishing the WQP District have been the March, 1989 publication entitled "Report on Coastal Resource Waters – Intensive Study," by the Division of Environmental Management, N.C. Department of Natural Resources and Community Development, and the August, 1989, publication entitled "Lockwood Folly River Basin Water Quality Evaluation Report." Those studies are included by reference.
2. The State of North Carolina has concluded the quality of the waters within the boundaries of the District had so declined there could be no assurance the proposed regulations would result in the goal of these waters being open full seasons for shell fishing. The Environmental Management Commission did, under N.C. Administrative Code, Subordinance 2B, Surface Water Standards, Monitoring, Section .0219, Water Quality Management Plans, sub-section (b) establish a defined area of the mouth of this river, as above described, to be protected by a Water Quality Management Plan with specific actions which became effective January 1, 1990, included herein by reference.

**D.** Application Requirements

Applications for all development meeting the applicability requirements in the paragraph above shall require an approved Sedimentation Erosion Control Plan be filed.

**E.** Development Standards

All development within a WQP- Water Quality Protection Overlay shall:

1. Limit the built upon impervious area to no more than 25% of the lot;
2. Provide a buffer zone of at least 30' from any wetland or water line;
3. Limit any structures to being at least 75' from the mean high water line; and
4. Comply with any additional standards imposed by State or Federal regulations.

## 4.9 Voluntary Agricultural District Program

*Commentary: The Voluntary Agricultural District is not an overlay zoning district, and is not implemented in the same was as a zoning district would be.*

### 4.9.1. Authority

The standards and provisions of this Voluntary Agricultural District Program are established pursuant to the authority conferred by N.C.G.S. 106-735 through 106-743 and Chapter 153A.

### 4.9.2. Purpose

The purpose of this Program is to promote the health, safety, rural agricultural values, and general welfare of the county, and more specifically, increase identity and pride in the agricultural community, its way of life, and its importance in preserving the agrarian heritage of the county; encourage the economic and financial health of farming; increase protection from undesirable, non-farm development: and increase the protection of farms from nuisance suits anti other negative impacts on properly managed farms.

### 4.9.3. Initial Participation is Voluntary

Nothing contained within this Section shall require a landowner to initiate participation in the Program. Upon participation in the Program, compliance with the requirements of this Section shall be required to maintain status.

### 4.9.4. Implementation of Program

In order to implement the purposes stated in above, this Program provides for the creation of Voluntary Agricultural Districts (VADs) as follows:

**A.** Application

1. A landowner may apply to participate in the Program by making application to the chairperson of the Advisory Board or a designated staff person. The application shall be on forms provided by the Advisory Board. The application to participate in a VAD may be filed concurrent with the certification for qualifying farmland (see Section 4.9.8).
2. The Advisory Board shall meet within 90 days of receipt of a complete application to render a decision on the application.

**B.** Fees

Applicants wishing to implement (Section 4.9.4), expand (Section 4.9.5), or withdraw (Section 4.9.6) from a VAD shall pay any administrative fees required for the action. A schedule of the required fees shall be available from the Cooperative Extension.

**C.** Criteria for Qualification

A VAD, when initially established, shall contain a minimum of 10 contiguous acres of qualified farmland; or two or more qualified farms which contain a minimum of 10 acres in total and are located within a mile of each other.

**D.** Review and Recommendation

Upon receipt of an application, the chairperson shall forward copies immediately to the following offices for review and comment. Comments, if any, shall be returned to the Advisory Board at least one week prior to the date set for the Advisory Board action on the application.

1. The Brunswick County Tax Assessor;
2. Brunswick County Planning Department;
3. The Brunswick Soil and Water Conservation District office; and
4. The Natural Resources Conservation Service.

**E.** Final Action

Within 90 days of receipt of the application, the Advisory Board shall vote on the application in conformance with Section 2.5.1.C.

**F.** Notification of Decision

The chairperson shall notify the applicant of the Board's decision by first class mail.

**G.** Preservation Agreement

The landowner(s) requesting inclusion in a VAD shall execute a Preservation Agreement with the County to sustain agriculture in the VAD in accordance with this Program. The Agreement shall be in a form which is reviewed and approved by the Agricultural Advisory Board (See Section 2.3).

**H.** Appointment of New Advisory Board Members

The following agencies shall appoint a member from each newly created VAD to represent the District on the Agricultural Advisory Board.

1. Farm Bureau;
2. Cooperative Extension;

3. Soil and Water Conservation District;
4. Farm Service; and
5. One at-large appointed by Agriculture Board.

**I. Appeal of Advisory Board Decision**

If an application is denied by the Advisory Board, the applicant shall have 30 days to appeal the decision to the Board of County Commissioners. Such appeal shall be presented in writing. The decision of the Board of Commissioners shall be final.

### 4.9.5. Expansion of Program

The Agricultural Advisory Board may decrease or increase the number of Voluntary Agricultural Districts as set forth above in "Implementation," above.

### 4.9.6. Withdrawal from Program

**A. By the Owner**

By written notice to the Advisory Board, a landowner of qualifying farmland may revoke a Preservation Agreement.

**B. By the Agricultural Advisory Board**

The Advisory Board may revoke the Agreement based on noncompliance by the landowner.

**C. Effect on Lands No Longer Included in a VAD**

1. Revocation shall result in loss of qualifying farm status, and consequently, loss of eligibility to participate in the Program.
2. Revocation by a landowner of an Agreement shall in no way affect the eligibility of the land to be taxed at its present use value as provided in N.C.G.S. 105-277.2 through N.C.G.S. 105-277.6.

**D. Effect on Lands Remaining in an VAD**

In the event that one or more participants in a VAD withdraw and the remaining acreage becomes less than 10 acres or results in the remaining land being noncontiguous, the VAD will continue to exist so long as there is one qualifying farm located within the District.

### 4.9.7. Renewal

Conservation Agreements shall be deemed automatically renewed for an additional term of ten (10) years, unless either the Advisory Board or the landowner gives written notice prior to the termination date.

### 4.9.8. Certification and Qualification of Farmland

In order for farmland to qualify for participation under the terms of this program, it shall meet the following requirements:

**A.** The farmland shall be real property consisting of at least three acres and not located in a planned development (Major Subdivisions, Planned Unit Developments [PUD], and Planned Groups of Structures) unless the development was originally designed and approved to accommodate agricultural uses and documented on the preliminary plan, site plan, and/or associated plats.

**B.** The property must be engaged in agriculture and defined as a Bona Fide Farm per Article 12 (Definitions) of the Brunswick County Unified Development Ordinance (UDO).

**C.** The property must be managed, if highly erodible land exists on the property, in accordance with the Natural Resources Conservation Service of the United States Department of Agriculture defined erosion-control practices that addresses highly erodible land.

**D.** The property is the subject of a Preservation Agreement, as defined in N.C.G.S. 121-35, between the County and the owner of such land that prohibits non-farm use or development of such land for a period of at least ten years, except for the creation of not more than three lots that meet applicable county

watershed and subdivision regulations, or the regulations of any municipality which apply to the farm property. The property owner may voluntarily revoke this Preservation Agreement by submitting a written request to the Advisory Board in accordance with Section 4.96..

**E.** The property must be located in the unincorporated area of Brunswick County, unless there is an agreement in place with a municipality where the county is authorized to exercise the authority of the municipality on its behalf.

### 4.9.9. Record Notice of Proximity to a VAD

**A.** Procedure

When Brunswick County computerizes its County Land Records System, the following requirements outlined in this subsection shall be implemented and enforced upon certification of qualifying farmland and designation of real property as an VAD District, the title to that qualifying farmland and real property within a VAD which is contained in the Brunswick County Land Records System shall be changed to include a notice reasonably calculated to alert a person researching the title of a particular tract that such tract is located within one-half aerial mile of a VAD District.

*Commentary: With the automation of the Land Records System, research on any tract within ½ aerial mile of an VAD should alert a person of the proximity of the District to the tract being reviewed.*

**B.** Limit of Liability

In no event shall the County or any of its officers, employees, or agents be held liable in damages for any misfeasance, malfeasance, or nonfeasance occurring in good faith in connection with the duties or obligations imposed by this Ordinance.

**C.** No Cause of Action

In no event shall any cause of action arise out of the failure of a person researching the title of a particular tract to report to any person the proximity of the tract to a qualifying farm or VAD as defined in this Ordinance.

### 4.9.10. Education

The County may take such action as it deems appropriate through the Advisory Board or other entities or individuals to promote the purposes and objectives of this Program and encourage the formation of VADs including the implementation of a public information program to reasonably inform landowners of the Program.

### 4.9.11. Abeyance of Water and Sewer Assessments

**A.** Purpose

The purpose of this section is to help mitigate the financial impacts on farmers by some local and State capital investments unused by such farmers.

**B.** Assessment and Abeyance

**1.** Landowners belonging to voluntary agricultural districts shall not be assessed for, or required to connect to, water and/or sewer systems. Water and sewer assessments shall be held in abeyance, without interest, for farms inside a voluntary agricultural district, until improvements on such property are connected to the water or sewer system for which the assessment was made.

**2.** Assessment procedures followed under 0.5. 153A-185 et seq. shall conform to the terms of this article with respect to qualifying farms that entered into preservation agreements while such article was in effect.

**C.** Termination of Abeyance

When the period of abeyance ends, the assessment shall be payable in accordance with the term set out in the assessment resolution.

**D.** Suspension of Statute of Limitations
Statutes of limitations dependent upon the operation of County ordinances are suspended during the time that any assessment is held in abeyance without interest.

**E.** Other Statutory Abeyance Procedures
Nothing in this section is intended to diminish the authority of the County to hold assessments in abeyance under N.C.G.S. 153A-201.

**F.** Conflict with Water and/or Sewer System Construction and Improvement Grants
To the extent that this section conflicts with the terms of Federal, State, or other grants under which county water and/or sewer systems are constructed, this section shall not apply.

### 4.9.12. Advertisement of an Voluntary Agricultural District

The Advisory Board, in cooperation with the County, shall take measures as set forth below to provide notification to property owners, residents, and other interested persons adjoining any designated VAD with a goal of informing all current and potential residents and property owners in and adjoining the District, that farming and agricultural activities may take place in this VAD any time during the day or night.

**A.** Signage
Signs identifying an approved VAD shall be placed by the farmer upon the farmowner's property and outside of the NCDOT right of way.

**B.** Maps
Maps identifying approved VADs shall be provided to the following:

1. North Carolina Cooperative Extension Service;
2. Brunswick County Planning Department;
3. Natural Resources Conservation Service;
4. Soil and Water Conservation District;
5. Brunswick County Tax Department;
6. Register of Deeds; and
7. Any other such agency or office the Advisory Board deems appropriate.

**C.** Public Notice
The following notice provided by the Advisory Board shall be displayed in a prominent position in the office of the Register of Deeds and the public access area in the Brunswick County Tax Department:

NOTICE TO REAL ESTATE PURCHASERS IN
BRUNSWICK COUNTY
**BRUNSWICK COUNTY VOLUNTARY AGRICULTURAL DISTRICT PROGRAM**

Brunswick County has established the Voluntary Agricultural District to protect and preserve agricultural lands and activities within the County.

Voluntary Agricultural Districts have been developed and mapped to inform all purchasers of real property that agricultural activities, including but not limited to: pesticide spraying, manure spreading, machinery and truck operations, livestock operations, sawing, controlled burning, and similar activities may take place in these Districts any time during the day or night.

For more information, contact the North Carolina Cooperative Extension Service.

(910) 253-2610
P.O. Box 429
Bolivia, NC 28422

**D.** Unified Development Ordinance Review

Developers of Major Subdivisions or Planned Unit Developments shall designate on the preliminary development plan(s) and final plat(s), the existence of VAD Districts within a one-half (½) mile radius of the proposed development.

### 4.9.13. Consultation Authority

The Advisory Board may consult with the North Carolina Cooperative Extension Service, the Natural Resources Conservation Service, the North Carolina Department of Agriculture and Consumer Services, and with any other individual agency or organization the Advisory Board deems necessary to properly conduct its business.

### 4.9.14. North Carolina Agency Notification

An official copy of this Program ordinance shall be recorded with the North Carolina Commissioner of Agriculture's office after adoption. At least once a year, the County shall submit a written report to the North Carolina Commissioner of Agriculture and Consumer Services including the status, progress and activities of the County's Voluntary Agricultural District Program to include but not limited to:

**A.** Number of landowners enrolled;

**B.** Number of acres for which applications have been made;

**C.** Number of acres certified;

**D.** Number of acres denied;

**E.** Date acres certified

### 4.9.15. Condemnation of Qualifying Farmland within a VAD

Pursuant to N.C.G.S. 106-740, no public agency or governmental unit may formally initiate any action to condemn any interest in qualifying farmland within a VAD until such agency or unit has requested the Advisory Board to hold a public hearing on the proposed action. The procedures for such hearings shall be as set forth below.

**A.** Schedule Public Hearing

Upon receipt of a request for a public hearing, the Advisory Board shall have 30 days after receiving a request under this article to hold a public hearing and submit its findings and recommendations to the agency that proposed the condemnation. No formal initiation of condemnation may be initiated while the proposed condemnation is properly before the Advisory Board within the time limitations set forth in this Section.

**B.** Advertise Public Hearing

The Advisory Board shall run a notice of the public hearing in a newspaper having general circulation in Brunswick County at least 10 days prior to the date established for the hearing. The notice shall contain the date, time, and place of the hearing and shall provide the name of the agency requesting the hearing and the purpose of the action. The notice shall also indicate the approximate address of the property(ies) under consideration.

**C.** Conduct Public Hearing

**1.** The Advisory Board shall conduct the public hearing and receive information and comments from the agency requesting the condemnation action and the citizens of Brunswick County. Additionally, the Advisory Board shall consider the following:

**i.** Has the need for the project requiring the condemnation been satisfactorily shown by the agency requesting the action?

**ii.** Has a financial impact analysis been conducted by the agency seeking the action?

iii. Have alternatives been considered to the proposed action that are less disruptive to the agricultural activities and farmland base of the VAD within which the proposed action is to take place?

2. The Advisory Board shall invite and allow input by the North Carolina Cooperative Extension Agent, U.S.D.A. Natural Resources Conservation Services, Farm Service Agency Personnel, and may consult with any other individuals, agencies or organizations, public or private, necessary to the Advisory Board's review of the proposed action.

D. Findings and Notification

Within 10 days after the public hearing, the Advisory Board shall make a report containing its findings and be conveyed recommendations regarding the proposed action. The report shall be conveyed to the decision-making body of the agency proposing acquisition and made available to the public for comment.

### 4.9.16. Conflict with Other Ordinances and Statutes

Whenever the provisions of this Program (Section 4.9) conflict with other ordinances of Brunswick County, the provisions of this Program shall govern. Whenever the provisions of any Federal or State statute require more restrictive provisions than are required by this Program, the provisions of such statute shall govern.

### 4.9.17. Amendments to the Voluntary Agricultural District Program

The provisions of this Program (Section 4.9) may be amended from time to time after a public hearing and in consultation with the Advisory Board to the Board of Commissioners. Notice of the hearing shall be sent to program participants by first class mail at least 30 days prior to the hearing.

## 4.10 General Provisions

### 4.10.1. Division of the County into Zoning Districts: Official Zoning Maps

The County is hereby designated in Zoning Districts. The Zoning Districts are shown on the official Zoning Map of Brunswick County, which is a part of this Ordinance.

**4.10.2.** The official Zoning Map may consist of one or more map sheets.

**4.10.3.** The original reproducible map or map sheets comprising the official Zoning Map as well as any successor maps shall be signed by the County Manager and attested by the Clerk to the Board of County Commissioners.

**4.10.4.** In the event of amendment of any Zoning District boundaries set forth on the official Zoning Map, the change shall be certified by the County Manager and attested by the Clerk to the Board of County Commissioners with note as to the amending ordinance number, the date of amendment, and the nature of the change.

## 4.11 Rules for Interpreting District Boundaries

Where uncertainty exists with respect to the boundaries of the Districts as shown on the official Zoning Map, the following rules shall apply:

**4.11.1.** Where District boundaries are indicated as following the center lines of streets, highways, or alleys, such center lines shall be construed to be such boundaries.

**4.11.2.** Where District boundaries are indicated as approximately parallel to the center lines of streets or highways, such District boundaries shall be construed as being parallel to the centerline, and at such distance from the centerline as indicated on the official Zoning Map. If no distance is indicated specifically on the Zoning Map, the scale of the map shall determine.

**4.11.3.** Where District boundaries run to, but do not extend into water areas, and no separate Zoning District is shown over such waters and their minor land areas, they shall be considered to run into such water areas in a straight line, continuing the prevailing direction of the boundary as it approaches water, until they

intersect other District boundaries or the jurisdictional limits. Boundaries which run through water courses, lakes, and other water areas, shall be assumed to be located midway in such water areas, unless otherwise indicated.

**4.11.4.** Where District boundaries are indicated as following platted lot lines, the lot lines shall be construed to be the District boundaries.

**4.11.5.** Where District boundaries divide platted lots or cross unsubdivided property, and where no specific dimensions are indicated on the official Zoning Map, the scale of the official Zoning Map shall control.

**4.11.6.** Where the street or property layout, or other physical features existing on the ground are at variance with the official Zoning Map, or where other uncertainties exist as to interpretation of the official Zoning Map, upon receipt of a written report from the Planning Board, the Board of Adjustment shall interpret the map in such a manner as to carry out the intent and purposes of this Ordinance.

## 4.12 Classification of Areas Under Water and of Areas not Elsewhere Classified

**4.12.1.** All areas within the jurisdiction of the County which are under water and are not shown as included within any district shall be subject to all of the regulations of the District which immediately adjoins the water area. If the water area adjoins two or more Districts, the boundaries of each District shall be construed to extend into the water in a straight line until they meet the boundaries of another District or the jurisdictional limit.

**4.12.2.** All lands within the jurisdiction of Brunswick County which are not under water and are not shown as included within the limits of any district shall be considered to be in the R-7500-Residential District, until otherwise classified by amendment to this Ordinance.

## 4.13 Measurement and Computation

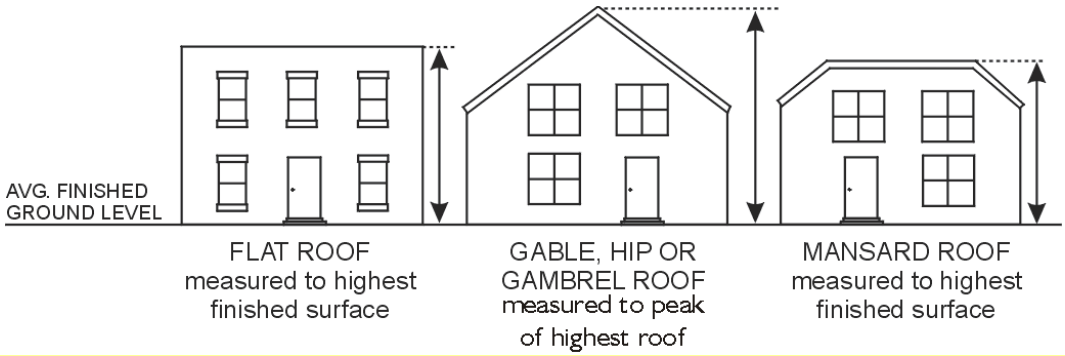
### 4.13.1. Number of Principal Structures Allowed

**A.** Generally, one principal structure is allowed on a lot and the placement of additional principal structures on a lot shall require a Variance (see Section 3.6), except in the Residential Districts.

**B.** Bona Fide Farms shall be exempt or as stipulated under Permitted or Accessory Uses and Structures in the various Zoning Districts.

### 4.13.2. Height

**A.** Height shall be measured from the average of the finished ground level to the highest point of the roof or structure.




*Commentary: Except when located in a Viewshed Overlay, structured parking located under a multifamily building is not included in the total height of the building (see Section 5.3.3.E.2)*

**B.** Any building or structure intended for human occupation exceeding 40 feet in height must obtain approval from the fire marshal prior to the issuance of a building permit. The fire marshal may stipulate

special fire protection measures in accordance with National Fire Protection Association and International Building Code with North Carolina Amendments criteria as a condition of approval of a structure.

### C. Permitted Height Obstructions

The following shall not be considered obstructions and may therefore exceed the maximum height provision otherwise applicable within a district as specified below.

#### 1. In all districts

- **i.** Bona fide farm buildings other than dwelling units or other residential uses;
- **ii.** Chimneys or flues extending not more than ten feet above the roofline.
- **iii.** Steeples, spires, or similar features on places of worship;
- **iv.** Strictly ornamental features such as belfries, parapets, roof screens and widows watches less than four feet in height;
- **v.** Air conditioning units and other mechanical features screened from view by a parapet wall;
- **vi.** Utility poles;
- **vii.** Lightning rods;
- **viii.** Aerials and antennas (not including WTF facilities Section 5.3.4.O); and
- **ix.** Water tanks

#### 2. In all Nonresidential districts

In all nonresidential districts, the following shall be included in the list of obstructions permitted:

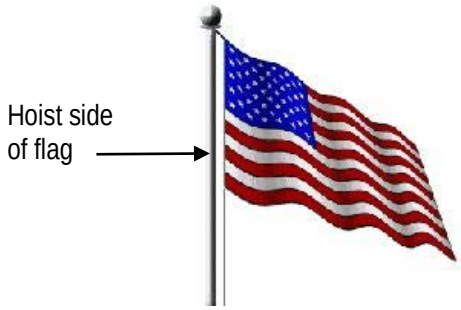
- **i.** Elevator or stair bulkheads, roof water tanks, or cooling towers.
- **ii.** With the exception of wireless communication facilities, other appurtenances usually required to be placed above roof level and not intended for human occupancy.

#### 3. Flags and Flagpoles

- **i.** Descriptions
  - **(a)** The term flag in this section shall mean a piece of fabric or other flexible material solely containing distinctive colors, patterns, standards, words, or emblems used as a symbol of an organization or entity, including but not limited to political jurisdictions, such as the United States.
  - **(b)** Flags displaying a logo, message, statement, or expression relating to commercial interests, and banners otherwise not meeting the definition of a flag shall also conform to all sign regulations in Article 8, Signs.
  - **(c)** Reference to flagpole height refers to vertical flagpoles.
  - **(d)** References to the number of flags and flagpoles and flag dimensions refer to both vertical flagpoles and mast arm flagpoles, such as staffs extending at an angle from a building.
  - **(e)** Reference to flagpole height refers to the distance to the top of the flagpole from the ground.
- **ii.** Requirements
  - **(a)** Except as otherwise provided herein flags shall be displayed on flagpoles.
  - **(b)** In nonresidential zoning districts, flagpoles shall not exceed the maximum height allowed in the zoning district or 70 feet, whichever is less.
  - **(c)** In residential districts, flagpoles shall not exceed 25 feet in height unless a special exception permit (see Section 3.5) is granted by the Board of Adjustment. A fee shall not be charged for a use permit request for a flag in a residential district.
  - **(d)** A vertical flag pole shall be set back from all property boundaries a distance which is at least equal to the height of the pole.

**(e)** The maximum dimensions of any flag shall be proportional to the flagpole height. The hoist side of the flag shall not exceed 20% of the vertical height of the pole. In addition, flags are subject to the following dimensional limitations.

| Pole Height (feet) | Max. Flag Size (square feet) |
|---|---|
| Up to 25 | 24 |
| 25 to 29 | 28 |
| 30 to 34 | 40 |
| 35 to 39 | 60 |
| 40 to 49 | 96 |
| 50 to 59 | 150 |
| 60 to 70 | 216 |




**(f)** Each property shall be allowed a maximum of three flagpoles unless a special exception permit (see Section 3.5) is granted by the Board of Adjustment.

**(g)** A maximum of three flags shall be allowed per flagpole.

**(h)** The flag and flagpole shall be maintained in good repair. A flagpole with broken halyards shall not be used and flags which are torn or frayed shall not be displayed.

**(i)** On United States and North Carolina holidays, there shall be no maximum flag size or number or other limitations on manner of display.

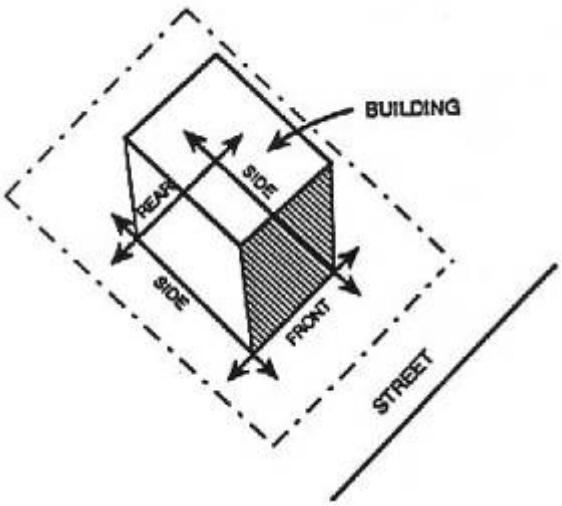
**(j)** This section shall not be interpreted to restrict the right to display eligible flags as banners or noncommercial signage under Article 8, Signs. Flags mounted directly on a building wall shall expressly be considered signs and shall be subject to Article 8, Signs.

### 4.13.3. Ground Floor Elevation

Ground floor elevation shall be measured from top of the fronting sidewalk or roadway to the top of the finished ground floor.

### 4.13.4. Building Width

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




### 4.13.5. Standard Minimum Separation between Buildings

**A.** The minimum required separation between buildings shall be in accordance with the latest edition of the International Building Code with North Carolina Amendments

**B.** Attached buildings shall comply with all requirements for such structures including, but not limited, to, the provision of full firewalls between each independent structure.

### 4.13.6. Building Lines

Building lines are tangent to the exterior surface of a building or structure, parallel to front, side and rear lot lines. These are referred to as front, side and rear building lines, respectively.

# 4.14 Blocks & Lots

## 4.14.1. General

**A.** The lengths, width, and shapes of blocks shall be determined with due regard to; provision of adequate building sites suitable to the special needs of the type of use contemplated; zoning requirements; needs for vehicular and pedestrian circulation; control and safety of street traffic; limitations and opportunities of topography; and convenient access to water areas.

**B.** Generally, blocks shall have sufficient width to allow two tiers of lots of minimum depth except where single tier lots are required to separate residential development from through-vehicular traffic or another type of use in non-residential subdivisions; or where abutting a water area.

**C.** The Planning Board may require the construction of a pedestrian crosswalk at least 15 feet in width to provide convenient public access to a public area such as a park or school, to a water area, or to areas such as shopping centers, religious, or transportation facilities.

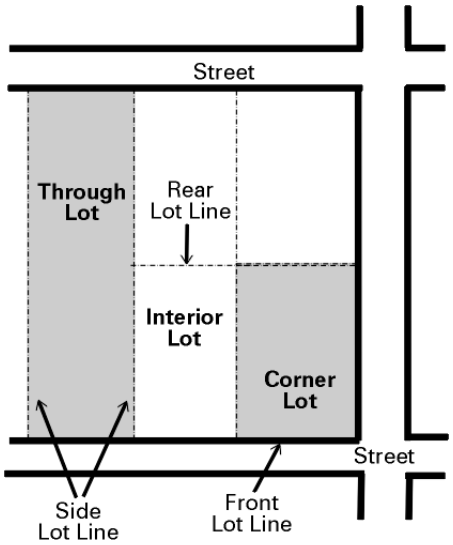
**D.** Block numbers shall conform to the County street numbering system, if applicable.

**E.** Lots in new subdivisions shall conform to dimensional regulations of the district in which the subdivision is located and any other dimensional requirements that may be imposed by additional regulations.

**F.** Double frontage lots should be avoided.

**G.** Lot Type

Within the County, the various types of lots shall be classified as shown in the graphic at right:




**H.** Lot Line Equivalent

The following provisions shall apply in the determination of a lot line equivalent.

**1.** A front lot line equivalent is a straight line joining the foremost points of the side lot lines. In the case of rounded property corners at street intersections, the foremost point of a side lot line shall be assumed to be the point at which the side and the front lot line would have met without such rounding.

**2.** In the case of "through lots" (also referred to as "double frontage lots"), the lot shall be considered to have two front lot lines on each street frontage.

**3.** A rear lot line equivalent is a straight line joining the rearmost points of the side lot lines.

**4.** A side lot line equivalent is a straight line joining the ends of the front yard line and the rear yard line on the same side of the zone lot.

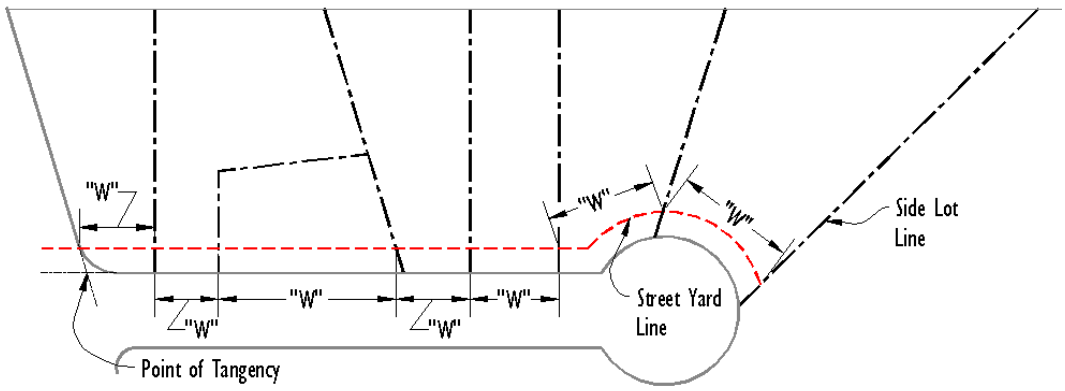
**5.** Flag lots shall be allowed in limited circumstances in conformance with Section 4.14.D.

**I.** Lot Width

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

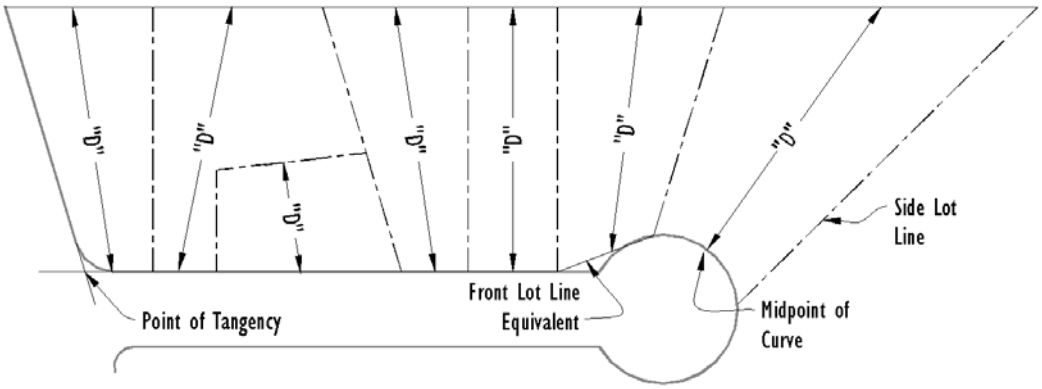
**2.** Except for cul-de-sacs, lot width (where they intersect with street line) may not be less than 80% of the minimum required width for the district. In the case of lots on the turning circle of cul–de–sacs, lot widths may be 50% of district requirements.

*Commentary: In the graphic below, the measurement for lot width is indicated by the "W"*




**J.** Lot Depth

Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in the front and the rear. On corner lots, the street side lot line is considered to extend to the point of tangency with the front lot line. On lots located on the interior of a cul-de-sac, the front most measurement point is assumed to be the midpoint of the curve between the side lot lines.




*Commentary: In the graphic above, the measurement for lot depth is indicated by the "D"*

## 4.14.2. Lot Area

**A.** Lot area refers to the entire horizontal land area of a zone lot, measured in gross square feet. The minimum development area requirements may require a lot larger than the minimum lot area required.

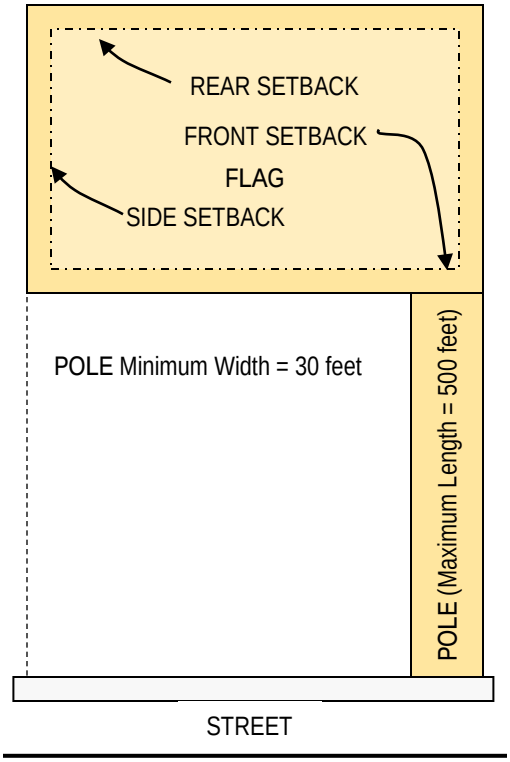
**B.** Minimum lot area shall be exclusive of public right-of-way or private streets.

**C.** In a residential development project, a single remaining lot of record (not allocated to any other dwellings) may be built upon if all other dimensional requirements can be satisfied on the lot. Lots created after May 1, 2007 that do not satisfy the minimum lot area requirements may not be built upon.

**D.** Flag Lots

When there are no other means of access to a parcel, the Planning Director may approve the creation of a flag lot, subject to the following provisions:

1. Access shall be provided to the flag lot by means of an easement with a minimum width of 30 feet along the "pole."
2. The maximum length of the "pole" may not exceed 500 feet.
3. The area inside the "flag" portion of the lot must satisfy the minimum lot area requirements for a conventional development within the underlying zoning district.
4. The flag portion of the flag lot must satisfy the minimum yard requirements of the zoning district.
5. Where applicable, a driveway permit may be required from NCDOT. Failure to obtain a driveway permit shall result in denial of the flag lot.
6. No more than four flag lots may be created from one parent parcel.
7. Up to two flag lots may use the same access "pole" provided a shared access agreement has been recorded on the plat filed with Brunswick County.




**Flag Lot**

## 4.14.3. Density

*Commentary: This includes residential development in nonresidential districts and mixed-use projects.*

**A.** Definition

Density refers to the number of dwelling units per unit of land area. For residential development utilizing the Conventional Development standards (see Section 4.3.3), density is determined by dividing the total area (in acres) of the zone lot by the "development area per dwelling or rooming unit". The entirety of a lot is included in the calculation including, but not limited to, wetlands, ponds and marsh. The maximum density established for a district is not a guarantee that such densities may be obtained, nor, shall the inability of a development to achieve the stated maximum density be considered sufficient justification for varying or otherwise adjusting other density or dimensional requirements.

**B.** Density Transfer

In any instance where a particular development is located in more than one district the density shall be separately computed for each district and no density may be transferred between districts.

## 4.14.4. Yards

**A.** General

1. Every part of a required yard shall be open and unobstructed from 30 inches above the general ground level of the graded lot upward to the sky except as permitted in Section 4.14.4.E, below.
2. Except as may be expressly permitted as part of a Planned Unit Development (Section 4.3.1), no part of a required yard may be included as part of a yard for any other building.
3. Yards or lots in existence prior to May 1, 2007 may not be reduced below the minimum dimensions required by this Ordinance unless specifically exempted by Article 10, Nonconformities.

**B.** Types of Yards

1. There are three types of yards – front, side, and rear.

**2.** On a corner lot, the side yard adjoining a street shall meet the street side yard dimensional requirement. In general, the street side yard shall be the yard on the street with a lower classification. This is not necessarily the street that determines the address of the parcel.

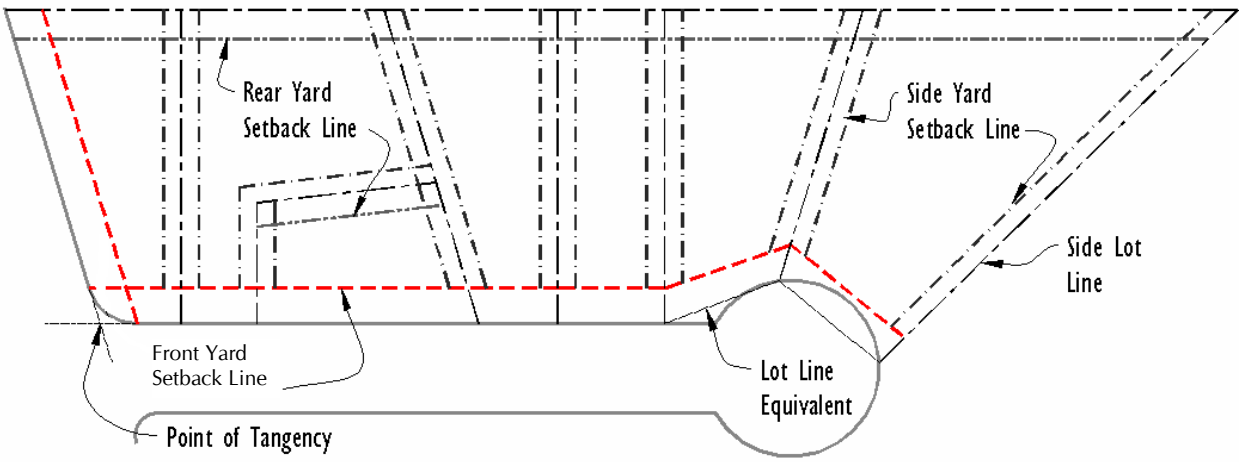
**3.** On a through lot (or double frontage lot), the lot shall have two front yards instead of one front and one rear yard. A front yard shall exist on each portion of the lot fronting on a street.

## C. Measurement of Yards

**1.** The depth of a required yard shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot lines, in the case of rounded property corners at street intersections, shall be the point of tangency of the lot lines.

**2.** The inner edge of the required side yard is parallel to the side lot line.

**3.** The inner edge of the required rear yard is parallel to the rear lot line.




## D. Reduction in Required Front Yard

The minimum required front yard may be decreased if the width of the required buffer is increased by the same amount. See Section 6.3.8, Street Buffers, for standards relating to buffers.

## E. Permitted Obstruction in Required Yards

In all districts, the following shall not be considered obstructions when located within a required yard, except that these items shall not be permitted to violate the provisions of Section 6.15, Clear Site Triangle.

**1.** In any Required Yard:

**i.** Sidewalks, uncovered steps and handicapped access ramps.

**ii.** Off street parking facilities may be located in the required front yard. Off-street parking and loading facilities may not be located in a required buffer.

**iii.** Plantings and vegetation, arbors and trellises, open terraces, including natural plant landscaping.

**iv.** Awnings or canopies projecting up to six feet from a building wall, provided that the awning has no supports other than provided by the wall or its integral part.

**v.** Cornices, eaves, and awnings may extend up to five feet into any required yard, but shall remain at least two feet from the property line, except on zero lot line homes.

**vi.** Bay windows, entrances, balconies, and similar features that are less than ten feet wide may extend up to one and one-half feet into any required yard, but shall remain at least six feet from the property line.

vii. Chimneys projecting not more than three feet into and not exceeding two percent of the area, of the required yard.

viii. Fire escapes or staircases may project no more than eight feet into the required yard.

ix. Directional signs may be installed in conformance with Section 8.7.19.B.

x. Driveways that meet the requirements of this Ordinance.

xi. Flagpoles having only one structural ground member.

xii. Mailboxes.

xiii. Project boundary buffers (See Section 6.3.2.B) and street buffers (See Section 6.3.2.A)

xiv. Fountains, sculpture or other similar objects of art.

xv. Street furniture such as, but not limited to benches, drinking fountains, trash receptacles, ash trays, light standards.

xvi. Retaining walls no more than six feet in height.

xvii. Security gates and guard stations.

xviii. When screened from adjacent residential dwellings, at-grade patios, decks or uncovered terraces may extend up to eight feet into any required front yard.

2. In any Required Front Yard:

i. An accessory solar collector may not exceed six feet (6') in height.

3. In any Required Side or Rear Yard:

i. When screened from adjacent residential dwellings, at-grade patios, decks or uncovered terraces may extend up to four feet into any required side yard, or within ten feet of a rear property line.

ii. Clothes poles or clothes lines associated with residential uses.

iii. Recreational equipment.

iv. Mechanical equipment for residential uses, such as HVAC units, may extend into any required side yard by no more than 50% of the required yard.

v. Off street parking and loading facilities may be located in the required side or rear yard. Off-street parking and loading facilities may not be located in a required buffer.

### 4.14.5. Fractional Requirements

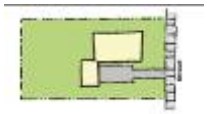
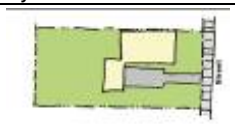
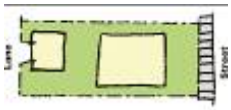
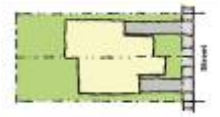
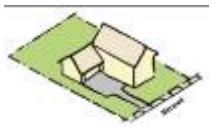
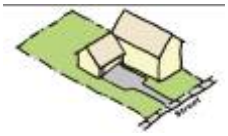
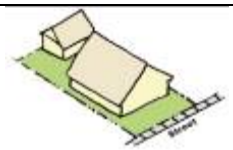
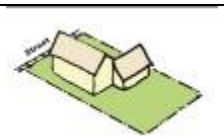
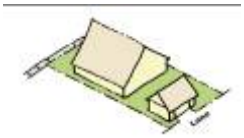
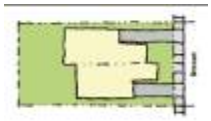
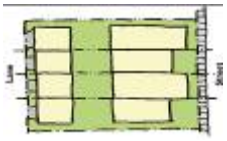
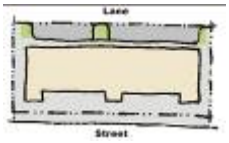
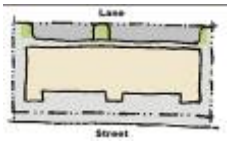
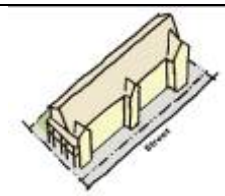
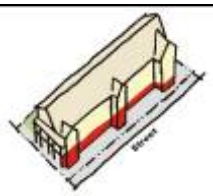
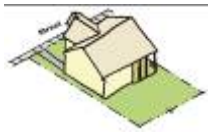
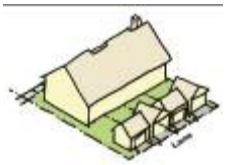
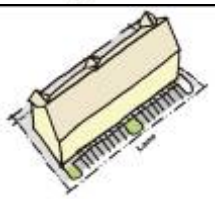
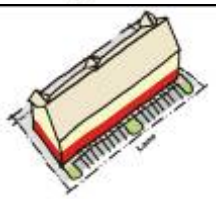
When any requirement of these regulations results in a fraction of a dwelling unit or other measurement, that fraction shall be disregarded and the next highest whole number shall apply.

### 4.14.6. Measurement of Days

Unless specifically stated otherwise, all provisions stating a required number of days shall mean calendar days, inclusive of weekend days.

## 4.15 Housing Types

The following housing types are established to provide a common terminology for housing in the County. All drawings are for illustrative purposes only.

| Single Family Detached | Zero Lot Line | Traditional House | Semi-Attached House |
|---|---|---|---|
| A dwelling unit located on a single lot with private yards on all four sides | A dwelling unit located on a single lot with private yards on three sides. The unit has only a single side yard comprising the equivalent of two side yards of a single-family detached house. | A dwelling unit located on a single lot with private yards on all four sides: however, the house shall be set much closer to the street than a single-family detached house. | Two attached single-family units located on two lots that share a common wall along the lot line, providing for fee-simple ownership. |
|  |  |  |  |
|  |  |  | |
|  | |  | |
| **Duplex** | **Townhouse** | **Multifamily** | **Upper-Story Residential** |
| Two attached dwelling units in a single structure on a single lot. The two units can be located on separate floors or side-by-side. | Three or more attached single-family units located on separately owned lots where the units are lined up in a row and share side walls, individual units can be mixed vertically. | Three or more units in a single structure on a single lot. Multifamily can vary in height from two to four stories (or higher subject to conditions); individual units can be mixed vertically. | A residential dwelling unit located on a floor above a nonresidential use |
|  |  |  |  |
| | |  |  |
|  |  |  |  |

# ARTICLE 5. PERMITTED USES

## 5.1 USE INTERPRETATION

As set forth in the Permitted Use Table (Section 5.2) certain uses are grouped together based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions. Grouping uses provides a systematic basis for assigning uses to appropriate general use districts. Any use not specifically set forth in this Article is expressly prohibited, unless determined otherwise as set forth in Section 5.2.1, Uses not Specifically Listed.

### 5.1.1. Agricultural Uses

**A.** All Agricultural Uses

| AGRICULTURAL USES | | |
|---|---|---|
| Characteristics: Characterized by uses that create or preserve areas intended primarily for the raising of animals and crops, and the secondary industries associated with agricultural production. | | |
| Principal Uses | Accessory Uses | Uses Not included |
| Agri-Business<br>Agricultural industry, including chemical extraction from *bona fide* farm operations and from aquatic plants where production/harvesting of same is permitted by state and federal laws, automated conversion of *bona fide* farm products to materials of use to society<br>Agricultural tourism<br>Animal raising including horses, hogs, cows, sheep, goats, and swine, poultry, rabbits, and other small animals, apiculture, fish hatchery, aquaculture, dairying, personal or commercial animal breeding and development<br>Blacksmith Shops<br>*Bona fide* farm operations<br>Greenhouse or nursery not engaged in retail trade, floriculture, horticulture, pasturage, row and field crops, viticulture, tree or sod farm, silviculture<br>Livestock auction<br>Riding academy or boarding stable | Ancillary indoor storage<br>Animal (including poultry) processing, packing, treating, and storage, provided that these activities are accessory and secondary to normal agricultural activity<br>Associated offices<br>Auction ring<br>Barns, garages, sheds, silos, stables (noncommercial)<br>Docks, noncommercial<br>Home occupations<br>Housing for ranch or farm labor<br>Repair, remodeling, and renovation of vehicles and farm equipment<br>Sales of agricultural products grown or raised on the premises | Animal waste processing (see Waste-Related Service)<br>Commercial feed lots (see Heavy Industrial)<br>Livestock slaughtering (Heavy Industrial)<br>Processing of food and related products (see Heavy Industrial)<br>Solid or liquid waste transfer or composting (see Waste-Related Service)<br>Resource Extraction |

## 5.1.2. Residential Uses

### A. Household Living

| HOUSEHOLD LIVING | | |
|---|---|---|
| Characteristics: Residential occupancy of a dwelling unit by a household for month-to-month or longer basis. | | |
| Principal Uses | Accessory Uses | Uses Not included |
| Congregate care facility where individual units meet the definition of a dwelling unit<br>Mobile Home, Class A or B, mobile home park or subdivision<br>Multifamily, apartment, congregate care facility with individual units that meet the definition of a dwelling unit, or retirement center apartment<br>Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis<br>Single-family detached, zero lot line, traditional house, semi-attached house, duplex, townhouse<br>Upper-story residential<br>Family care home | Accessory dwelling unit, (i.e. granny flats and mother-in-law apartments)<br>Accessory structure<br>Ancillary indoor storage<br>Children's play area or equipment<br>Greenhouse or nursery not engaged in retail trade<br>Home occupation<br>In-house care for six or fewer persons<br>Amenity Center within a multi-family<br>Private garage, barbecue pit, carport, tool or garden shed, storage unit, swimming pool<br>Docks, noncommercial | Bed and breakfast establishment, hotel, motel, inn, extended-stay facility (see Overnight Accommodations)<br>Group Home (see Group Living)<br>Nursing or convalescent house (see Group Living)<br>Residential assisted living facility not having individual dwelling units (see Group Living) |

### B. Group Living

| GROUP LIVING | | |
|---|---|---|
| Characteristics: Residential occupancy of a structure by a group of people that does not meet the definition of Household Living. Tenancy is usually arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents, and the residents may receive care, training, or treatment. | | |
| Principal Uses | Accessory Uses | Uses Not included |
| Boarding house, fraternity, sorority, or orphanage<br>Commercial dorm<br>Group home for the care and treatment of psychiatric, alcohol, or drug problems where patients are residents and up to 12 patients are housed.<br>Group home for the physically disabled, mentally disabled, or emotionally disturbed not considered single-family residence (7 or more residents)<br>Hospice, nursing or convalescent home<br>Monastery, convent<br>Nursing or convalescent house<br>Residential assisted living facility not having individual dwelling units<br>Retirement center or life care community w/o individual dwelling units<br>Rooming house | Ancillary indoor storage<br>Associated offices<br>Food preparation and dining facility<br>Recreational facility | Alternative or post-incarceration facility (see Social Service Facility)<br>Bed and breakfast establishment, hotel, motel, inn, extended-stay facility (see Overnight Accommodations)<br>Congregate care facility where individual units meet the definition of a dwelling unit (see Household Living)<br>Private club or lodge (Private Nonprofit, Civic or Fraternal) (see Indoor Recreation)<br>Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis (see Household Living)<br>Social service facility, soup kitchen, transient lodging or shelter for the homeless (see Social Service Facility) |

### 5.1.3. Public and Civic Uses

**A.** Community Service

| COMMUNITY SERVICE | | |
|---|---|---|
| Characteristics: Uses of a public, nonprofit, or charitable nature providing ongoing education, training, or counseling to the general public on a regular basis, without a residential component. | | |
| Principal Uses | Accessory Uses | Uses Not included |
| Auditorium, civic centers, or exposition centers<br><br>Library<br>Museum<br>Neighborhood arts center or similar community facility (public)<br>Park maintained by residents<br>Philanthropic institution<br>Senior center<br>Union hall | Ancillary indoor storage<br>Associated office<br>Food preparation and dining facility<br>Arts and crafts, day care, therapy area<br>Indoor or outdoor recreation and athletic facility<br>Limited retail sales (internal)<br>Meeting area | Athletic, tennis, swim or health club (see Retail Sales and Service)<br>Church, mosque, synagogue, temple (see Places of Worship)<br>Counseling in an office setting (see Office)<br>Park (see Parks and Open Areas)<br>Private club or lodge (Private Nonprofit, Civic or Fraternal) (see Indoor Recreation)<br>Private community center (see Household Living: Accessory Use)<br>Soup kitchen (see Social Service Facility)<br>Social service facility, soup kitchen, transient lodging or shelter for the homeless (see Social Service Facility)homeless (see Social Service Facility) |

**B.** Day Care

| DAY CARE | | |
|---|---|---|
| Characteristics: Uses providing care, protection, and supervision for more than six children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18 hours each day, although the facility may be open 24 hours each day. | | |
| Principal Uses | Accessory Uses | Uses Not included |
| Adult day-care program<br>Child care center, nursery school, preschool<br>Latch-key program | Associated office<br>Food preparation and dining facility<br>Health, arts and crafts, and therapy area<br>Indoor or outdoor recreation facility | Counseling in an office setting (see Office)<br>In-house day care for 6 or fewer (see Household Living: Accessory Use)<br>On-site school or facility operated in connection with a business or other principal use where children are cared for while parents or guardians are occupied on the premises (see appropriate category under Accessory Use) |

## C. Educational Facilities

| EDUCATIONAL FACILITIES | | |
|---|---|---|
| Characteristics: Public and private (including charter or religious) schools at the primary, elementary, middle, junior high, or high school level that provide basic academic education. Also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree usually in a campus setting. | | |
| Principal Uses | Accessory Uses | Uses Not included |
| Business, truck driving, vocational, trade and other commercial schools<br>College, community college or university<br>Nursing or medical school not accessory to a hospital<br>Public, private and charter schools<br>Seminary | Adult continuing education program<br>Ancillary indoor storage<br>Associated office<br>Auditorium, theater<br>Cafeteria or other food service<br>Day care<br>Dormitory<br>Health facility<br>Housing for students or faculty<br>Laboratory, library<br>Maintenance facility<br>Meeting area<br>Play area, recreational or sports facility<br>Support commercial, internal (college-operated bookstore, for example) | Dance, art, music or photographic studio or classroom (see Retail Sales and Service)<br>Driving schools (see Retail Sales and Service)<br>Martial Arts (see Retail Sales and Service)<br>Preschool or nursery school (see Day Care) |

## D. Government Facilities

| GOVERNMENT FACILITIES | | |
|---|---|---|
| Characteristics: Offices, storage, and other facilities for the operation of local, state, or federal government. | | |
| Principal Uses | Accessory Uses | Uses Not included |
| City, county, state, or federal government office<br>Correctional facilities, jail, prison<br>Emergency services, fire, sheriff or medical station | Ancillary indoor storage<br>Helistop<br>Associated offices<br>Auditorium, meeting room<br>Cafeteria<br>Day care<br>Holding cell, infirmary<br>Limited fueling facility | Educational facility (see Educational Facilities)<br>Maintenance facility (see Light Industrial Service)<br>Parks (see Parks and Open Areas)<br>Solid or liquid waste transfer or composting (see Waste-Related Service)<br>Utilities (see Utilities) |

## E. Medical Facilities

| MEDICAL FACILITIES | | |
|---|---|---|
| Characteristics: Uses providing medical or surgical care to patients. Some uses may offer overnight care. | | |
| Principal Uses | Accessory Uses | Uses Not included |
| Blood plasma donation center<br>Dialysis center<br>Rehabilitation clinic<br>Medical center<br>Medical clinic<br>Medical laboratory<br>Medical office<br>Hospital<br>Urgent care or emergency medical office | Ancillary indoor storage<br>Helistop<br>Associated office<br>Cafeteria<br>Chapel, ancillary worship space<br>Day care<br>Housing for staff or trainees<br>Laboratory<br>Limited internal support retail<br>Maintenance facility<br>Meeting area<br>Out-patient clinic<br>Pharmacy<br>Recreational facility | Exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents (see Social Service Facility)<br>Nursing or medical school not accessory to a hospital (see Educational Facilities) |

## F. Parks and Open Areas

| PARKS AND OPEN AREAS | | |
|---|---|---|
| Characteristics: Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, or community gardens, and having few structures. | | |
| Principal Uses | Accessory Uses | Uses Not included |
| Amenity Center<br>Botanical garden, nature preserve, recreational trail<br>Cemetery, columbaria, mausoleum, memorial park<br>Community center<br>Game preserve, wildlife management area, refuge, wild animal sanctuary, water conservation area<br>Park<br>Playground<br>Reservoir, control structure, drainage well, water supply water well<br>Zoo | Campground (public park only)<br>Concessions<br>Dock, pier or wharf (noncommercial)<br>Indoor or outdoor recreation facility (public)<br>Maintenance facility<br>Play equipment<br>Research or similar lab facilities<br>Single residential unit for caretaker or security purposes<br>Swimming pool, tennis court, ballfield | Campground, private (see Outdoor Recreation)<br>Crematorium (see Light Industrial Service)<br>Firing Ranges (see Indoor or Outdoor Recreation)<br>Golf course, country club (see Outdoor Recreation)<br>Golf driving range, miniature golf facility (see Outdoor Recreation)<br>Private club or lodge (Private Nonprofit, Civic or Fraternal)(see Indoor Recreation)<br>Water park (see Outdoor Recreation)<br>Water tower, tank, standpipe (see Utilities) |

## G. Passenger Terminal

| PASSENGER TERMINAL | | |
|---|---|---|
| Characteristics: Facilities for the takeoff and landing of airplanes and helicopters, and terminals for taxi, rail or bus service. | | |
| Principal Uses | Accessory Uses | Uses Not included |
| Airstrip or airport<br>Bus terminal | Ancillary indoor storage<br>Associated office<br>Concession<br>Freight handling area<br>Fueling facility<br>Limited internal retail<br>Maintenance facility | Park-and-ride facility (see Parking, Commercial)<br>Taxi dispatch center (see Retail Sales and Service) |

## H. Place of Worship

| PLACE OF WORSHIP | | |
|---|---|---|
| Characteristics: Places of assembly that provide meeting areas for religious practice. | | |
| Principal Uses | Accessory Uses | Uses Not included |
| Church, mosque, synagogue, or temple | Ancillary indoor storage<br>Associated office<br>Columbaria, memorial garden<br>Day care<br>Food services, dining area<br>Meeting room/classroom for meetings or classes not held on a daily basis<br>Staff residence located on-site | Athletic, tennis, swim or health club (see Retail Sales and Service)<br>Educational Facility (see Educational Facilities)<br>Neighborhood arts center or similar community facility, public (see Community Service)<br>Private community center (see Household Living: Accessory Use)<br>Revival or gospel tent (see Temporary Uses)<br>Senior center (see Community Service)<br>Social service facility (see Social Service Facility)<br>Treatment center, transient lodging, shelter for the homeless (see Social Service Facility) |

## I. Social Service Facility and Emergency Shelter

| Social Service Facility and Emergency Shelter | | |
|---|---|---|
| Characteristics: Uses that primarily provide treatment of those with psychiatric, alcohol, or drug problems, and transient housing related to social service programs. | | |
| Principal Uses | Accessory Uses | Uses Not included |
| Alternative or post-incarceration facility, exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents and more than 12 patients are housed<br>Emergency shelter<br>Social service facility, soup kitchen, transient lodging or shelter for the homeless | Adult educational facility<br>Ancillary indoor storage<br>Associated office<br>Day care<br>Food services and dining area<br>Meeting room<br>Staff residences located on-site | Cemetery, columbarium, mausoleum, memorial park (see Parks and Open Areas)<br>Congregate care facility with individual units that meet the definition of a dwelling unit (see Household Living)<br>Educational facility (see Educational Facilities)<br>Group home for the physically disabled, mentally disabled, or emotionally disturbed that are not considered single-family residences (see Group Living)<br>Philanthropic institution (see Community Service)<br>Residential assisted living facility without individual dwelling units (see Group Living) |

## J. Utilities

| UTILITIES | | |
|---|---|---|
| Characteristics: Public or private infrastructure serving a limited area with no on-site personnel (Minor Utility) or the general community and possibly having on-site personnel (Major Utility). | | |
| Principal Uses | Accessory Uses | Uses Not included |
| Major Utilities:<br>Solar Farm<br>Waste treatment plant, water tower or tank, standpipe, water treatment facility, water reclamation facility<br>Wind Farm<br>Minor Utilities:<br>AM/FM/TV/HDTV broadcast facility<br>Electrical substation<br>Gasmeter and regulator stations<br>Telephone exchange, water or wastewater pump station<br>Wireless Communication Facility | Control, monitoring, data or transmission equipment<br>Associated storage<br>Solar Collector (Accessory)<br>Wind Energy Generator Accessory | Maintenance yard or building (see Light Industrial Service)<br>Utility office (see Office)<br>TV and radio studio (see Office)<br>Reservoir or water supply (see Parks and Open Areas)<br>Energy generating facility (see Heavy Manufacturing) |

## 5.1.4. Commercial Uses

### A. Funeral Home

| Funeral Home | | |
|---|---|---|
| Characteristics: An establishment used primarily for human funeral services. | | |
| Principal Uses | Accessory Uses | Uses Not included |
| Funeral home<br>Crematorium | Ancillary indoor storage<br>Associated offices<br>Equipment and vehicle storage<br>Facilities on the premises for embalming, performance of autopsies or other surgical procedures | Cemetary, or columbarium<br>Memorial park (see Parks and Open Areas) |

### B. Indoor Recreation

| INDOOR RECREATION | | |
|---|---|---|
| Characteristics: Generally commercial uses, varying in size, providing daily or regularly scheduled entertainment-oriented activities in an indoor setting. | | |
| Principal Uses | Accessory Uses | Uses Not included |
| Adult entertainment<br>Athletic, tennis, swim or health club<br>Bar, nightclub, or tavern<br>Bowling alley, game arcade, pool hall, skating rink<br>Gymnastic facility, indoor sports academy<br>Indoor firing range<br>Private club or lodge (Private Nonprofit, Civic or Fraternal)<br>Movie or other theater | Ancillary indoor storage<br>Associated office<br>Concessions<br>Food preparation and dining area<br>Pro shop or sales of goods related to the on-site activities of the specific use | Outdoor entertainment (see Outdoor Recreation) |

## C. Outdoor Recreation

| OUTDOOR RECREATION | | |
|---|---|---|
| Characteristics: Commercial uses, varying in size, providing daily or regularly scheduled recreation or entertainment-oriented activities. Such activities may take place outdoors or within a number of structures. | | |
| Principal Uses | Accessory Uses | Uses Not included |
| Athletic, tennis, swim or health club<br>Campground, summer camp, recreational vehicle (RV) park<br>Commercial stables<br>Drive-in theater<br>Firing range such as rifle range, archery range, handgun, or skeet shooting<br>Golf course, country club, swim club, tennis club<br>Hunting/fishing camp, dude ranch<br>Outdoor entertainment activity such as batting cage, golf driving range, amusement park, miniature golf facility, swimming pool, tennis court or water park<br>Paintball<br>Skateboard or BMX bicycle park<br>Stadium or arena, commercial amphitheater, ballfield | Ancillary indoor storage<br>Associated offices<br>Caretaker or security person housing<br>Classroom<br>Clubhouse<br>Concessions<br>Day care facility<br>Equipment storage<br>Food preparation or dining area<br>Maintenance facility<br>Pro shop or sales of goods related to the on-site activities of the specific use<br>Rain shelter | Botanical garden, nature preserve (see Parks and Open Areas)<br>Indoor recreational facility (see Indoor Recreation)<br>Marina, boating facility (see Water Oriented Commercial Uses) |

## D. Overnight Accommodation

| OVERNIGHT ACCOMMODATIONS | | |
|---|---|---|
| Characteristics: Residential units arranged for short term stays of less than 30 days for rent or lease. | | |
| Principal Uses | Accessory Uses | Uses Not included |
| Hotel, motel, inn, extended-stay facility, bed and breakfast establishment<br>Residency or Single Room Occupancy Hotel<br>Retreat center | Ancillary indoor storage<br>Associated offices<br>Food preparation and dining facility<br>Laundry facility<br>Meeting facility<br>Off-street parking<br>Recyclable material storage (temporary)<br>Swimming pool, other recreational facility | Campground, private (see Outdoor Recreation)<br>Hunting/fishing camp, dude ranch (see Outdoor Recreation)<br>Patient overnight accommodations (see Medical Facilities)<br>Transient lodging, shelter for the homeless (see Social Service Facility)<br>Recreational vehicle (RV) park (see Outdoor Recreation) |

## E. Commercial Parking

| PARKING, COMMERCIAL | | |
|---|---|---|
| Characteristics: Facilities that provide parking not accessory to a specific use for which a fee may or may not be charged. | | |
| Principal Uses | Accessory Uses | Uses Not included |
| Park-and-ride facility<br>Short- or long-term stand-alone parking facility | Structure intended to shield parking attendants from the weather | Bus barn (see Warehouse and Freight Movement)<br>Sale or servicing of vehicles (see Vehicle Sales and Service) |

## F. Restaurants

| RESTAURANTS | | |
|---|---|---|
| Characteristics: Establishments that prepare and sell food for on- or off-premise consumption. | | |
| Principal Uses | Accessory Uses | Uses Not included |
| Restaurant, fast-food restaurant, pizza delivery facility, drive-in, yogurt or ice cream shop<br>Restaurant with alcohol sales. | Ancillary indoor storage<br>Associated offices<br>Deck, patio for outdoor seating or dining<br>Drive-through facility<br>Valet parking facility | Bar, nightclub, or tavern (see Indoor Recreation) |

## G. Retail Sales and Service

| RETAIL SALES AND SERVICE | | |
|---|---|---|
| Characteristics: Companies or individuals involved in the sale, lease or rental of new or used products, or providing personal services or repair to the general public. | | |
| Principal Uses | Accessory Uses | Uses Not included |
| Sales-Oriented:<br>Convenience store (with or without gas sales)<br>Drive-through facility<br>Store selling, leasing or renting consumer, house, and business goods including alcoholic beverages, antiques, appliances, art supplies, baked goods, bicycles, books, cameras, floor coverings, crafts, clothing, computers, dry goods, electronic equipment, flowers, furniture, garden supplies, gasoline, gifts, groceries, hardware, home improvement, household products, jewelry, medical supplies, musical instruments, outdoor farmers market, pets, pet supplies, pharmaceuticals, photo finishing, picture frames, plants, printed materials, produce, sporting goods, stationery, tobacco and related products, vehicle parts, and videos<br>Personal Service-Oriented:<br>Art, music, or dance, gallery or studio<br>Athletic, tennis, swim or health club<br>Bulk mailing service<br>Catering facility (small-scale)<br>Driving schools<br>Laundry drop-off facility, Laundromat<br>Martial Arts<br>Hair, nail, tanning, massage therapy<br>Photocopy, blueprint, and quick-sign service<br>Psychic or medium<br>Security service<br>Tailor, milliner, upholsterer<br>Taxi dispatch center<br>Taxidermist<br>Veterinary clinic, animal hospital or kennel<br>Urgent care or emergency medical office<br>Repair-Oriented:<br>Appliance, bicycle, canvas product, clock, computer, gun, jewelry, locksmith, musical instrument, office equipment, radio, shoe, television or watch repair | Ancillary indoor storage<br>Associated offices<br>Food preparation and dining area<br>L.P. gas filling facility with storage capacity ≤ 1,000 gallons (aggregate)<br>Manufacture or repackaging of goods for on-site sale<br>Public recycling drop-off site<br>Residential unit for security purposes (single unit)<br>Storage of goods | Adult videos (see Indoor Recreation)<br>Any use that is potentially dangerous, noxious or offensive to neighboring uses in the district or those who pass on public ways by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception, radiation or any other likely cause (see Heavy Industrial)<br>Car wash (see Vehicle Sales and Service)<br>Crematorium (see Light Industrial)<br>Large-scale catering (see Light Industrial Service)<br>Laundry or dry-cleaning plant (see Light Industrial Service)<br>Repair or service of motor vehicles, motorcycles, RVs, boats, and light and medium trucks (see Vehicle Sales and Service)<br>Restaurant (see Restaurants)<br>Sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures (see Wholesale Trade) |

## H. Self Service Storage

| SELF-SERVICE STORAGE | | |
|---|---|---|
| Characteristics: Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property. | | |
| Principal Uses | Accessory Uses | Uses Not included |
| Mini-warehouse<br>Multi-story enclosed storage facility<br>Storage garage | Associated office<br>Outside storage of boats and campers<br>On-site recycling facility<br>Residential unit for security purposes (single unit) | Rental of light or medium trucks (see Vehicle Sales and Service)<br>Storage area used as manufacturing use (see Light Industrial Services)<br>Storage area used for sales, service, and repair operations (see Retail Sales and Service)<br>Transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred (see Warehouse and Freight Movement) |

## I. Vehicle Sales and Service

| VEHICLE SALES AND SERVICE | | |
|---|---|---|
| Characteristics: Direct sales of and service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles. | | |
| Principal Uses | Accessory Uses | Uses Not included |
| Car wash<br>Mobile housing sales<br>Vehicle sales, rental, or leasing facilities (including passenger vehicles, motorcycles, trucks, boats, and other recreational vehicles)<br>Vehicle service; including alignment shop, auto body shop, auto paint facility, auto upholstery shop, towing service<br>Vehicle service, limited; including auto detailing, auto repair, battery sales and installation, fuel sales (other than with a convenience store), quick lubrication facilities, tire sales and mounting | Ancillary indoor storage<br>Associated offices<br>Incidental sale of parts<br>Single-bay, automatic car wash<br>Towing<br>Vehicle fueling<br>Vehicle storage | Convenience store with gasoline sales (see Retail Sales and Service)<br>Retail sale of farm equipment and machinery and earth moving and heavy construction equipment (see Heavy Industrial)<br>Vehicle parts sale as a principal use (see Retail Sales and Service) |

### J. Water Oriented Commercial Uses

| WATER ORIENTED COMMERCIAL USES | | |
|---|---|---|
| Characteristics: Commercial and manufacturing uses that require direct access to water. | | |
| Principal Uses | Accessory Uses | Uses Not included |
| Boat repair and manufacture as a principal use<br>Commercial marina<br>Seafood processing and canning<br>Storage of boats (dry or wet)<br>Commercial docks | Selling, leasing or rental of covered or uncovered boat slips or dock space, dry storage space, boats and boat motors, marine fuel and lubricants, bait and fishing equipment<br>Repair and maintenance of boats and boat motors (as an accessory use)<br>Small boat hauling or launching facilities | Water park (see Outdoor Recreation)<br>Private docks accessory to a principal residential or commercial use |

## 5.1.5. Office Uses

### A. All Office Uses

| OFFICE USES | | |
|---|---|---|
| Characteristics: Activities conducted in an office setting and focusing on business, government, professional, medical or financial services. | | |
| Principal Uses | Accessory Uses | Uses Not included |
| Advertising office, business management consulting, data processing, financial business such as lender, investment or brokerage house, collection agency, real estate or insurance agent, professional service such as lawyer, accountant, bookkeeper, engineer, architect, sales office, travel agency, business incubator<br>Bank<br>Conference center<br>Counseling in an office setting<br>Government office<br>Medical, dental office<br>TV or radio studio<br>Utility office | Ancillary storage<br>Cafeteria<br>Day care<br>Health facility<br>Helistop<br>Meeting room<br>On-site day care, school or facility where children are cared for while parents or guardians are occupied on the premises<br>Other amenity for the use of on-site employees<br>Internal support retail<br>Restaurants (without drive through) | Contractor or others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site (see Light Industrial Service)<br>Office/warehouse (see Warehouse and Freight Movement)<br>Research, testing, and development laboratory (see Light Industrial Service)<br>Urgent care or emergency medical office (see Retail Sales and Service)<br>Retreat center (see Overnight Accomodation) |

## 5.1.6. Industrial Uses

### A. Heavy Industrial

| HEAVY INDUSTRIAL | | |
|---|---|---|
| Characteristics: Firms involved in research and development activities without light fabrication and assembly operations; limited industrial/manufacturing activities. The uses emphasize industrial businesses, and sale of heavier equipment. Factory production and industrial yards are located here. Sales to general public limited. | | |
| Principal Uses | Accessory Uses | Uses Not included |
| Animal processing, fats and oils, packing, treating, and storage, livestock slaughtering, canned, cured, or frozen fish<br>Asphalt plant<br>Commercial feed lots<br>Concrete, cut stone, and clay products manufacturing plant<br>Energy generating facility<br>Furniture manufacturing and woodworking facilities<br>Hazardous or low-level nuclear material disposal<br>Heavy construction contractors operations<br>Heavy equipment repair<br>Livestock slaughtering<br>Manufacture of aircraft and aircraft parts, boats, yachts, and ships, small arms ammunition, animal feeds, including dog and cat, alcoholic beverage products, asbestos, abrasive, or related products, batteries, floor coverings other than carpet,<br>Metal coating and engraving<br>Motor vehicle assembly<br>Paper products, coating and laminating, pulp and paper mills<br>Petroleum and related products, tires and inner tubes<br>Processing of food and related products<br>Production of chemical, paints, and allied products, rubber, leather and tanning, clay, bone, plastic, stone, or glass materials or products, production or fabrication of metals or metal products including coating, enameling, engraving, and galvanizing, sawmill or planing mill<br>Railroad freight yard<br>Sale of farm equipment and machinery and earth moving and heavy construction equipment<br>Surface active agents<br>Tobacco products<br>Wood products other than containers<br>Wrecking, junk or salvage yard (including vehicle or mobile home salvage), major demolition debris landfill, scrap and waste industries | Aircraft and Boat Sales (as an Accessory Use to an Aircraft or Boat Manufacturing Facility only)<br>Associated offices<br>Automobile and Light Truck Sales and Rentals (as an Accessory Use to a vehicle wrecking, junk or salvage yard only)<br>Cafeteria<br>Product repair<br>Repackaging of goods<br>Retail Sales<br>Warehouse, storage | Animal waste processing (see Waste-Related Service)<br>Repair and service of motor vehicles, motorcycles, RVs, boats, and light and medium trucks (see Vehicle Sales and Service)<br>Store selling, leasing, or renting consumer, house, and business goods (see Retail Sales and Service) |

## B. Light Industrial

| Light Industrial | | |
|---|---|---|
| Characteristics: Firms engaged in the manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. | | |
| Principal Uses | Accessory Uses | Uses Not included |
| Building, heating, plumbing, or electrical contractor, contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site<br>Catering facility, large-scale<br>Clothing or textile manufacturing<br>Commercial bakery<br>Contractor's office and storage operations<br>Crematorium<br>Equipment rental<br>Exterminator<br>Janitorial and building maintenance service<br>Heavy equipment repair<br>L.P. gas filling facility with storage capapcity > 1,000 gallons (aggregate)<br>Laundry, dry-cleaning, and carpet cleaning plants<br>Maintenance yard or facility<br>Manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items or electrical items, and toys<br>Movie production facility<br>Photo-finishing laboratory<br>Printing, publishing, and lithography<br>Production of artwork<br>Repair of scientific or professional instruments, electric motors<br>Regional recycling center<br>Sheet metal shop<br>Sign-making<br>Soft drink bottling<br>Storage area used for manufacturing<br>Welding, machine, tool repair shop<br>Woodworking, including cabinet makers and furniture manufacturing | Accessory medical clinic<br>Ancillary indoor storage<br>Associated office<br>Cafeteria<br>Day care<br>Employee recreational facility<br>L.P. gas filling facility with storage capacity ≤ 1,000 gallons (aggregate)<br>On-site repair facility<br>Residential unit for security purposes (single unit)<br>Retail Sales and Service | Manufacture and production of goods from composting organic material (see Waste-Related Service)<br>Outdoor storage yard (see Warehousing and Freight Movement)<br>Sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures (see Wholesale Trade)<br>Small-scale catering establishments (see Restaurants) |

## C. Research and Development

| RESEARCH AND DEVELOPMENT | | |
|---|---|---|
| Characteristics: Firms engaged in the fields of research and development. Few customers, especially the general public, come to the site. | | |
| Principal Uses | Accessory Uses | Uses Not included |
| Research, testing, and development laboratory, pilot plant, prototyping<br>Research-related manufacturing | Accessory medical clinic<br>Ancillary indoor storage<br>Associated office<br>Cafeteria<br>Day care<br>Employee recreational facility<br>Major utilities, such as water towers and electrical substations<br>On-site repair facility<br>Outdoor storage, storage of hazardous and nuclear materials, incinerators, warehousing and employee retail and service facilities<br>Residential unit for security purposes (single unit) | Sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures (see Wholesale Trade)<br>Small-scale catering establishments (see Restaurants) |

## D. Resource Extraction

| RESOURCE EXTRACTION | | |
|---|---|---|
| Characteristics: Characterized by uses that extract minerals and other solids and liquids from land | | |
| Principal Uses | Accessory Uses | Uses Not included |
| Drilling for oil or natural gases<br>Extraction of sand, gravel or minerals, borrow pit<br>Mining, Class I<br>Mining, Class II<br>Quarries | Ancillary indoor storage<br>Associated offices<br>Equipment storage | Solid or liquid waste transfer or composting (see Waste-Related Service)<br>Stockpiling of sand, gravel, or other aggregate materials (See Warehouse and Freight movement) |

## E. Warehouse and Freight Movement

| WAREHOUSE AND FREIGHT MOVEMENT | | |
|---|---|---|
| Characteristics: Firms involved in the storage or movement of goods for themselves or other firms. Goods are delivered to other firms or the final consumer with little on-site sales activity to customers. | | |
| Principal Uses | Accessory Uses | Uses Not included |
| Bulk storage, including nonflammable liquids, feed and grain storage, cold storage plants, including frozen food lockers, household moving and general freight storage, separate warehouse used by retail store such as furniture or appliance store<br>Bus barn<br>Outdoor storage yard<br>Parcel services<br>Stockpiling of sand, gravel, or other aggregate materials<br>Transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred | Ancillary indoor storage<br>Associated office<br>Cafeteria<br>Daycare<br>Employee recreational facility<br>L.P. gas filling facility with storage capacity ≤ 1,000 gallons (aggregate)<br>Outdoor storage yard<br>Residential unit for security purposes (single unit)<br>Truck fleet parking and maintenance area | Bulk storage of flammable liquids with a capacity greater than 1,000 gallons aggregate (see Heavy Industrial)<br>Contractor's office and storage operations (see Light Industrial)<br>Mini-warehouse, multi-story enclosed storage facility, storage garages (see Self-Service Storage)<br>Solid or liquid waste transfer or composting (see Waste-Related Service) |

## F. Waste Related Service

| WASTE-RELATED SERVICE | | |
|---|---|---|
| Characteristics: Characterized by uses that receive solid or liquid wastes from others for transfer to another location and uses that collect sanitary wastes or that manufacture or produce goods or energy from the composting of organic material. | | |
| Principal Uses | Accessory Uses | Uses Not included |
| Animal waste processing<br>Landfill (including Construction and Demolition), incinerator, non-hazardous private solid waste disposal<br>Composting and manufacture and production of goods from composting organic material<br>Recyclable material storage, including construction material<br>Recycling center<br>Solid or liquid water transfer or composting<br>Transfer station | Ancillary indoor storage<br>Associated office<br>Off-street parking<br>On-site refueling and repair<br>Recycling of material<br>Repackaging and shipment of by-products | Stockpiling of sand, gravel, or other aggregate materials (see Warehouse and Freight Movement) |

### G. Wholesale Trade

| WHOLESALE TRADE | | |
|---|---|---|
| Characteristics: Firms involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer. | | |
| Principal Uses | Accessory Uses | Uses Not included |
| Mail-order house<br>Sale of ammunition, animals, and animal products agricultural chemicals, pesticides or fertilizers, chemicals and allied products, grain and field beans, livestock, lumber and other construction materials, construction and mining machinery, farm and garden machinery, minerals, petroleum and petroleum products resins, restaurant equipment, and store fixtures, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies,<br>Wholesaling of food, clothing, auto parts, and building hardware | Accessory medical clinic<br>Ancillary indoor storage<br>Associated offices<br>Cafeteria<br>Day care<br>Minor fabrication services<br>Product repair<br>Repackaging of goods<br>Residential unit for security purposes (single unit)<br>Warehouse | Store selling, leasing, or renting consumer, house or business goods, wholesale club (see Retail Sales and Service)<br>Warehouse, freight movement (see Warehouse and Freight Movement)<br>Warehouse or wholesale club (see Retail Sales and Service)<br>Major demolition debris landfill, scrap and waste industries (see Heavy Industrial) |

## 5.1.7. Outdoor Lodging

### A. All Outdoor Lodging

| Outdoor Lodging | | |
|---|---|---|
| Characteristics: Commercial or not-for-profit parcels on which seasonal facilities are provided for all or any of the following: camping in tents, recreational vehicles or cabins, picnicking, boating, fishing, swimming, outdoor games and sports, and activities. | | |
| Principal Uses | Accessory Uses | Uses Not included |
| Campground, summer camp, recreational vehicle (RV) park<br>Nude campground<br>Outdoor RV Resort | Ancillary indoor storage<br>Associated offices<br>Caretaker or security person housing<br>Clubhouse<br>Concessions<br>Equipment storage<br>Food preparation or dining area<br>Maintenance facility<br>Rain shelter | Botanical garden, nature preserve (see Parks and Open Areas)<br>Indoor recreational facility (see Indoor Recreation)<br>Marina, boating facility (see Water Oriented Commercial Uses)<br>Mobile home park or subdivision(see Household Living)<br>Golf, golf driving ranges, miniature golf<br>Mechanical amusement devices<br>Permanent housing facilities for guests |

## 5.2 USE TABLE

| Key to Permitted Use Table | |
|---|---|
| Permitted | A"P" in the use table indicates that a use is permitted by right in the respective district. Such uses are also subject to all other applicable requirements of this Ordinance. |
| Limited | An "L" in the use table indicates that a use may be permitted administratively, subject to additional limited use standards contained in Section 5.3, Limited Use Standards. The applicable limited use standards are cross-referenced in the far right column of the use table. Such uses are subject to all other applicable requirements of this Ordinance. |
| SUP | An "SUPA" indicates a use that may be permitted in the respective district only where approved by the Zoning Board of Adjustment in accordance with Section 3.5 Special Use Permit. An "SUP" indicates a use that may be permitted in the respective district only where approved by the Planning Board in accordance with Section 3.5. Uses requiring Special Use Permits are subject to all other applicable requirements of this chapter, including the additional limited use standards contained in Section 5.3, Limited Use Standards, except where such use standards are expressly modified by the approving authority as part of the Special Use Permit approval. |
| Blank Cell | Not allowed. |
| "Standards" | Cross-reference to any use standard listed in Section 5.3, Limited Use Standards. Where no cross-reference is shown, no additional use regulations shall apply. |

### 5.2.1. Uses Not Specifically Listed

**A.** Any use not specifically listed in this chapter is expressly prohibited, unless the Planning Director determines in accordance with Section 9.7, Written Interpretation, that the use is similar to a permitted individual use or permitted group of uses as listed in this Article. Where such similar permitted individual use or permitted group of uses is subject to a limited use standard contained in this Article or special exception review, the proposed use shall also be subject to such standard or approval. The Planning Director shall not amend this chapter by adding to or eliminating any use standard for the proposed use.

**B.** Where a use not listed is found by the Planning Director not to be similar to any other permitted individual use or permitted group of uses, the use shall be permitted only following a text amendment in accordance with Section 3.7, Ordinance Text Amendment. The decision of the Planning Director may be appealed to the Board of Adjustment.

**C.** When considering the appropriate districts for a use not listed in the Permitted Use Table, the district intent statements (see Article 4, Zoning Districts) shall be taken into consideration.

**D.** Determination of an appropriate group of uses for a proposed use not currently listed shall be made by applying the following criteria.

1. The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category.
2. The relative amount of site area or floor space and equipment devoted to the activity.
3. Relative amounts of sales from each activity.
4. The customer type for each activity.
5. The relative number of employees in each activity.
6. Hours of operation.
7. Building and site arrangement.
8. Types of vehicles used and their parking requirements.

9. The relative number of vehicle trips generated.
10. Signs.
11. How the use is advertised.
12. The likely impact on surrounding properties.
13. Whether the activity is likely to be found independent of the other activities on the site.

### 5.2.2. Developments with Multiple Principal Uses

**A.** When all principal uses of a development fall within one use category (see Section 5.1, Use Interpretation) the entire development shall be assigned to that use category.

**B.** When the principal uses of a development fall within different group of uses or no group of uses, each principal use shall be classified in the applicable group of uses or treated as an individual use and each use shall be subject to all applicable regulations for that group of uses or individual use.

**C.** A development comprised of uses regulated by separate rows on the Permitted Use Table shall be reviewed using the most restrictive process from among the proposed uses.

*Commentary: If a proposed development includes a gas station, library and a restaurant, including outparcels, and one of those uses is only permitted as a special exception in the district, then the entire development requires special exception review.*

**D.** Where a use requiring approval as a limited use or a special exception lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to review, not the entire project. However, where the separate legal parcel is an outparcel, the application shall describe the relationship of the outparcel to the remaining site.

*Commentary: For example, where a vehicle repair shop in a C-LD District (subject to special exception review) is an outparcel within a larger retail development, the special exception shall review the outparcel only – not the entire development. However, where a special exception is proposed in a building that contains a variety of other uses, the entire building and its associated parcel(s) of land shall require special exception review.*

**E.** Multiple dwellings as principal uses on a single parcel shall be subject to Section 5.4.3.

### 5.2.3. Use Table

The following principal uses are permitted by right, permitted subject to limited use standards, or permitted subject to a Special Use Permit. See Section 4.8.2 for Conditional Zoning option.

| Use Grouping | Use | RR | R-7500 | R-6000 | SBR-6000 | MR-3200 | C-LD | N-C | C-I | RU-I | I-G | CP | Standards |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| KEY: Blank Cell = Not Allowed; "P" = Permitted; "L" = Limited Use Standards (Section 5.3); "SUP" = Special Use Permit | | | | | | | | | | | | | |
| Agricultural | | | | | | | | | | | | | |
| Agricultural (5.1.1.A) | All Agricultural uses, except as listed below | P | | | | | P | | P | | P | P | |
| | Agricultural Industry | L | | | | | L | | L | L | P | | 5.3.2.A |
| | Agricultural Tourism | L | L | | | | L | L | L | L | L | L | 5.3.2.B |
| | Bona Fide Farms | L | L | L | L | L | L | L | L | L | L | L | 5.3.2.C |
| | Farmers Market | P | P | | | | P | P | P | P | | | |
| | Farm Stands | P | L | | | | P | P | | P | | P | |
| | Private Stables | P | L | L | L | | P | P | | | | | 5.3.2.D |
| | Landscaping and Horticultural Services | P | | | | | P | | | P | | | |
| | Nurseries | P | | | | | P | P | | | | | |
| Residential | See 5.5.6 for prohibited temporary uses | | | | | | | | | | | | |
| Household Living (5.1.2.A) | Single Family Detached | P/PD | P/PD | P/PD | P/PD | P/PD | L | L | L | | | P | 4.5.5.A |
| | Zero Lot Line | L/PD | L/PD | L/PD | L/PD | | | | L | | | | 5.3.3.K |
| | Traditional | P/PD | PD | PD | PD | P/PD | | | | | | | 5.3.3.I |
| | Semi-Attached | P/PD | PD | P/PD | PD | P/PD | | P/PD | | | | | 5.3.3.G |
| | Duplex | P/PD | PD | P/PD | PD | P/PD | | P/PD | | | | | |
| | Townhouse | PD | PD | PD | PD | L/PD | L | L | | | | | 5.3.3.H |
| | Multifamily | | PD | PD | PD | L/PD | L | L | L | | | | 5.3.3.E |
| | Family Care Home | L | L | L | L | L | L | L | L | | | L | 5.3.3.A |
| | Mobile Home, Class A | L | L | L | | | L | L | L | | | L | 5.3.3.C.3 |
| | Mobile Home, Class B | L | | L | | | L | L | L | | | | 5.3.3.C.4 |
| | Mobile Home Park | SUP | | SUP | | | SUP | SUP | | | | | 5.3.3.D |
| | Upper Story Residential | PD | PD | PD | PD | L | L | L | L | | | | 5.3.3.J |
| | Residential/Personal/Non-Commercial Storage Structures | L | | | | | | | | | | | 5.3.3.L |
| | Planned Development – Residential or Mixed Use | L | L | L | L | L | L | L | | | | | 4.3.1 |
| | Accessory Dwelling Units | L | L | L | L | L | | | L | | L | | 5.4.2 |
| | Multiple principal dwellings on single parcel | L | L | L | L | L | | | | | | | 5.4.3 |

| Use Grouping | Use | RR | R-7500 | R-6000 | SBR-6000 | MR-3200 | C-LD | N-C | C-I | RU-I | I-G | CP | Standards |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| KEY: Blank Cell = Not Allowed; "P" = Permitted; "L" = Limited Use Standards (Section 5.3); "SUP" = Special Use Permit | | | | | | | | | | | | | |
| Group Living (5.1.2.B) | All Group Living, except as listed below | | | | | | P | | | | | | |
| | Boarding House | | | | | | P | | L | | | | |
| | Group Care Home | SUP | SUP | SUP | SUP | | SUP | SUP | | | | | 5.3.3.B |
| | Nursing Home Facilities | SUP | SUP | SUP | SUP | | L | L | | | | | 5.3.3.F |
| Home Occupation (5.4.4) | All Home Occupation | L | L | L | L | L | L | L | SUP | | SUP | | 5.4.4 |
| Outdoor Lodging | | | | | | | | | | | | | |
| Outdoor Lodging (5.1.7.) | Campground, except as listed below | L | | | | L | L | | | | | | 5.3.8.A |
| | Government-Operated | | | | | L | L | | | | | L | 5.3.8.A |
| | Nude campground, colony, or resort | SUP | | | | | SUP | | | | | | 5.3.8.B |
| | Outdoor RV Resort | L | SUP | SUP | | L | L | | | | | | 5.3.8.C |

| Use Grouping | Use | RR | R-7500 | R-6000 | SBR-6000 | MR-3200 | C-LD | N-C | C-I | RU-I | I-G | CP | Standards |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| KEY: Blank Cell = Not Allowed; "P" = Permitted; "L" = Limited Use Standards (Section 5.3); "SUP" = Special Use Permit | | | | | | | | | | | | | |
| Public and Civic Uses | | | | | | | | | | | | | |
| Community Service (5.1.3) | All Community Service, except as listed below | | | | | | P | | P | | | | |
| | Auditorium, Civic Centers, Exposition Centers | L | | | | | L | | | | | L | 5.3.4.A |
| Day Care (5.1.3.B) | Day Care Facilities | L | SUP | SUP | SUP | SUP | L | L | L | | | | 5.3.4.C |
| | Day Care- In Home | L | L | L | L | L | L | L | | | | | 5.3.4.D |
| Educational Facilities (0) | Educational Facilities | L | SUP | SUP | SUP | | L | L | L | | L | | 5.3.4.E |
| | University or College | L | L | | | | P | | L | | | | 5.3.4.E |
| | Vocational and Business Schools | L | | | | | L | | L | L | L | | 5.3.4.N |
| Social Service Facility and Emergency Shelter (5.1.3.I) | All Social Service Facilities and Emergency Shelters, except as listed below | SUP | | | | | SUP | SUP | SUP | | | | 5.3.4.F |
| | Temporary Emergency Shelter during state of emergency | P | P | P | P | P | P | P | P | P | P | P | |
| Government Facilities (5.1.3.D) | Correctional Facility | | | | | | | | | | SUP | | 5.3.4.B |
| | Government and Community Buildings | L | L | L | L | L | L | L | L | L | L | L | 5.3.4.G |
| Medical Facilities (1.1.1.A) | All Medical Facilities, except as listed below | | | | | | P | P | P | | | | |
| | Hospitals | SUP | | | | | L | | L | | | | 5.3.4.H |
| Parks and Open Areas (5.1.3.F) | All parks and open areas, except as listed below | P | P | P | P | P | P | P | P | - | P | P | |
| | Amenity Center | L | L | L | L | L | L | L | | | | L | 4.4.4.A<br>4.5.3.B (for C-LD and NC)<br>4.7.C (for CP) |
| | Arboretum and Botanical Gardens | P | | | | | P | P | P | | P | P | |
| | Cemeteries, mausoleums, columbaria | P | L | L | L | L | P | L | | | | L | 5.3.4.I |
| | Individual Burial Sites | L | L | L | L | L | L | L | L | L | L | L | 5.3.4.J |
| | Memorial gardens | P | | | | | P | | | | | P | 5.3.4.I |
| Passenger Terminal (5.1.3.G) | All passenger terminal, except as listed below | SUP | | | | P | | | P | | P | | |
| | Airport | | | | | | | | SUP | | SUP | | |
| Place of Worship (5.1.3.H) | All Places of Worship | P | P | P | P | P | P | P | P | P | SUP | L | 1.1.1.A |
| Utilities (5.1.3.J) | Major Utilities, except as listed below | SUP | | | | SUP | SUP | SUP | SUP | SUP | SUP | | 5.3.4.M |
| | Minor Utilities | L | L | L | L | L | L | L | L | L | L | | 5.3.4.M |
| | Solar Collector (Accessory) | L | L | L | L | L | L | L | L | L | L | L | 5.4.11 |
| | Solar Farm | SUP | | | | | | | L | L | L | | 5.3.4.Q |

**5.2 Use Table**

| Use Grouping | Use | RR | R-7500 | R-6000 | SBR-6000 | MR-3200 | C-LD | N-C | C-I | RU-I | I-G | CP | Standards |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| KEY: Blank Cell = Not Allowed; "P" = Permitted; "L" = Limited Use Standards (Section 5.3); "SUP" = Special Use Permit | | | | | | | | | | | | | |
| | TV/HDTV/AM/FM Broadcast Antennae | SUP | | | | | SUP | SUP | SUP | L | L | | 5.3.4.L |
| | Wind Farm | SUP | | | | | | | L | L | L | | 5.3.4.R |
| | Wind Energy Generator (Accessory) | L | L | L | L | L | L | L | L | L | L | L | 5.4.12 |
| | Wireless Telecommunication Facility | L | L | L | L | L | L | L | L | L | L | L | 5.3.4.O |

| Use Grouping | Use | RR | R-7500 | R-6000 | SBR-6000 | MR-3200 | C-LD | N-C | C-I | RU-I | I-G | CP | Standards |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| KEY: Blank Cell = Not Allowed; "P" = Permitted; "L" = Limited Use Standards (Section 5.3); "SUP" = Special Use Permit | | | | | | | | | | | | | |
| Commercial Uses | | | | | | | | | | | | | |
| Commercial Parking (5.1.4.E) | Commercial Parking Facility | | | | | | L | | L | | L | | 5.3.5.C |
| Funeral Home (5.1.4.A) | Funeral Homes, Crematorium, and Mortuaries | P | | | | | P | | P | | | | |
| Indoor Recreation (5.1.4.A) | All Indoor Recreation, except as listed below | | | | | | P | | P | | | | |
| | Adult & Sexually Oriented Business | | | | | | | | | | SUP | | 5.3.5.A |
| | Electronic Gaming Operation | | | | | | SUP | | SUP | | SUP | | 5.3.5.W |
| | Military Auxiliary Service Clubs and Halls | L | SUP | SUP | SUP | SUP | L | L | L | | L | | 5.3.5.I |
| | Nightclub, Tavern, or Bar (with alcohol sales) | | | | | SUP | P | SUP | SUP | | | | 5.3.5.J |
| | Private Club or Lodge (Private, Nonprofit, Civic or Fraternal) | L | SUP | SUP | SUP | SUP | L | L | L | | SUP | | 5.3.5.M |
| | Shooting Range, indoor | SUP | | | | | SUP | | SUP | | SUP | | |
| | Skating Rinks | | | | | | P | | P | | P | | |
| Outdoor Advertising (8.8.1) | Outdoor Advertising Structure | | | | | | L | | L | | L | | 8.8.1 |
| Outdoor Recreation (5.1.4.C) | Outdoor Recreation, except as listed below | P | | | | | | | | P | | L | 5.3.5.D |
| | Commercial Recreation | SUP | | | | | SUP | SUP | L | | L | L | 5.3.5.D |
| | Racetracks | SUP | | | | | | | SUP | | SUP | | |
| | Golf Courses | L | L | L | L | L | L | L | | | | | 5.3.5.F |
| | Golf Driving Ranges | P | | | | | P | P | | | | | |
| | Hunting Clubs | P | | | | | | | | | | P | |
| | Shooting Ranges, outdoor | SUP | | | | | | | | | | | |
| Overnight Accommodation (5.1.4.D) | Bed and Breakfast | P | SUP | SUP | P | P | P | P | | | | | |
| | Hotel and Motel | | | | | L | L | L | L | | | | 5.3.5.G |
| | Retreat Center | SUP | | | | | | | | | | SUP | |
| Planned Development | Planned Development- Commercial or Mixed Use | | | | | L | L | L | L | L | L | | 4.3.1 |
| Restaurants (5.1.4.F) | Restaurants | L | | | | L | L | L | L | | L | | 5.3.5.O |
| | All retail sales and service, except as listed below | | | | | | P | P | P | | | | |
| | Convenience Store | P | | | | L | P | P | P | | | L | 5.3.5.X |
| | Drive Through Facilities | | | | | | L | L | L | L | | | 5.3.5.E |
| | Flea Markets | SUP | | | | | SUP | | SUP | | SUP | | 5.3.5.V |

**5.2 Use Table**

| Use Grouping | Use | RR | R-7500 | R-6000 | SBR-6000 | MR-3200 | C-LD | N-C | C-I | RU-I | I-G | CP | Standards |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| KEY: Blank Cell = Not Allowed; "P" = Permitted; "L" = Limited Use Standards (Section 5.3); "SUP" = Special Use Permit | | | | | | | | | | | | | |
| Retail Sales and Service (5.3.5.P) | Kennel | SUP | | | | | SUP | SUP | SUP | | SUP | | 5.3.5.U |
| | Martial Arts Instructional Schools | P | | | | | P | P | P | | | | |
| | Outdoor Sales or Display Areas, Other Than Mobile and Modular Home Sales Lots, and Vehicle and Heavy Equipment Sales and Rentals | SUP | | | | | L | | L | | L | | 5.3.5.K |
| | Performing Arts Studio | | | | | | P | P | P | | | | |
| | Personal Service Establishments | SUP | | | | L | L | L | L | | | | 5.3.5.L |
| | Retail sales less than or equal to 10,000 square feet | P | | | | L | L | L | L | | | P | 5.3.5.P |
| | Retail sales more than 10,000 square feet. | L | | | | | L | L | L | | L | | 5.3.5.P |
| | Retail sales and service in industrial establishments | | | | | | | | L | | L | | 5.3.5.Q |
| | Veterinary Establishments, Animal Hospital | SUP | | | | | L | L | L | | | | 5.3.5.U |
| Self-Service Storage Facility (5.1.4.H) | Self-Service Storage Facility (Mini Storage) | L | | | | | L | | L | | P | | 5.3.5.R |
| Vehicle Sales and Service (5.1.4.I) | Car Wash | L | | | | | L | | L | | | | 5.3.5.B |
| | Garage Service and/or Automobile Repair | SUP | | | | SUP | L | | L | | L | | 5.3.5.T |
| | Repair, Renovation, and Remodeling of Farm Equipment | SUP | | | | | SUP | SUP | L | | L | | 5.3.5.N |
| | Mobile and Modular Home Sales and Service | SUP | | | | | SUP | | L | | L | | 5.3.5.H |
| | Vehicle and Heavy Equipment Sales and Rentals | SUP | | | | | L | | L | | L | | 5.3.5.S |
| Water Oriented Commercial Uses (5.1.4.J) | Boat repair and manufacture as a principal use | | | | | | | | P | | P | | |
| | Commercial Boating Facilities | P | | | | | P | | P | | P | | |
| | Commercial marinas and docks | | | | | | P | | | | P | | |
| | Seafood processing and canning | | | | | | SUP | | | SUP | SUP | | |
| | Storage of boats (dry or wet) | SUP | | | | | P | | P | | P | | |

| Use Grouping | Use | RR | R-7500 | R-6000 | SBR-6000 | MR-3200 | C-LD | N-C | C-I | RU-I | I-G | CP | Standards |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| KEY: Blank Cell = Not Allowed; "P" = Permitted; "L" = Limited Use Standards (Section 5.3); "SUP" = Special Use Permit | | | | | | | | | | | | | |
| Office | | | | | | | | | | | | | |
| Professional Offices (5.1.5.A) | All professional office uses, except those listed below | P | | | | | P | L | P | | | | 5.3.6.A |
| | Banks and Financial Institutions | SUP | | | | | P | L | P | | | | 5.3.6.B |
| Industrial | | | | | | | | | | | | | |
| Heavy Industrial (5.1.6.A) | All Heavy Industrial, except as listed below | | | | | | | | | | P | | |
| | Animal slaughtering and rendering | | | | | | | | | P | | | |
| | Asphalt Plant | | | | | | | | | | SUP | | |
| | Energy Generating Facility | | | | | | | | | SUP | SUP | | |
| | Incinerators for the disposal of animal remains | SUP | | | | | SUP | | L | L | L | | 5.3.7.D |
| | Junkyard | | | | | | | | SUP | | SUP | | 5.3.7.E |
| | L.P. Gas Filling Facility (principal and accessory) | L | L | L | L | L | L | L | L | L | L | L | 5.3.7.K. & 5.3.7.L |
| | Mobile Home Salvage and Storage Yard | SUP | | | | | | | SUP | SUP | SUP | | 5.3.7.F |
| | Planing Mill/Sawmill | SUP | | | | | | | P | P | | | |
| Light Industrial (5.1.6.B) | All light industrial, except as listed below | | | | | | | | P | P | P | | |
| | Audio/Video Production and Distribution | | | | | | P | | P | | P | | |
| | Contractor's office and storage operations | L | | | | | L | | P | P | P | | 5.3.7.A |
| | Craft and woodworking shops | L | | | | | L | L | L | P | P | | 5.3.7.B |
| Research (5.1.6.C) | Research and Development | SUP | | | | | P | | P | | P | | |
| Resource Extraction (5.1.6.D) | All Resource Extraction, except as follows | | | | | | | | | P | | | |
| | Mining Operations, Class I | SUP | | | | | | | SUP | L | SUP | | 5.3.7.G |
| | Mining Operations, Class II | | | | | | | | SUP | L | SUP | | 5.3.7.H |
| Warehouse and Storage | All Warehousing and Storage, except as follows | | | | | | SUP | | P | P | P | | |
| | Freight Handling Facilities | | | | | | | | P | | P | | |
| Waste Related Services (5.1.6.F) | Storage, Above and Below Ground | | | | | | | | | P | | | |
| | Construction and Demolition Landfill | | | | | | | | | SUP | SUP | | |
| | Hazardous Materials Treatment Facility | | | | | | | | | | SUP | | 5.3.7.C |
| | Public or Private Waste Disposal Site, Recycling Non-hazardous Solid or Liquid | | | | | | | | SUP | SUP | SUP | | 5.3.7.I |
| | Wood Waste Grinding Operations | SUP | | | | | | | SUP | L | SUP | | 5.3.7.J |
| Wholesale Sales and Service | All Wholesale Sales and Service | | | | | | | | P | P | P | | |

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### 5.3.1. General

**A.** These standards shall only apply to those districts and uses where the "L" or "SUP" is designated on the use table in Section 5.2. If a "P" is designated in the use table, these standards shall not apply and the use shall be permitted in compliance with the general development standards of the underlying zoning and other applicable requirements of this Ordinance. If a blank cell is designated, then the use is not permitted.

**B.** Unless specifically exempted within this Section, all other applicable requirements of this Ordinance apply. These include:

1. Zoning District Standards: Article 4
2. Design and Performance Standards: Article 6
3. Landscaping and Buffering Standards: Article 6
4. Subdivision Standards: Article 8
5. Flood Damage Prevention: Article 1
6. Signs Standards: Article 8

### 5.3.2. Agricultural Use Standards

**A.** Agricultural Industry

Agricultural industry shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

1. With the exception of bona fide farming operations, agricultural industry shall be subject to the general requirements of the subject zoning district including maximum height, yard requirements, and applicable design and performance standards in Article 6.

**B.** Agricultural Tourism

Agricultural tourism shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

1. The general zoning requirements of the underlying zoning district shall apply to all permanent structures unless located on a bona fide farm.
2. The Planning Director may waive (but is not obligated to) the following ordinance requirements for temporary activities such as hay rides, corn mazes, pumpkin patches, and other similar functions provided a temporary use permit has been obtained (see Section 5.5):
   - **i.** District yard requirements
   - **ii.** District height requirements
   - **iii.** Buffer requirements
   - **iv.** Parking requirements provided sufficient parking spaces are available (either on-site or, with Planning Director approval, off-site) so that no parking associated with the use shall take place within a public right of way.
3. Any paved parking areas shall not be located within a required buffer or yard. However, unpaved parking areas and overflow parking areas may be located within a required buffer, but not in a required yard.

4. Property that is subject to a conservation agreement under G.S. 106-743.2 that remains in effect may receive up to twenty-five percent (25%) of its gross sales from the sale of non-farm products and still qualify as a bona fide farm that is exempt from zonig regulations under G.S. 153A-340(b). The Planning Director or his/her designee may periodically request documentation to establish that property's sale of non-farm products does not exceed twenty-five percent (25%) of its gross sale.

### C. Bona Fide Farms

Bona fide farms shall be permitted in accordance with the use tables in 5.2, subject to the following:

1. The use shall meet the definition of a bona fide farm.
2. Bona fide farming uses shall be exempt from all zoning requirements in this UDO. However, non-bona fide farming uses shall be required to comply with the requirements of the underlying zoning district.
3. Bona fide farms may be permitted to have more than one principal structure.
4. Bona fide farms shall be permitted to have accessory structures without a principal structure.
5. Residential structures shall conform to the base zoning district requirements.
6. Development of sufficient on-site parking is encouraged to allow unobstructed movement into and out of each parking space without interfering with fixed objects such as lighting, fixtures, dumpsters, signage, or vehicles and without requiring the use of a public street or alley.
7. Federal, state and/or other local permits and approvals may be required including, but not limited to, N.C. Department of Transportation, US. Army Corps of Engineers, Building Inspections, Environmental Health, and Stormwater.

### D. Private Stables

Private stables shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

1. A 100-foot separation shall be maintained between the outdoor areas where animals are kept and any property line of any adjacent residential district.
2. The facility shall be designed, located and constructed on the site to minimize noise, odor and other impacts on adjoining properties.
3. Adequate waste disposal methods shall be provided to maintain sanitary conditions and control odor.

## 5.3.3. Residential Use Standards

### A. Family Care Home

Family Care homes shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

1. A family care home may be no closer than one-half mile radius, measured lot line to lot line, from any existing and/or permitted family care, group care home, or emergency shelter.
2. The structure of a family care home may be no more than two stories high and none of the aged or physically disabled persons being served there may be housed in the upper story without provision for two direct exterior ground-level accesses to the upper story (N.C.G.S. 168-22).
3. The home shall meet all State requirements, and all applicable housing and International Building Code with North Carolina Amendments requirements.

### B. Group Care Home

Group care homes shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

1. A group care home may be no closer than one-half mile radius, measured lot line to lot line, from any existing and/or permitted family care home, group care home, or emergency shelter.

2. The home shall be operated in a manner that is compatible with the neighborhood and shall not be detrimental to adjoining properties as a result of traffic, noise, refuse, parking or other activities.
3. The home shall maintain a residential appearance compatible with the neighborhood.
4. The home shall meet all State requirements, and all applicable housing and International Building Code with North Carolina Amendments requirements.

### C. Mobile Homes: Class A, B, and C

Class A, B, and C mobile homes shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

#### 1. Restriction from Planned Developments

Mobile homes shall not be permitted within a Planned Development.

#### 2. Mobile Homes Constructed prior to October 27, 1987

Mobile homes constructed prior to October 27, 1987 may not be moved into the County from outside the County's geographic boundaries. Mobile homes constructed prior to October 27, 1987 and currently set-up within the County may be relocated provided the unit complies with building code and other applicable requirements. Inspection by a Licensed Home Inspector in North Carolina is recommended and in some instances may be required by the Building Inspector.

> *Commentary: Verification by a Licensed Home Inspector in North Carolina to be submitted at time of Property Development Application. Home Inspectors are licensed by N.C. Home Inspector Licensure Board. Go on-line to www.ncdoi.com/OSFM/Engineering/HILB/NCHILB.asp for a directory of inspectors, an inspection checklist and other information or contact the Board at 919.662.4480.*

#### 3. Class A Mobile Home (Doublewide)

A Class A Mobile Home is a movable or portable residential structure that:

i. Is built and transported on two or more separate chassis, designed to be joined into one integral unit and is designed for year-round occupancy;
ii. is oriented on the site in such a manner that the side having the main entrance, and by design intended to be the front of the mobile home, is generally parallel to the street abutting the site, provided there is sufficient property to do so.
iii. Has all its wheels, axles, transportation lights and towing apparatus removed after placement on the lot; and
iv. Shall be permanently affixed to continuous solid underpinning unpierced except for required ventilation and access after placement on the lot, but before occupancy.

> *Commentary: "Solid Underpinning" means that one cannot see through the underpinning to objects on the other side. Consistent with the North Carolina Building Code (Section 3.6.2), skirting must be of material that is acceptable for exterior construction, durable and suitable for exterior exposures. Any wood framing used in the support skirting must be approved pressure treated wood. Manufactured skirting material should be installed in accordance with the skirting manufacturer's instructions.*

#### 4. Class B Mobile Home (Singlewide)

A Class B Mobile Home is a movable or portable residential structure that:

i. Is built and transported on one chassis and is designed for year-round occupancy;
ii. Is oriented on the site in such a manner that the side having the main entrance, and by design intended to be the front of the mobile home, is generally parallel to the street abutting the site, provided there is sufficient property to do so;
iii. Has all its wheels, axles, transportation lights and towing apparatus removed after placement on the lot;

**iv.** Shall be permanently affixed to continuous solid underpinning unpierced except for required ventilation and access after placement on the lot, but before occupancy; and

**v.** Does not comply with the North Carolina State Uniform Residential Building Code.

*Commentary: "Solid Underpinning" means that one cannot see through the underpinning to objects on the other side. Consistent with the North Carolina Building Code (Section 3.6.2), skirting must be of material that is acceptable for exterior construction, durable and suitable for exterior exposures. Any wood framing used in the support skirting must be approved pressure treated wood. Manufactured skirting material should be installed in accordance with the skirting manufacturer's instructions.*

### 5. Class C Mobile Homes

Mobile homes built prior to July 1, 1976 shall be considered Class C Mobile Homes and may not be brought into or relocated in Brunswick County. However, existing Class C Mobile Homes may remain subject to the requirements of Section 10.4, Nonconforming Structures.

### 6. Certification of Mobile Homes

**i.** Applicability

The Building Inspector shall determine that a mobile home, date of manufacturing of mobile home, or a model of mobile homes meets the requirements of this Ordinance.

**ii.** Application Requirements

An application for Certification shall be submitted in accordance with Section 3.17, Application Requirements.

**iii.** Action by Building Inspector

**(a)** The Building Inspector shall review and evaluate the request in light of the text of this Ordinance and any other relevant information;

**(b)** Following completion of any technical reviews by staff, the Building Inspector shall render an opinion.

**(c)** The interpretation shall be provided to the applicant in writing.

**iv.** Appeal

Final action on Certification may be appealed to the Board of Adjustment in accordance with Section 9.8, Appeal of Administrative Decision.

### 7. Park Model Units

Occupancy in park model type units is allowed only in campgrounds or recreational vehicle parks, such occupancy to be strictly temporary in nature.

## D. Mobile Home Park

Mobile home parks shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

### 1. Parks Developed in Phases

**i.** When a mobile home park is to be developed in stages, a mobile home park plan shall be submitted for the entire development, and an application for plan approval shall be made for each stage of development.

**ii.** When a mobile home park is to be developed in stages, the proposed park plan shall be submitted for the entire development and application for a zoning certificate of compliance may be made for each stage developed.

### 2. Expiration of Planning Board Approval

Mobile home park construction must begin within 12 months of Board approval. This expiration period may be extended by the Planning Board for an additional 12 months if the extension is

applied for before the end of the original 12 month period. If the construction of the park has not begun within the time permitted, the approval shall expire and all permits shall be null and void. In such case, the applicant shall be required to resubmit the application in conformance with the most current ordinance.

**3.** General Standards

**i.** Mobile homes shall comply with the standards listed in Section 5.3.3.C, Mobile Homes: Class A, B, and C unless specifically exempted.

**ii.** Only Class A or B mobile homes may be erected in a mobile home park, existing Class C mobile homes may remain as a nonconforming use.

**iii.** A minimum of 15 spaces are required to create a mobile home park.

**iv.** Mobile homes located within a mobile home park shall be exempt from the requirement to provide a masonry foundation. However, all other skirting requirements shall apply.

**v.** An administrative office may be located in one mobile home located in the park in compliance with Section 5.4.4, Home Occupations.

**vi.** The transfer of title of a mobile home site or sites either by sale or by any other manner shall be prohibited within a mobile home park as long as the mobile home park is in operation.

**vii.** All structural additions to mobile homes other than those which are built into the unit and designed to fold out or extend from it shall be erected only after a building permit shall have been obtained, and such additions shall conform to the International Building Code with North Carolina Amendments and the setback requirements of this Ordinance. An Existing Septic system check shall be required to ensure the proposed addition(s) do not encroach on any part of the septic system.

**viii.** All mobile home parks shall comply with regulations for signs within the zoning district they are located.

**ix.** Convenience establishments of a commercial nature shall be limited to food stores, coin-operated laundries and beauty parlors, and barber shops. These may be permitted in mobile home parks subject to the permitted use table and the following restrictions:

**(a)** Such establishments must be permissible and comply with the applicable requirements for the district in which they are located.

**(b)** Such establishments shall be subordinate to the residential use and character of the park.

**(c)** Such establishments shall present no visible evidence of commercial character from any portion of any residential district outside the park.

**(d)** Such establishments shall require Planning Board approval as a part of the required park plan.

**(e)** Such establishments shall be designed to serve the trade and service needs of the park residents only.

**x.** All mobile home units shall be placed individually on approved mobile home sites where all design standards and utilities have been completed.

**xi.** No junked wrecked vehicles may remain in a mobile home park.

**xii.** Unless located in designated storage areas, campers, recreational vehicles, travel trailers and other temporary dwelling structures are not permitted in Mobile Home Parks.

**xiii.** No more than one mobile home will be allowed on each approved mobile home site. In no case shall any mobile home be placed on any open space or recreation area within the park.

**4.** Park Design Standards

**i.** All Mobile Home Parks shall have a gross land area of at least five acres.

**ii.** A minimum of 5% of the total land area shall be devoted to accessible common open space intended for recreational use. These areas are separate from the mobile home lot areas, and shall be grouped and of character suitable for active and passive recreation and shall be reasonably located for safe and convenient access to residents.

**iii.** No designated mobile home spaces shall include any areas required for screening in accordance with this Ordinance.

**iv.** Each mobile home shall be located at least 40 feet from the edge of the right-of-way of any publicly-maintained street or road.

**v.** Mobile Home Site Area

The minimum mobile home site area in mobile home parks shall be determined by the availability of public water and sewer facilities. The following minimum space requirements also takes into account the need for adequate space to prevent overcrowding, prevent fire hazards, provide sufficient light and air, and provide a safe and pleasant environment for park residents.

| Home Site Dimensions | With Water and Sewer | Without Water and Sewer |
|---|---|---|
| Site Dimensions (minimum)<br>Site area (square feet) | 6,000 | 10,000 |
| Site width (feet) | 65 | 75 |
| Site Yards (minimum feet)<br>Front yard | 25 | |
| Rear yard | 10 | |
| Side yard<br>Interior<br>Street side yard | <br>10<br>15 | |

**vi.** Accessory Structures

**(a)** Accessory to a Particular Home

**(1)** Structures accessory to a particular mobile home shall be located only on the site space containing that mobile home and may not be located in any required Home Site yard. All such structures shall be residential in character.

**(2)** Any accessory structure within a mobile home park shall be located at least 60 feet from the public road centerline or 30 feet from the edge of the public road right-of-way, whichever is greater.

**(b)** Community Accessory Structure

Accessory structures of benefit to all residents of the mobile home park shall be permitted elsewhere within the park, subject to the Brunswick County Zoning Ordinance. In addition to the setback requirements, said structures (e.g., community pools, club houses, etc.) shall be located at least 20 feet from any internal street and 30 feet from any mobile home located within the park.

**vii.** Each home site shall have the front and rear corners clearly, permanently marked so that visual establishment of the boundaries of each site can be made.

**viii.** Each mobile home site shall be identified by a permanent number which shall not be changed. The appropriate number of each mobile home site must be permanent and visibly displayed on each site once the site is occupied by a mobile home. Each number shall be placed on a concrete, wood, metal, or any permanent post and conspicuously located on the site.

**5.** Screening and Buffering

**i.** At minimum, mobile home parks must provide and maintain a project boundary buffer with a minimum opacity of 0.4 when adjoining an undeveloped lot and a minimum opacity of 0.8 when adjoining a developed lot (see 6.3.A, Landscaping and Buffering).

**ii.** For purposes of this Section, a lot shall be considered developed if it contains at least one principal structure used for commercial purposes other than a mobile home park or for any industrial, institutional, governmental, or residential purpose and is located within 300 feet of the lot line separating it from the mobile home park.

**iii.** Street Buffers shall be provided and maintained in accordance with 6.2.2, Landscaping and Buffering.

**iv.** It shall be the responsibility of the mobile home park owner to functionally maintain any required screening.

**6.** Utilities

**i.** Water

**(a)** An accessible, adequate, safe and potable supply of water shall be required.

**(b)** Where public, municipal, or community water systems exist within 1,000 feet of the park (the County *Utilities Policies* may require connection even when separated by greater distances), the developer shall connect to such system. If connected, a separate meter shall be used for each individual lot. If the water distribution system is installed in accordance with minimum county standards, the developer may be permitted to dedicate the system to the County to operate.

**(c)** When a public water supply is not available, a community water supply may be developed and its supply used exclusively in accordance with local and state regulations and standards of the Division of Environmental Management, NC Department of Environment, Health, and Natural Resources codified in 15A NCAC 2C. Each water supply well shall be located so as to maintain a minimum pollution-free radius as specified in N.C.G.S. 15A-18C-0203. Siting of well locations should be discussed with the local health authority.

**(d)** Internal water distribution systems shall be installed in accordance with minimum County Standards.

**ii.** Sewer

**(a)** Approval by the Brunswick County Health Services shall be required for any installation, alteration or use of a sewage disposal system. All sewage wastes from each park, including wastes from toilets, showers, bathtubs, lavatories, wash basins, sinks, and water using appliances not herein mentioned, shall be disposed of by an approved sewage disposal system.

**(b)** Adequate and safe sewage disposal facilities shall be provided in all mobile home parks. Where public, municipal, or community sewer systems exist within 1,000 feet of the mobile home park, the developer shall connect to such system (the County *Utilities Policies* may require connection even when separated by greater distances).

**(c)** When a public, municipal, or community system does not exist within 1,000 feet, a community sewage disposal and treatment system complying with the requirements of the North Carolina Department of Environment, Health and Natural Resources shall be provided. Individual septic tank systems may be permitted in accordance with the requirement of the State Health Sewage Disposal Regulations.

**7.** Parking and Streets

**i.** Off-Street Parking Requirements

Two off-street parking spaces with not less than four inches of stone on a well compacted sub-base shall be provided and maintained for each mobile home site. Required parking spaces

may be included within the minimum required site area for each mobile home site and may be located in the required front yard for each site.

**ii.** Public Street Access

No mobile home site within a mobile home park shall directly access a public road. Access to all mobile homes and accessory structures within the mobile home park shall be made using internal streets.

**iii.** Internal Street Standards

**(a)** Maintenance of all internal streets and drainage facilities shall be the responsibility of the owner of the mobile home park. Such streets shall be maintained in a manner to be free from pot holes, breaks in the pavement, rough surfaces, ponding of water and associated problems which would impede or cause hazards to motor vehicles. Speed reduction bumps on paved internal streets are permissible, but they shall be painted and appropriate signs indicating the bump must be placed along the street.

**(b)** All streets shall be paved to NCDOT minimum pavement (cross section construction) standards. Streets shall have a minimum paved width of 20 feet.

**(c)** Any dead-end shall be provided with a permanent turnaround with a minimum radius of 40 feet.

**(d)** All internal streets within the mobile home park shall be improved with adequate and suitable drainage facilities.

**(e)** Mobile home parks containing 20 or more mobile home sites shall provide two-way streets throughout the mobile home park except in instances where one-way streets would serve as a better means to channel vehicular traffic in the park.

**(f)** Each mobile home space shall abut a driveway within the park.

**(g)** All parking within the mobile home park shall take place off from the internal street within designated parking areas only. All internal streets within the park shall be equipped with adequate and suitable drainage facilities.

**iv.** External Access

In general, mobile home parks should not be located on through lots. When located on a through lot, the park shall be designed to discourage through-traffic. Mobile home parks with only one point of external access shall provide at least one permanent turnaround within the park. All external access shall be approved by the North Carolina Department of Transportation.

**8.** Mobile Home Park Operations

**i.** Refuse Collection

**(a)** The mobile home park owner shall be responsible for refuse collection. Arrangements may be made for a private vendor or other sources to collect refuse either from individual sites or from conveniently located dumpster sites. Individual refuse receptacles shall be waterproof and rodent proof. The method of garbage disposal shall be noted on the plan and approved by the Planning Board. Refuse/garbage shall be collected and disposed to prevent the creation of nuisance and public health hazards.

**(b)** Refuse receptacles shall be screened in conformance with Section 6.18.3.

**(c)** Building and grounds shall be maintained free of rodent/insect harborage and infestation. Extermination methods and other control measures shall be in accordance with the requirements of licensed pest control operators. The mobile home park owner shall be responsible for pest extermination and pest control measures to prevent the development of unsanitary conditions.

**ii.** Inspection

**(a)** The Brunswick County Environmental Health Services, the Brunswick County Building Inspections Department and the Brunswick County Planning Department are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance. If connecting to County water the developer must comply with minimum county standards. Utilities staff must be present during pressure test and chlorination along with the design engineer. It shall be the duty of the owners or occupants of mobile home parks to give these agencies free access to such premises at reasonable times for inspections.

**(b)** The person to whom an operating permit for a mobile home park is issued shall operate the park in compliance with this Ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

**(c)** The park owner shall notify park occupants of all applicable provisions of this Ordinance and inform them of their responsibilities under this Ordinance.

### E. Multifamily

Multifamily housing shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

**1.** Multifamily residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads. However, multifamily residential projects having up to 200 dwelling units may be allowed to provide a single approved fire apparatus access road when all buildings (including nonresidential occupancies) are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1 or 903.1.2 of the International Fire Code.

**2.** Except for multifamily buildings located within a Viewshed Overlay, the maximum height limit of a multifamily building may be increased by the total height of any structured parking facilities integrated into and located underneath the building. The height of a structured parking facility is deemed to be the distance from the preconstruction ground elevation to the top plate of the portion of the building devoted to parking.

### F. Nursing Home Facilities

Nursing home facilities shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

**1.** In the C-LD and N-C zoning districts, a minimum lot width of 150 feet shall be required instead of the district base requirements.

**2.** In the C-LD and N-C zoning districts, nursing home facilities that are not served by water and sewer facilities shall require a minimum lot area of 15,000 square feet.

### G. Semi-Attached (see Section 4.15, Housing Types)

Semi-attached shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

**1.** A side yard of zero shall be allowed on the side of attachment.

**2.** No more than two dwelling units may be allowed per structure or building.

**3.** Off-street parking requirements must be met for each dwelling unit.

### H. Townhouse (see Section 4.15, Housing Types)

Townhouses shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

**1.** A side yard of zero shall be allowed on the side of attachment to an adjoining townhouse.

**2.** Up to eight dwelling units may be allowed in one structure or building.

**3.** Off-street parking requirements must be met for each dwelling unit.

**I.** Traditional House (see Section 4.15, Housing Types)
An alley shall be provided to the rear of all traditional houses. All vehicular access and off-street parking shall take place from the alley.

**J.** Upper Story Residential
Upper story residential shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

1. Upper story residential may only be allowed in conjunction with Personal Service Establishments, Professional Offices/Studios, Performing Arts Studios or Restaurants or Retail Sales less than 10,000 square feet only.
2. Residential use may only be located on an upper story;
3. Ingress and egress to the residential portion shall be provided from the ground level;
4. Parking shall be based on both residential and commercial development design standards;
5. All International Building Code with North Carolina Amendments requirements shall apply; and
6. Commercial buffering standards shall apply to the structure.

**K.** Zero Lot Line House (see Section 5.15, Housing Types)
Zero lot line homes shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

1. A single side yard shall be provided comprising the equivalent of two side yards of a conventional detached house. This reduction shall not be allowed on the front yard or to the side yard adjoining lots that are not part of the zero lot line project.
2. An easement between the two property owners to allow for maintenance or repair of the house shall be required when the roof overhang or side wall of the house are within four feet of the adjoining property line (no roof overhang shall be permitted to extend across the property line). The easement on adjoining property must provide at least five feet of unobstructed space. The easement shall be recorded on the subdivision plat.
3. If the side wall of the house is on the property line, or within three feet of the property line, windows or other openings that allow for visibility into the side yard of adjoining lot shall not be allowed. Windows that do not allow visibility into the side yard of the adjoining lot, such as a clerestory window or a translucent window, shall be allowed.

**L.** Residential/Personal/Non-Commercial Storage Structure
A residential/personal/non-commercial storage structure shall be a stand-alone structure for the sole personal/non-commercial use of the property owner on which the structure is located. The structure may be used for the storage of personal items only and may not be used as a dwelling; and is subject to the following additional requirements:

1. Permitted in the Rural Low Density Residential (RR) Zoning District only.
2. Meets all setback requirements for residential uses;
3. Must be placed on the parcel in such a manner that at such time the structure becomes an accessory to a primary structure, it is compliant with all of the requirements for accessory structures, consistent with Section 5.4.1 of the UDO;
4. May not exceed the height limit for the zoning district in which it is located;

5. For one (1) Stand-Alone Residential/Personal/Non-Commercial Storage Structure for lots up to one (1) acre, two (2) Stand-Alone Residential/Personal/Non-Commercial Storage Structures for lots greater than one (1) acre up to ten (10) acres and one (1) additional Stand-Alone Residential/Personal/Non-Commercial Storage Structure for each additional ten (10) acres of lot size beyond ten (10) acres; and

6. Use of a travel trailer, recreational vehicle (RV), or any type of camping as an accessory use shall be prohibited. No RV or travel trailer shall be permanently connected to public or private utilities.

## 5.3.4. Public and Civic Uses

### A. Auditorium, Civic Center, or Exposition Center

Auditoriums, civic centers, or exposition centers shall be permitted in accordance with the use table in Section 5.2, subject to the following:

1. Auditoriums, civic centers, or exposition centers shall not be located adjoining residential uses.
2. Auditoriums, civic centers, or exposition centers shall be located so that access is taken from a major thoroughfare.

### B. Correctional Facility

Correctional facilities shall be permitted in accordance with the use table in Section 5.2, subject to the following:

1. The facility shall be established at least 650 feet from the nearest property which is residentially zoned or used.
2. The facility shall not be established within 1,320 feet of a public or private school, day care, or place of worship.
3. The facility may not be located in the 100-year flood plain.
4. Site development shall be in conformance with the landscaping and dimensional requirements of the zoning district.
5. The approving body may deny the permit when the use would be detrimental to nearby properties or may add conditions or safeguards to the approval in order to protect the health and welfare of citizens.

### C. Day Care Facility

Day care facilities shall be permitted in accordance with the use table in Section 5.2, subject to the following:

1. General
   - i. The facility shall meet all applicable State requirements for standards, licensing and inspections.
   - ii. Day care facilities shall provide for safe and convenient access by patrons of the facility.
   - iii. Care shall be administered for a period not to exceed 24 hours.
   - iv. 24-hour day care facilities shall be allowed in the C-LD or N-C districts only.
   - v. When located in a residential district, hours of operation shall be limited to between 6:00 AM and 12:00 PM (midnight).

**vi.** Section 3.5, Special Use Permit, may include a reduction in the maximum number of individuals to be cared for on site, restrictions on the hours of operation to less than that allowed by State or federal regulations, and such other conditions as may be required to address the findings required for the permit. When the facility is located within an industrial area, the Fire Marshall shall review the proposal prior to approval and make a recommendation.

**2.** Additional Standards for Adult Facilities

The following additional standards shall apply to facilities serving adults:

**i.** Any day care facility providing services for adults shall be no closer than one-half mile radius from any existing and/or permitted day care facility providing service for adults. The distance shall be measured by following a straight line from the nearest point of the lot line of the proposed use to the nearest point of the lot line for the lot on which the existing facility is located

**ii.** Transportation to and from the service facility shall be provided or arranged for when needed and not otherwise available within the geographical area specified by the day health program.

**iii.** Programs meeting any of the following criteria shall be exempted from these requirements and may be permitted in accordance with the use tables in Section 5.1 without the issuance of a Special Exception Permit.

**(a)** Adult day care/health services caring for fewer than four people;

**(b)** Adult day care/health services caring for two or more persons, all of whom are related by blood or marriage to the operator of the facility; or

**(c)** Adult day care/health services that are required by State statutes other than N.C.G.S. 131D-6 to be licensed by the State Department of Human Resources.

**D.** Day Care- In Home

Day care homes shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

**1.** The facility shall meet all applicable State requirements for standards, licensing and inspections.

**2.** 24-hour day care homes shall be allowed in the C-LD or N-C districts only.

**3.** The day care home shall provide care for no more than five preschool children (including the caregiver's children), and/or three school-aged children (not including the caregiver's children), or three adults at any one time.

**4.** For the purpose of this Ordinance, the day care home shall meet all requirements for home occupations.

**5.** In addition to the parking requirements of the principal use, two additional spaces shall be provided for pickup and drop-off.

**E.** Educational Facilities

Educational facilities shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

| Facility Type | Initial Review by the North Carolina Department of Public Instruction?* | Yard (ft.) | | |
|---|---|---|---|---|
| | | Front | Rear | Side |
| University or College | ** | Per Zoning District | | |
| Public School | Required | Per Zoning District | | |
| Charter School | Not Required but Encouraged*** | Per Zoning District | | |
| Private School | Not Required but, at a Minimum, Encouraged to Consult the N.C. State Board of Education Department of Public Instruction and the document entitled The School Site Planner | Per Zoning District | | |

*Verification of an approved site selection for Public and Charter schools should accompany the submittal of the site plan to the Planning Department for local review.

** Compulsory compliance with applicable state, federal and other requirements for the development or expansion of institutions of higher education is assumed.

***The North Carolina State Board of Education Department of Public Instruction offers site selection review services upon request for proposed Charter schools.

*Commentary:* Applicants are encouraged to consult with the North Carolina State Board of Education Department of Public Instruction and the document entitled The School Site Planner for guidance.

## F. Social Service Facility and Emergency Shelter (excluding temporary emergency shelters during states of emergency)

Social service facilities and emergency shelters shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

### 1. Location Consideration

A facility shall be no closer than one-half mile radius from any existing and /or permitted social service facility or emergency shelter, Group Home, or Family Care Home. The distance shall be measured by following a straight line from the nearest point of the lot line of the proposed use to the nearest point of the lot line for the lot on which the existing facility is located.

### 2. Facility or Shelter Management

**i.** Temporary shelter shall be available to residents for no more than six months.

**ii.** Staff and services shall be provided to assist residents to obtain permanent shelter and income.

The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided at the facility, and for training, counseling, and treatment of programs for residents.

**iii.** Each facility or shelter must indicate as part of the written management plan how the following services will be provided (if applicable):

**(a)** Food service.

**(b)** Job counseling.

**(c)** Alcohol and drug addiction screening and counseling.

**(d)** Domestic abuse counseling.

**(e)** Health Care.

**(f)** Mental Health Care.

**(g)** Case Management.

**(h)** Transportation.

**(i)** Safety Plan.

### 3. Development Standards

**i.** Common Facilities

The development may provide one or more of the following specific common facilities for the exclusive use of the residents and staff:

**(a)** Central cooking and dining room(s).

**(b)** Recreation room.

**(c)** Counseling center.

**(d)** Childcare facilities.

**ii.** Security

Parking and outdoor facilities shall be designed to provide security for residents, visitors and employees.

**iii.** External Lighting

Any lighting shall be internally oriented and shall not exceed 40 feet in height in commercially zoned areas and 30 feet in height in residentially zoned areas.

**iv.** Recreational Areas

If overnights occupants are housed in the facility or shelter, outdoor recreation areas should be provided. If families are housed, a play area for children should be provided.

**v.** Outdoor Activity

For the purposes of noise abatement in residential districts, organized outdoor activities may only be conducted between the hours of eight a.m. and ten p.m.

**vi.** Unit Density

Minimum of 200 gross square feet per person.

**vii.** Hours of Operation

Facilities and shelters may remain open 24 hours per day.

**viii.** Separation of Clients

If overnight occupants are housed in the facility or shelter, separate spaces for families

should be provided from individuals and special needs clients.

**ix. Buffering**

Buffering shall be consistent with the requirements outlined in Section 6.2. No activities shall occur in the buffer area except for maintenance of the buffer and the installation of water, sewer, electrical and other utility systems.

**x. Off-Street Parking**

Off-street parking shall be in accordance with Section 6.12, Off-Street Parking and Loading Spaces.

### G. Government and Community Buildings:

Government and community buildings shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

| District | Minimum Lot Width (ft.) | Minimum Lot Area (ac.) | Yard (ft.) | | |
|---|---|---|---|---|---|
| | | | Front | Rear | Side |
| RR, R-7500, R-6000, SBR-6000 | 200 | 1 | Per District | | |
| CP | 300 | 5 | Per District | | |

### H. Hospitals

Hospitals shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

| District | Minimum Lot Width (ft.) | Minimum Lot Area (s.f.) | | Yard (ft.) | | |
|---|---|---|---|---|---|---|
| Water and Sewer? | | Yes | No | Front | Rear | Side |
| C-LD, C-I | 150 | None | 15,000 | Per District | | |

### I. Cemeteries, Memorial Gardens, Mausoleums, Columbaria

Cemeteries, memorial gardens, mausoleums, and columbaries shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

1. Facilities shall comply with the requirements of the NC Cemetery Commission and all other applicable requirements.
2. Structures associated with the facility shall be constructed with minimum impact to surrounding areas.
3. Facilities shall meet the setbacks of the underlying zoning district.
4. When located in the CP District, only one enclosed structure, not exceeding 5,000 square feet in total floor area, may be associated with the use.

### J. Individual Burial Sites

Individual burial sites shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

1. Located within a lot minimum one acre in size.
2. Limited to internment of family members of property owner.
3. Minimum 50-foot separation from any property line.
4. Must comply with all other applicable local and state requirements.

*Commentary: The Planning Department will maintain a permanent record of individual burial sites to include information sufficient for entry into the Brunswick County Geographic Information System.*

## K. Place of Worship

Places of worship shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

| District | Minimum Lot Width (ft.) | Minimum Lot Area | Yard (ft.) | | |
|---|---|---|---|---|---|
| | | | Front | Rear | Side |
| CP | 300 | 5 ac. | Per District | | |

1. The dimensional standards contained in the table above apply to the structure containing the place of worship. Additional structures containing other uses such as classrooms or offices shall be considered additional principal uses and shall conform to the standards applicable to that particular use.

## L. TV/HDTV/AM/FM Broadcast Antennae

Broadcast antenna-supporting structure and/or towers, including replacements, which contain antennae/towers that transmit signals for radio and television communications shall be permitted in accordance with the use tables in Section 5.2, subject to the following additional requirements. (Note: for Wireless Telecommunication Facilities, see 5.3.4.O)

1. Any antenna supporting structure, equipment enclosures and ancillary structures shall meet the setback requirements of the underlying zoning district plus an additional six inches for every one foot of antenna support structure height.
2. A plan indicating potential tower fall zones shall be provided with the application. This plan shall be sealed or signed by a licensed professional engineer.
3. The entire antenna-supporting structure or tower and all appurtenances shall be designed pursuant to the wind speed design requirements of ASCE 7-95, including any subsequent modification to those specifications.
4. Any facility shall be illuminated in accordance with FAA requirements to provide aircraft obstruction lighting, where required. Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e. the longest duration between flashes) allowable by the FAA. No strobes or other lighting shall be permitted unless required by the FAA.
5. A landscaped buffer shall surround the base of the broadcast antenna equipment compound. Existing trees and shrubs on the site should be preserved and may be used in lieu of required landscaping where approved by the Planning Director, or designee. Grading shall be minimized and limited only to the area necessary for the new broadcast antenna.
   - i. If the proposed broadcast antenna is the principal use of the property then landscaping per Section 6.2, Landscaping and Buffering, shall be applicable. Additionally a buffer equivalent to that required for an Industrial use adjoining a Residential use shall be provided around the broadcast antenna equipment compound in the RR district; and a buffer equivalent to that required for a Light Industrial use adjoining a Residential use around the broadcast antenna equipment compound in all other districts.
   - ii. If the proposed broadcast antenna is to be located in front of an existing structure on the same zone lot, a street buffer shall also be required.
   - iii. On sites in residential districts adjoining public rights-of-way an opaque fence consistent with the requirements of Section 6.10.4 shall surround the broadcast antenna equipment compound.
6. The only signage that shall be permitted upon an antenna-supporting structure/tower, equipment enclosures, or fence (if applicable) shall be informational, and for the purpose of identifying the antenna-supporting structure, (such as ASR registration number) as well as the party responsible for the operation and maintenance of the facility, its current address and telephone number, security or safety signs, and property manager signs (if applicable).

7. New antenna-supporting structures/tower shall be configured and located in a manner that minimizes adverse effects including visual impacts on neighboring properties. The applicant shall demonstrate that alternate locations, configurations, and facility types have been examined and shall indicate the impact of these options in relation to adjoining properties with regard to mass and scale, height, materials and color, and illumination.

## M. Utility Facilities

Utility facilities (including water, sewer, storm sewers, gas, electric, communication facilities, and other utilities, see the table titled "Utilities" in Section 5.1.3) shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

*Commentary: Utility Facilities generally includes water, sewer, storm sewers, gas, electric, communication facilities, and other utilities, see the table titled "Utilities" in Section 5.1.3.*

1. All utility equipment and sub-stations less than 600 square feet in size shall be exempt from minimum lot requirements in any zoning district. The district minimum yard measurements shall remain in effect. Utility equipment and sub-stations 600 square feet or larger shall comply with all lot area and yard requirements.
2. Utility facilities in residential areas or adjoining residential uses shall maintain residential setbacks (where applicable), be fenced (unless totally enclosed with a structure), and either be screened from view or designed to have a residential appearance.

## N. Vocational and Business Schools

Vocational and business schools shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

| District | Minimum Lot Width (ft.) | | Minimum Lot Area (s.f.) | | Yard (ft.) | | |
|---|---|---|---|---|---|---|---|
| Water and Sewer? | Yes | No | Yes | No | Front | Rear | Side |
| C-LD | Per District | 75 | Per District | 10,000 | Per District | | |
| N-C | | 50 | | 7,500 | | | |

## O. Wireless Telecommunication Facility (WTF)

### 1. Purpose

The purpose of this section is to:

i. Minimize the impacts of wireless communication facilities (WTFs) on surrounding areas by establishing standards for location, structural integrity and compatibility;

ii. Encourage the location and collocation of wireless communication equipment on existing structures thereby minimizing new visual, aesthetic and public safety impacts, effects upon the natural environment and wildlife, and to reduce the need for additional antenna-supporting structures;

iii. Encourage coordination between suppliers of wireless communication services in Brunswick County;

iv. Respond to the policies embodied in the Telecommunications Act of 1996 in such a manner as not to unreasonably discriminate between providers of functionally equivalent personal wireless service or to prohibit or have the effect of prohibiting personal wireless service in the County;

v. Protect the unique natural beauty and rural character of the County while meeting the needs of its citizens to enjoy the benefits of wireless communications services; and

vi. Encourage the use of public lands, buildings and structures as locations for wireless telecommunications infrastructure as a method to establish a precedence for quality

concealment products that will minimize the aesthetic impact of related infrastructure while generating revenue for the County.

**2.** Exemptions

The following are exempt from this WTF section:

**i.** Satellite dishes (see Section 5.4.6)

**ii.** Regular maintenance and/or upgrade of antenna elements of any existing wireless communications facility that does not include the addition of any new antenna elements, feed lines, and associated support equipment on the facility or the placement of any new wireless communications facility.

**iii.** A government-owned wireless communications facility, upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the County; except that such facility must comply with all federal and state requirements. No wireless communications facility shall be exempt from the provisions of this division section beyond the duration of the state of emergency.

**iv.** Antenna supporting structures, antennae and/or antenna arrays for AM/FM/TV/HDTV broadcasting transmission facilities that are licensed by the Federal Communications Commission (see Section 5.3.4.L).

**v.** Non-commercial, amateur radio antennas, non-commercial, amateur ham radio or citizen's band antenna supporting structures with an overall height less than 90 feet. (See Section 5.3.4.P.).

**3.** Standards

WTFs and associated equipment shall be permitted in accordance with the use table in Section 5.2 subject to the following:

**i.** Nonconforming Towers

All non-conforming WTFs existing as of May 1, 2007 may be replaced if damaged by natural causes by a new WTF required to adhere to current wind guidelines and follow an aesthetic plan to make the site more pleasing to the eye.

**ii.** Siting

**(a)** Siting of a WTF shall be in accordance with the following siting alternatives hierarchy:

| Preference | | Siting |
|---|---|---|
| | 1 | Attached to an existing WTF. |
| | 2 | Attached to a Utility Infrastructure (such as an overhead power transmission line) |
| | 3 | Attached as a Stealth WTF to an existing building or structure in a non-residential zoning district. |
| | 4 | Attached to an existing building or structure in a nonresidential zoning district. |
| | 5 | Located as a freestanding Stealth WTF in a nonresidential zoning district. |
| | 6 | Located as a Monopole in a nonresidential zoning district. |
| | 7 | Located as a freestanding-guyed WTF in a nonresidential zoning district |
| | 8 | Attached as a Stealth WTF to an existing nonresidential building or structure in a residential zoning district. |
| | 9 | Attached to an existing nonresidential building or structure in a residential zoning district. |
| | 10 | Located as a freestanding Stealth WTF on a lot of a nonresidential use within a residential zoning district. |
| | 11 | Located as a Monopole on a lot of a nonresidential use within a residential zoning district. |
| | 12 | Located as a freestanding-guyed WTF on a lot of a nonresidential use within a residential zoning district. |

**(b)** In determining the order of ranking preference, the facility/structure type shall be evaluated first, and only after the facility/structure type has been identified shall the location be evaluated. Where a lower ranked alternative is proposed, the applicant must file relevant information as indicated in paragraph 4 below, including, but not limited to an affidavit by a radio frequency engineer demonstrating that despite diligent efforts to adhere to the established hierarchy within the Geographic Search area, as determined by a qualified radio frequency engineer, higher ranked options are not technically feasible, practical, or justified given the location of the proposed WTF and the existing land uses of the subject property and surrounding properties within 300 feet of the subject property.

**(c)** The WTF and all supporting cables and anchors shall be contained within one parcel.

**(d)** When located in an SBR-6000 zoning districts, no minimum lot size shall be required, provided the proposed WTF is attached to an existing WTF or an existing building or structure.

**iii.** Dimensions

WTFs shall conform to the following dimensional requirements:

**(a)** Height

**(1)** Attached WTF: The top of the WTF may not be more than 30 feet above the building or structure to which it is attached.

**(2)** Freestanding WTF Measurement: This measure shall include the foundation of the WTF, but exclude lightning rods for the dissipation of lighting or lights required by the FAA that do not provide support for any antennae.

**(3)** Freestanding WTF in Residential Districts: In the RR District, the maximum height shall be 250 feet. In the R-7500, R-6000, and SBR-6000 Districts, the maximum height shall be 200 feet. However, increases in height of up to 20% may be allowed by Board of Adjustment as part of the special exception permit approval with a certification by a registered engineer that the setbacks provide adequate fall area in case of a tower collapse.

**(4)** Freestanding WTF in Nonresidential Districts: In the N-C District, the C-I and C-LD, and all other nonresidential districts the maximum height shall be 300 feet. However, increases in height of up to 20% may be allowed by Board of Adjustment as part of the Special Exception Permit approval with a certification by a registered engineer that the setbacks provide adequate fall area in case of a tower collapse.

**(5)** Mitigation of an existing WTF (see paragraph 6 "Mitigation" on page 5-50). The maximum height of a new WTF arising from mitigation shall not exceed 125% of the height of the tallest WTF that is being mitigated.

**(b)** Setbacks

**(1)** Attached WTF: The building or structure to which the WTF will be attached shall maintain the normal setbacks of the district.

**(2)** Freestanding Concealed WTF: In the N-C district and all residential districts, setbacks shall be determined according to the underlying zoning district, plus an additional six inches for every one-foot of tower height. In all other districts, setbacks for WTFs shall be determined according to the underlying zoning district.

**(3)** Freestanding Nonconcealed WTF: Setbacks for WTFs shall be determined according to the underlying zoning district, plus an additional six inches of setback (on each side) for every one-foot of tower height. The Board of Adjustment may approve reductions to this setback requirement as a part of the special exception permit approval with a certification by a registered engineer that the resulting setbacks provide adequate fall area in case of a tower collapse.

**(4)** Mitigation of an existing WTF: A new WTF approved as mitigation shall not be required to meet setback requirements so long as the new WTF is no closer to any property lines or dwelling units as the WTF being mitigated.

*Commentary: Refer to Section 4.3.3.B for the underlying zoning district setbacks for WTFs proposed in residential zoning districts. See Section 4.5.3.B for the underlying zoning district setbacks in commercial zoning districts. See Section 4.6.3.B for the underlying zoning district setbacks in industrial zoning districts.*

**(c)** Buffers

**(1)** A landscaped buffer shall surround the base of the WTF equipment compound. Existing trees and shrubs on the site should be preserved and may be used in lieu of required landscaping where approved by the Planning Director. Grading shall be minimized and limited only to the area necessary for the new WTF.

**(2)** If the proposed WTF is the principal use of the property then landscaping per Section 6.2, Landscaping and Buffering, shall apply. Additionally, when a freestanding nonconcealed WTF is located in

a residential district, a buffer with opacity 0.8 (80%) shall be provided around the WTF equipment compound.

**(3)** If the proposed WTF is to be located in front of an existing structure on the same lot, a street buffer (see Section 6.3.2.A) shall also be required.

**iv.** Aesthetics

**(a)** Stealth attached WTFs, including feed lines and antennae, shall be designed so as to be compatible with the façade, roof, wall or structure on which it is affixing so that it matches the existing structural design, color and texture.

**(b)** Freestanding WTFs shall be designed so as to be compatible with neighboring structures and landscapes to the extent feasible with specific design considerations as to height, scale, color and texture.

**(c)** Commercial messages may not be displayed on any WTF.

### 4. Application Requirements

In addition to all of the requirements of Section 3.2, Site Plan Review, and Section 3.5, Special Use Permit (if required), the following information must be supplied with the site plan and special exception permit (if required) application for WTFs:

**i.** Identification of the intended user(s) of the WTF.

**ii.** A report of diligent efforts to locate based on the hierarchy established elsewhere in this Section.

**iii.** Certification by a registered engineer that, in the event of a collapse, the proposed WTF facility has been engineered to fall in a radius of less than the provided setback.

**iv.** Certification by a registered engineer or other qualified professional regarding service gaps or service expansions that are addressed by the proposed WTF ("the proposed service"), and accompanying maps and calculations.

**v.** (In the case of a new WTF) Evidence that no existing WTF can accommodate the applicant's proposed antenna(e); or that use of such existing WTFs would prohibit personal wireless services in the area of the County to be served by the proposed WTF structure. Evidence may consist of any of the following:

**(a)** No existing wireless communications facilities located within the Geographic Search Area meet the applicant's engineering requirements.

**(b)** Existing wireless communications facilities are not of sufficient height to meet the applicant's engineering requirements, and cannot be increased in height.

**(c)** Existing wireless communications facilities do not have sufficient structural strength to support the applicant's proposed wireless communications facilities and related equipment, and the existing facility cannot be structurally improved at a reasonable cost.

**(d)** Other limiting factors that render existing wireless communications facilities unsuitable.

**vi.** A report regarding the adequacy of alternative existing facilities or the mitigation of existing facilities to meet the applicant's need or the needs of the service providers desiring to locate on the proposed WTF, if the applicant is not a service provider, and the reasons these existing facilities cannot be used. Alternative existing facilities include all potentially useable utility distribution towers and other elevated structures within the proposed service area that would provide additional service to the users of the WTF. Documentation included in the report may include such things as calculations regarding coverage capability of supporting necessary equipment, or other relevant data; lease negotiations; or other information. Technical data included in such documentation shall be certified by a registered engineer or other qualified professional. The report shall include, in narrative form, the feasibility of any alternatives the applicant may have considered and their impact on neighboring properties, including, but not limited to:

**(a)** Height;

**(b)** Configuration;

**(c)** Location;

**(d)** Mass and scale;

**(e)** Materials and color;

**(f)** Illumination; and

**(g)** Information addressing the following items:

**(1)** The extent of any commercial development within the Geographic Search Area of the proposed facility;

**(2)** The proximity of the antenna support structure to any residential dwellings;

**(3)** The proximity of the antenna support structure to any public buildings or facilities; and

**(4)** The existence of tall and like antenna support structures within the Geographic Search Area of the proposed structure.

**vii.** Certification that the facility meets or exceeds applicable American National Standards Institute (ANSI) standards as adopted by the FCC in order to protect the public from unnecessary exposure to electromagnetic radiation

**viii.** A statement that the proposed facility is the Least Visually Obtrusive, as defined herein, and that the proposed facility conforms with State of the Art, as defined herein, or alternatively, that State of the Art technology is unsuitable for the proposed facility. Costs of State of the Art technology that exceed customary facility development costs shall not be presumed to render the technology unsuitable.

*Commentary: Certification by a registered engineer that the WTF has sufficient structural integrity to accommodate multiple users, and the number of additional users that can be accommodated on the proposed WTF will be required in conjunction with the building permit application and approval process.*

### 5. Third Party Review

Where due to the complexity of the methodology or analysis required to review an application for a wireless communication facility, the Planning Director may require the applicant to pay for a technical review by a third party expert, the costs of which shall be in addition to other applicable fees. Based on the results of the expert review, the approving authority may require changes to the applicant's application or submittals.

### 6. Mitigation

The intent of WTF mitigation is to reduce the number of WTFs (especially nonconforming facilities) and replace existing WTFs with new facilities to improve network functionality and

increase overall compliance with this Section. To qualify as WTF mitigation, a proposal shall accomplish a minimum of one of the following:

**i.** Reduce the number of overall WTFs;

**ii.** Reduce the number of nonconforming WTF types; or,

**iii.** Replace an existing WTF with a new WTF resulting in compliance with this section.

**7.** Approval Authority

**i.** The Planning Director shall be responsible for the approval of Stealth attached WTFs, and collocation or combining on existing antenna supporting structures, except those located within 300 feet of a designated State of North Carolina Scenic Byway.

**ii.** The Board of Adjustment shall be responsible for all other WTF approvals, subject to a Special Use Permit pursuant to Section 3.5.

**iii.** In addition to the requirements for Special Use Permits found in Section 3.5, the Board of Adjustment, in determining whether a WTF is in harmony with the area, or the effects and general compatibility of a WTF with neighboring properties (as specified in Section 3.5) may consider the aesthetic effects of the WTF as well as mitigating factors concerning aesthetics. The Board of Adjustment may disapprove an application on the grounds that the WTFs aesthetic effects are unacceptable, or may condition approval on changes in WTF height, design, style, buffers, or other features of the WTF or its surrounding area. Such changes need not result in performance identical to that of the original application. Factors relevant to aesthetic effects are: the protection of the view in sensitive or particularly scenic areas and areas specially designated in adopted plans such as unique natural features, scenic roadways and historic sites, the concentration of WTFs in the proposed area, and whether the height, design, placement or other characteristics of the proposed WTF could be modified to have a less intrusive visual impact.

**8.** Construction and Operation

**i.** WTFs shall be constructed and maintained in conformance with all applicable building code requirements.

**ii.** WTFs may not interfere with normal radio and television reception in the vicinity.

**iii.** Lighting may not exceed the FAA minimum standard. Lights shall be oriented so as not to project directly onto surrounding residential property, consistent with FAA requirements.

**iv.** The WTF equipment compound may not be used for the storage of any excess equipment or hazardous materials, nor be used as habitable space. No outdoor storage yards shall be allowed in a WTF equipment compound.

**9.** Interference with Public Safety Communications

**i.** In order to facilitate the County's regulation, placement, and construction of WTFs and their interaction with the County's Public Safety and Emergency Services Communications Equipment, all applicants requesting a permit for a WTF under this section shall agree in a written statement, to the following:

**(a)** Compliance with Good Engineering Practices as defined by the FCC in its Rules and Regulations;

**(b)** Compliance with FCC regulations regarding susceptibility to radio frequency interference (RFI), frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to RFI; and

**(c)** In the case of co-location of telecommunications facilities, the applicant, together with the owner of the site, shall provide a composite analysis of all users of the site to determine that the applicant's proposed facilities will not cause RFI with the County's Public Safety and Emergency Services Communications Equipment.

**ii.** When a specific base station is identified as causing RFI with the County's Public Safety and Emergency Services Communications Equipment, the following steps shall be taken:

**(a)** Upon notification by the County of interference with Public Safety and Emergency Services Communications equipment, the owners of the WTF equipment shall utilize the hierarchy and procedures set forth in the FCC's Wireless Telecommunications Bureau's Best Practices Guide. If the WTF owner fails to cooperate with the County in applying the procedures set forth in the Best Practices Guide in order to eliminate the interference, then the County may take steps to contact the FCC to eliminate the interference.

**(b)** If there is a determination of RFI with the County's Public Safety and Emergency Services Communications Equipment, the party which caused the interference shall be responsible for reimbursing the County for all costs associated with ascertaining and resolving the interference, including, but not limited to, any engineering studies obtained by the County to determine the source of the interference.

## P. Amateur Wireless Facility

Non-commercial, amateur, ham radio or citizen's band antenna supporting structures, antennas or antenna arrays with an overall height less than 90 feet in all zoning districts may be developed in accordance with standards for Accessory Structures and Uses in Section 5.4 and the following additional requirements. Said facility shall be accessory to a legal, principal use on a site (e.g. residence).

**1.** Structures, excluding towers, shall meet the setback requirements for accessory uses for the zoning district in which the proposed facility shall be located. Towers shall meet the setback requirements for accessory uses for the zoning district in which the proposed facility shall be located or 100% of the tower height, whichever is greater.

**2.** Applicant shall commit in writing that the facility will be erected in accordance with manufacturer's recommendations.

Non-commercial, amateur, ham radio or citizen's band antenna support structures, equal to or greater than 90 feet shall be regulated in accordance with the Standards for Wireless Telecommunication Facilities found in Section 5.3.4.O. of this ordinance.

## Q. Solar Farm

A Solar Farm developed as a principal use shall be permitted in accordance with Section 5.2., subject to the following:

### 1. Setbacks

Solar farms shall meet the minimum zoning setbacks for the zoning district in which located.

### 2. Height

20 feet maximum.

### 3. Visibility

**(a)** Solar farms with panels located at least 150 feet from an adjacent public street right-of-way, residentially-zoned property, or residential use shall not require screening.

**(b)** Solar farms with panels located less than 150 feet from an adjacent public street right-of-way must meet the requirements of Section 6.3.8, Street Buffers and Section 6.3.9, Project Boundary Buffers.

**4.** Application Requirements

**(a)** A site plan denoting the dimensions of the parcel, proposed solar farm location (arrangement of panels), distance from the proposed area to all property lines and location of the driveway(s). No portion of the system area may encroach into the required setbacks and any buffer area(s).

**(b)** The site plan should also show any street buffer(s) and any project boundary buffer(s).

**(c)** Horizontal and vertical (elevation) to-scale drawings with dimensions. The drawings must show the location of the system on the property.

**(d)** State and Local Stormwater permits may be required based upon ground cover.

**(e)** If applicable, the applicant must apply and receive from the North Carolina Department of Transportation (NCDOT) a driveway permit, or submit documentation from NCDOT that the existing site access is acceptable for the required use prior to final project approval.

**5.** Installation and Design

**(a)** Approved Solar Components – Electric solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).

**(b)** Compliance with Building and Electrical Code – All solar farms shall meet all requirements of the International Building Code with North Carolina Amendments.

*Commentary: Compliance with the International Building Code with North Carolina Amendments includes meeting the wind load requirements for Brunswick County, which are 120 miles per hour on the western side of US 17 (Ocean Highway) and 130 miles per hour on the eastern side of US 17.*

**R.** Wind Farms

Wind Farms developed as a principal use shall be permitted in accordance with Section 5.2., subject to the following:

**1.** Setbacks

Wind turbines must be setback from all property lines a distance equal to two and one-half (2.5) linear feet for every foot of height of the turbine. All other structures must be setback consistent with the setback requirements for the zoning district in which it is located.

**2.** Height

Five hundred feet (500′) maximum.

**3.** Rotor blades on wind turbines must maintain at least twenty-four feet (24′) of clearance between their lowest point and the ground.

**4.** Visibility

**(a)** Wind farms with wind turbines located at least 150 feet from an adjacent public street right-of-way, residentially-zoned property, or residential use shall not require screening.

**(b)** Wind farms with wind turbines located less than 150 feet from an adjacent public street right-of-way, residentially-zoned property, or residential use must meet the requirements of Section 6.3.8, Street Buffers and Section 6.3.9, Project Boundary Buffers.

**5.** Wind Farm Facility Noise, Shadow Flicker, and Electromagnetic Interference

**(a)** Audible sound from a Wind Turbine shall not exceed fifty-five (55) dBA, as measured at any occupied building of a Non-Participating Landowner.

**(b)** Shadow flicker at any occupied building on a Non-Participating Landowner's property caused by a Wind Energy Facility located within 2,500 feet of the occupied building shall not exceed thirty (30) hours per year.

**(c)** Wind turbines may not interfere with normal radio and television reception in the vicinity. The applicant shall minimize or mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by any wind energy facility.

### 6. Application Requirements

**(a)** Identification and location of the property on which the proposed wind farm will be located.

**(b)** A site plan denoting the dimensions of the parcel, proposed wind farm location (arrangement of turbines and related equipment), distance from the proposed area to all property lines and location of the driveway(s). No portion of the wind farm area may encroach into the required setbacks and any buffer area(s).

**(c)** The site plan should also show any street buffer(s) and any project boundary buffer(s).

**(d)** The representative type and height of the wind turbine in the form of horizontal and vertical (elevation) to-scale drawings, including its generating capacity, dimensions and respective manufacturer, and a description of ancillary facilities.

**(e)** Evidence of compliance with applicable Federal Aviation Administration regulations.

**(f)** State and Local Stormwater permits may be required based upon ground cover.

**(g)** If applicable, the applicant must apply and receive from the North Carolina Department of Transportation (NCDOT) a driveway permit, or submit documentation from NCDOT that the existing site access is acceptable for the required use prior to final project approval.

**(h)** An applicant for a site permit shall include with the application an analysis of the potential impacts of the wind power project, proposed mitigative measures, and any adverse environmental effects that cannot be avoided, in the following areas:

**i.** Demographics including people, homes, and businesses.
**ii.** Noise.
**iii.** Visual impacts.
**iv.** Public services and infrastructure.
**v.** Cultural and archaeological impacts.
**vi.** Recreational resources.
**vii.** Visual impacts.
**viii.** Public services and infrastructure.
**ix.** Cultural and archaeological impacts.
**x.** Recreational resources.
**xi.** Topography.
**xii.** Soils.
**xiii.** Geologic and groundwater resources.
**xiv.** Surface water and floodplain resources.
**xv.** Wetlands.
**xvi.** Vegetation.
**xvii.** Avian, impact assessment that includes an indication of the type and number of birds that are known or suspected to use a project site and the area surrounding

that site.

**xviii.** Wildlife.

**xix.** Rare and unique natural resources.

**(i)** The applicant shall state in the application whether a Certificate of Public Convenience and Necessity for the system is required from the North Carolina Utilities Commission and, if so, the anticipated schedule for obtaining the certificate. The County may ask the Utilities Commission to determine whether a Certificate of Public Convenience and Necessity is required for a particular wind power project for which the County has received an application. The County shall not approve a project requiring a certificate unless and until such certificate is issued by the Utilities Commission. If a certificate is not required from the Utilities Commission, the permit shall include with the application a discussion of what the applicant intends to do with the power that is generated.

**7.** Installation and Design

**(a)** The installation and design of the Wind Farm shall conform to applicable industry standards, including those of the American National Standards Institute.

**(b)** All electrical, mechanical and building components of the Wind Farm shall be in conformance with the International Building Code with North Carolina Amendments.

*Commentary:* Compliance with the International Building Code includes meeting the wind load requirements for Brunswick County, which are 120 miles per hour on the western side of US 17 (Ocean Highway) and 130 miles per hour on the eastern side of US 17 (Ocean Highway).

**(c)** Any on-site collection and distribution lines shall, to the maximum extent possible, be installed underground.

**(d)** Attachment to a building of any kind shall be prohibited.

**8.** Visual Appearance

**(a)** The wind turbine shall be constructed of a corrosion resistant material that will not fade, show rust spots or otherwise change the appearance as a result of exposure to the elements and be a non-obtrusive color such as white, off-white or gray; and

**(b)** The wind turbine shall not be artificially lit, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

**9.** Any Wind Farm that is not functional shall be repaired by the owner within a 6 month period or be removed. In the event that the County becomes aware of any wind farm that is not operated for a continuous period of 6 months, the County will notify the landowner by certified mail and provide 30 days for a written response. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the County deems the timetable for corrective action as unreasonable, the County shall notify the landowner and such landowner shall remove the turbine(s) with 180 days of receipt of said notice. Any disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

**10.** Decommissioning

**(a)** The applicant must remove the Wind Farm if, after the completion of the construction, the Wind Farm fails to begin operation, or becomes inoperable for a continuous period of one (1) year.

**(b)** The one-year period may be extended upon a showing of good cause to the Brunswick County Board of Adjustment.

**(c)** The applicant must provide to the County a form of surety equal to 125% of the entire cost, as estimated by the applicant and approved by the Director of Engineering Services, either through a surety performance bond, irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the County or in escrow with a financial institution designated as an official depository of the County, to cover the cost of removal in the event the applicant is unable to perform any required removal and the County chooses to do so. Following initial submittal of the surety, the cost calculation shall be reviewed every 12 months by the applicant and adjusted accordingly based upon the estimated decommissioning costs in current dollars. The adjustment must be approved by the Director of Engineering Services.

## 5.3.5. Commercial Uses

### A. Adult & Sexually Oriented Businesses

Adult and sexually oriented businesses shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

#### 1. Authority

The provisions of these regulations are adopted by the Brunswick County Board of Commissioners under authority granted by the General Assembly of the State of North Carolina, in Ordinance 153A, Article 18 of the General Statutes. From and after the effective date and hereof, these regulations shall apply to every building, lot, tract, or parcel of land within Brunswick County.

#### 2. Intent

It is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon neighboring areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. For the purpose of promoting the health, safety, morals and general welfare of the citizenry of Brunswick County, this article is adopted by the Board of Commissioners to regulate adult and sexually oriented businesses, as hereby defined, located in the jurisdiction of the county. Further the regulations of this article have been made with reasonable consideration, among other things, as to the character of the county and its areas and their peculiar suitability for these businesses.

#### 3. Abrogation

These regulations shall not repeal, impair, abrogate or interfere with any existing easements, covenants, deed restrictions, setback requirements, rules, definitions, regulations previously adopted pursuant to law in any established zoning district in Brunswick County. However, where these regulations impose greater restrictions, the provisions of these regulations shall govern.

#### 4. Application of Regulations

Adult and sexually oriented businesses shall be regulated as to location in the following manner in addition to any other requirements of this code:

**i.** No adult or sexually oriented business shall be permitted in any building located within 1,500 feet, measured in any direction, from:

**(a)** A building used as a dwelling.

**(b)** A building in which an adult business or a sexually oriented business is located.

**(c)** A building used as a church, synagogue, other house of worship or cemeteries.

**(d)** A building used as a public school or as a state licensed day care center.

**(e)** Any lot or parcel on which a public playground, public swimming pool, or public park is located.

**(f)** Any publicly owned or operated facility.

**ii.** No more than one adult or sexually oriented business establishment shall be located in the same building or structure or on the same lot.

**iii.** All minimum lot requirements of the I-G Zoning District shall be met.

**iv.** Except for signs as permitted in Article 8, promotional displays and presentations shall not be visible to the public from sidewalks, walkways or streets.

**5.** Nonconforming Adult Business and Sexually Oriented Businesses

Any adult business or sexually oriented business lawfully operating as of the May 1, 2007 that is in violation of any provision of this Ordinance shall be deemed a nonconforming use. Any use which is determined to be nonconforming by application of the provisions of this section shall be permitted to continue for a period not to exceed two years. Such nonconforming uses shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use. If a nonconforming use is discontinued for a period of 180 days or more it may not be reestablished. If two or more adult businesses or sexually oriented adult businesses are within 1,500 feet of one another and otherwise in a permissible location, the business which was first established and continually operating at its present location shall be considered the conforming use and the later established business(es) shall be considered nonconforming. An adult business or sexually oriented adult business lawfully operating as a conforming use shall not be rendered nonconforming by the subsequent location of a dwelling, church, house of worship, day care center, school, playground, public swimming pool or public park.

**B.** Car Wash

Car washes shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

**1.** No storage, repair, or sales of vehicles shall be allowed on the site.

**2.** Provisions shall be made for an on-site drainage system to capture water used to wash vehicles; or provide connections to an approved sanitary sewer system.

**3.** Vehicle stacking shall be provided as required by Section 6.12.8, Vehicle Stacking Areas.

**C.** Commercial Parking Facilities

Commercial parking facilities shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

**1.** The facility shall be landscaped in conformance with the vehicular use area landscaping (Section 6.12.10) in addition to the landscaping and buffering standards in Article 6.

**2.** No storage, repair, or sales of vehicles shall be allowed on the site.

**3.** Driveways shall be designed with sufficient depth (20 feet minimum) to prevent vehicles from backing up into the street when entering.

**4.** Adequate lighting shall be provided in conformance with Section 6.9, Outdoor Lighting.

**D.** Commercial Recreational Facilities and Uses

Commercial recreational facilities and uses shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

| District | Minimum Lot Width (ft.) | Minimum Lot Area (s.f.) | | Yard (ft.) | | |
|---|---|---|---|---|---|---|
| Water and Sewer? | | Yes | No | Front | Rear | Side |
| C-LD, N-C | 75 | None | 10,000 | Per District | | |

1. All food sales shall be for customers of the recreational facility. Off-site sale of food shall not be permitted.
2. When located in the CP District, only one enclosed facility is allowed, not to exceed 5,000 square feet in area. Retail sales shall be limited to those directly related to the recreational activity (e.g. public or private kayak launch, sales, and rental facility).

### E. Drive-Through Facility

Drive-through facilities shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

1. The primary presence along the major street frontage should be the building, not the menu board, drive-through aisle, or parking lot.
2. Where no street separates the use and a residentially zoned property, at least 40 feet of separation shall be maintained between the residential lot line and the drive-through facility.
3. The location of drive-through windows and associated facilities (for example: communications systems and access aisles) shall be identified on all site plans. Drive through menu signs shall be identified on all site plans.
4. Any speaker systems associated with a drive-through facility shall be designed and located so as not to adversely affect adjoining uses.
5. Drive-through alleys between the right-of-way of a roadway and a building shall require a parking buffer pursuant to Section 6.12.10 if the drive-through alley is within 50 feet of, and visible from, the roadway. Such buffer shall be installed and maintained along the entire length of the drive-through alley and the adjoining roadway.
6. Vehicle stacking areas shall be provided in accordance with Section 6.12.8, Vehicle Stacking Areas.

### F. Golf Course

Golf courses shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

1. Instructional facilities such as golf training shall be allowed.
2. Retail pro shops, restaurants, conference centers and other uses shall be considered a separate principal use and may be allowed to operate in conjunction with the facility where permitted in the use table (see Section 5.2), subject to any restrictions on those uses.

### G. Hotels, Motels

Hotels and motels shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

| District | Minimum Lot Width (ft.) | Minimum Lot Area (s.f.) | | Yard (ft.) | | |
|---|---|---|---|---|---|---|
| Water and Sewer? | | Yes | No | Front | Rear | Side |
| N-C | 75 | None | 10,000 | Per District | | |

1. The parcel shall be directly accessible to a major or minor thoroughfare.
2. All hotel and motel buildings and vehicular use areas shall be located at least 50 feet from any property line adjoining a residential district or use.
3. Any accessory commercial activities such as restaurants shall not be located along the side of the property adjoining a residential district or use.
4. Any outdoor recreation facilities, such as swimming pools, shall not be located along the side of the property adjoining a residential district or use. If the outdoor recreation facility is a swimming pool, it shall meet the standards of Section 5.4.8, Swimming Pools, with regard to fencing.
5. A permit to sell alcohol shall be required for all alcohol sales operations associated with a hotel, motel, or other overnight accommodation.

### H. Mobile and Modular Home Sales & Services

Mobile and modular home sales lots shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

1. If a Special Use permit is required, on site sales office must be in operation within 180 days of the date of the Special Use or the Special Use becomes null and void.
2. Storage and repair area(s) shall be screened from view. Replacement or discarded parts and accessories shall also be screened from view.
3. Shall conform to sign regulations of the zoning district in which the use is located. In addition, each display home may have an informational sign not to exceed 3 square feet in area, directly adjoining the home, which gives information about the home.
4. Display homes shall maintain a minimum separation of at least 10 feet between each home. Display homes shall be leveled and blocked.
5. Display homes, which are visible from the street right-of-way, shall be provided with some type of material and/or landscaping around the base which will prevent open views underneath the display home. Access to the display homes shall be through a stairway or other means that has a permanent appearance.
6. The property owner is responsible for the removal of any vestige upon cessation of the business, including signage. Per GS 153A-140, should the property owner decline removal, such situations may be declared a “public nuisance”.

### I. Military Auxiliary Service Clubs and Halls (VFW, USO, etc.)

Military auxiliary service clubs and halls shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

| District | Minimum Lot Width (ft.) | Minimum Lot Area | Yard (ft.) | | |
|---|---|---|---|---|---|
| | | | Fr ont | Rear | Side |
| RR | Per base district | 5 ac. | Front and rear yards per district<br><br>Side yards 25 feet | | |
| | | | | | |
| R-7500, R-6000, SBR-6000, MR-3200 | Per base district | 10 ac. | | | |
| N-C | 150 | Per District | | | |
| C-LD | 150 | 15,000 s.f. | | | |
| CI | 150 | 15,000 s.f. | | | |
| IG | 150 | 15,000 s.f. | | | |

**J.** Nightclub, Tavern, or Bar

Nightclubs, taverns, or bars shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

**1.** The applicant shall demonstrate that no existing place of worship is located within 250 feet of the proposed nightclub or similar establishment. Measurements shall be made from the property line of the proposed establishment and from the property line of any separate parking lots to be used by the nightclub or similar establishment along the shortest straight line that may be drawn on a map.

**2.** No outside storage shall be allowed on the site.

**K.** Outdoor Sales or Display Areas, other than Mobile and Modular Home Sales Lots, and Vehicle and Heavy Equipment Sales, Service and Rentals

Outdoor sales or display areas shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

**1.** The outdoor display area shall be located on the same property as the primary sales or rental area and shall be shown on an approved site plan.

**2.** A transition area shall be established along any side of the property where a permanent outdoor sales or display area abuts or is across the street from a residential use or residential zoning district in a manner that is consistent with one of the alternatives in the table below.

| Minimum Transition Area Depth and Plantings Where an Outdoor Sales and Display Area is Adjacent to a Residential Use or Residential Zoning District Per 100 Linear Feet | | |
|---|---|---|
| Alternative 1[1] Plantings | Alternative 2 Plantings + 6-Foot Fence [2] | Alternative 3 Plantings + 6–Foot Wall [3] |
| 20 feet<br>5 canopy<br>8 understory<br>49 shrubs | 15 feet<br>0 canopy<br>3 understory<br>3 shrubs | 10 feet<br>0 canopy<br>3 understory<br>3 shrubs |
| Note:<br>[1] All plantings must be an evergreen plant species and staggered in three (3) rows.<br>[2] Fence type must be 100% opaque and comprised of either wood or vinyl materials and designed in conformance with Section 6.3.10, Walls, Berms, and Fences within Buffers.<br>[3] Wall must be designed in conformance with Section 6.3.10, Walls, and Section 6.10.5, Walls, Berms, and Fences within Buffers. | | |

3. The merchandise shall not be located in any buffer area.
4. Permanent sales or display areas shall not block sidewalks or parking areas, and may not impede vehicular or pedestrian traffic.
5. Permanent outdoor sales or display areas may not be located in any required parking space.
6. Adequate public restrooms and/or toilet facilities in accordance with the requirements of the International Building Code with North Carolina Amendments apply.

## L. Personal Service Establishments

Personal service establishments shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

| District | Minimum Lot Width (ft.) | | Minimum Lot Area (s.f.) | | Yard (ft.) | | |
|---|---|---|---|---|---|---|---|
| Water and Sewer? | Yes | No | Yes | No | Front | Rear | Side |
| C-LD | Per District | 75 | Per District | 10,000 | Per District | | |
| N-C | | 50 | | 7,500 | | | |

## M. Private Club or Lodge (Private, Nonprofit, Civic or Fraternal)

Private clubs or lodges shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

1. If a proposed club or lodge is to be included in a development existing prior to May 1, 2007, a Special Use Permit (see Section 3.5) shall be required.
2. In all subdivisions proposed on or after the May 1, 2007, a club or lodge may be allowed in compliance with the dimensional requirements in the table below (if applicable).

| District | Minimum Lot Width (ft.) | Minimum Lot Area | Yard (ft.) | | |
|---|---|---|---|---|---|
| | | | Front | Rear | Side |
| RR, R-7500, R-6000, SBR-6000 | Per base district | 10 ac.[1] | 50 | 50 | 50 |
| MR-3200, N-C | 150 | Per District | Per District | | |
| C-LD | 150 | 15,000 s.f. | Per District | | |
| C-I | 150 | 15,000 s.f. | Per District | | |
| I-G | 150 | 15,000 s.f. | Per District | | |

Note:
[1] When developed as part of a subdivision or PUD, the development must be at least 10 ac. in total project area to have a private club or lodge.

**N.** Repair, Remodeling, And Renovation Of Farm Equipment, Whether For Profit Or As A Hobby:

Repair, remodeling, and renovation of farm equipment shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

**1.** Any such activity shall be kept at least 100 feet away from any property line which abuts the R-7500, R-6000, or SBR-6000 Zoning Districts.

**O.** Restaurants

Restaurants shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

**1.** When located in the N-C District, a minimum lot width of 75 feet is required. Additionally, a minimum lot area of 10,000 square feet is required if the facility is not connected to public water and sewer. If connected to public water and sewer, the minimum lot area requirements of the base district apply.

**2.** In all other districts where restaurants are permitted, the minimum lot width and area requirements of the base district shall apply.

**3.** Drive through facilities shall be permitted separately as a principal use in accordance with the use table in Section 5.1 and the standards found in Section 5.3.5.E.

**P.** Retail Stores, Sales, and Display Rooms and Shops > 10,000 sf

Retail stores, sales, and display rooms and shops shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

**1.** All individual uses with an enclosed floor area in excess of 60,000 square feet shall comply with Section 6.7.1, Large Scale Commercial.

**2.** Retail sales development projects with an aggregate enclosed floor area in excess of 75,000 square feet shall be required to comply with Section 6.7.1, Large Scale Commercial.

**3.** Permanent outdoor storage and display shall be permitted subject to the use table and the standards found in Section 6.22, Outdoor Display and Storage. Temporary outdoor display may be permitted subject to the standards found in Section 5.5.3.F.

**4.** When vehicle service facilities are included as an accessory use to a primary retail use, such accessory service facilities should be located to the side or rear of the primary use. To the maximum extent possible, the accessory service facility should not be visible from the roadway.

*Commentary: For example, if an auto center is associated with a larger retail store, the auto center shall be located to the side or rear of the larger store.*

5. Additional dimensional standards shall apply in certain zoning districts as follows:

| District | Minimum Lot Width (ft.) | Minimum Lot Area (s.f.) | | Yard (ft.) | | |
|---|---|---|---|---|---|---|
| With Water and Sewer? | | Yes | No | Front | Rear | Side |
| N-C | 75 | None | 10,000 | Per District | | |

6. Drive through facilities shall be permitted separately as a principal use in accordance with the use table in Section 5.1 and the standards found in Section 5.3.5.E.

## Q. Retail Sales and Service in Industrial Establishments

Retail sales and service incidental to manufacturing or light industrial is permited in the I-G and C-I districts subject to the following:

1. Area devoted to retail sales and service must clearly be subordinate to manufacturing or light industrial activity.
2. Must comply with parking requirements for retail sales; however, parking spaces may also be used to meet manufacturing or light industrial parking requirements.
3. Signage for retail sales and service use limited to one building sign and one off-premise directional sign.

## R. Self-Storage/Mini-Storage Facility

1. Vehicle sales, leasing, and rental shall be permitted separately as a principal use in accordance with the use table in Section 5.2 and the standards found in Section5.3.5.S.
2. All storage shall be contained within a fully-enclosed building. However, outdoor storage of boats, travel trailers, recreational vehicles, and other noncommercial occasional use vehicles may be permitted in conformance with Section 6.22, Outdoor Display and Storage, when located in a designated area. Said area shall be identified on all site plans.
3. A landscaped buffer not less than 25 feet in width shall be established along any side of the property where the self-storage facility abuts or is across the street from a residential use.
4. A 100 percent opaque barrier or screen between six and eight feet in height shall be provided around the perimeter of the property. Where the barrier of the self-storage facility is visible from a public right-of-way, the barrier shall be buffered by a hedge that has a mature height of at least four feet.
5. Adequate lighting shall be provided in conformance with Section 6.9, Outdoor Lighting.
6. The following activities shall be prohibited on the premises:
   - **i.** Commercial, wholesale or retail sales, flea markets or peddling, or miscellaneous or garage sales. However, once a month, the management of the self-storage mini-warehouse complex may conduct a one-day auction or sale of abandoned or stored materials to settle unpaid storage bills in accordance with State of North Carolina regulations.
   - **ii.** Servicing, repair, or fabrication or motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
   - **iii.** Operation of a transfer-and-storage business.
   - **iv.** Operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment except when needed for maintenance of the use
   - **v.** Any activity that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.
   - **vi.** Storage of hazardous chemicals, flammable liquids, or combustible and explosive materials.

vii. Habitation of storage units by humans or animals.

### S. Vehicle and Heavy Equipment Sales, Leasing, and Rentals

Vehicle sales, leasing, and rentals shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

1. Automobile and light truck sales and rentals are permitted as an Accessory Use to a Vehicle Wrecking, Junk or Salvage Yard only in the I-G Zoning District.
2. Junked or inoperable vehicles/heavy equipment shall not be on the premises unless such is within an enclosed building or screened area.
3. Vehicle or equipment repairs made on-site shall be subject to the same restrictions under Section 5.3.5.T, Vehicle Service and Garage.
4. Adequate on-site area shall exist for the loading and unloading of vehicles from car carriers to ensure that no such loading or unloading occurs in any public right of way.
5. Vehicle sales, leasing, and rental facilities shall meet the following landscaping standards rather than those of Section 6.12.10, Vehicular Use Area Landscaping:
   i. Trees shall be planted at the rate of one tree per 75 linear feet, and shrubs at the rate of one shrub per ten linear feet of display area.
   ii. Plants may be grouped together, provided that at least 250 square feet of contiguous growing area, not encroached upon by impervious surfaces, surrounds each planted tree.
   iii. Project boundary buffers shall be provided as required by Section 6.3.9, Plantings required in paragraphs i. and ii. above may not be counted towards the project boundary planting requirements.
6. The provisions of Section 6.22, Outdoor Display, shall not apply.
7. Vehicles may not be located in any required yard or buffer area, even for temporary display purposes.
8. Permanent vehicle sales areas may not be located in any required parking spaces.
9. Vehicle sales or display areas may not block sidewalks or parking areas, and may not impede vehicular or pedestrian traffic.
10. Adequate lighting shall be provided in conformance with Section 6.9, Outdoor Lighting.
11. Aircraft and boat sales and rentals are permitted as an Accessory Use to an aircraft or boat manufacturing facility only in the I-G Zoning District.

### T. Garage Service and/or Automobile Repair

Vehicle service and garages shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

1. Fuel pumps shall be at least 15 feet from property lines.
2. Any repair, servicing, maintenance or other work on vehicles shall be conducted within an enclosed structure or behind an opaque fence or wall.
3. However, outdoor storage may be permitted in conformance with Section 6.22, Outdoor Display and Storage, when located in a designated area behind a 100% opaque wall or fence. Said area shall be identified on all site plans.
4. Storage of customer vehicles, vehicles with expired tags, unlicensed vehicles, junk vehicles, or any vehicle not used in the conduct of business operations (tow trucks for example) for 15 days or more shall be prohibited.

## U. Veterinary Clinics, Animal Hospitals, and Kennels

Veterinary clinics, animal hospitals, and kennels shall be permitted in accordance with the use tables in Section 5.2., subject to the following:

1. In the RR district, the use shall be permitted as a limited use subject to the standards in this Section.
2. A 300-foot separation shall be maintained between the outdoor areas where animals are kept and any property line of any adjacent residential use in a residential district.
3. A minimum six-foot high wall shall be installed and maintained between outdoor areas where animals are kept and any property line of an adjacent residential use in a non-residential district.
4. The facility shall be constructed, designed, and located on the site to minimize noise, odor, and other impacts on neighboring properties. Adequate waste disposal shall be required to maintain sanitary conditions and control odor.
5. With the exception of kennels, all facilities shall be licensed by the Animal Health Division of the North Carolina Department of Agriculture and Consumer Services, Article 3, and all other required permits or certificates shall be acquired and maintained.

## V. Flea Market

Flea Markets shall be permitted in accordance with the use table in Section 5.2., subject to the requirements of this Ordinance and the following:

1. The flea market site shall contain sufficient land area to meet all applicable design standards;
2. The parcel shall be directly accessible to a public or private road;
3. Parking spaces and aisle(s) shall be adequately delineated and separated from vendor areas to ensure safe circulation;
4. No vehicle storage, vehicle repair and/or sales of vehicles shall be allowed on the site;
5. The outdoor display area shall be located on the same property as the primary sales or rental area and shall be shown on an approved site plan;
6. Buffering must be provided at 0.6 opacity, consistent with the requirements outlined in Section 6.3.9.A "Buffer Alternatives" of the UDO, for any side of the property that abuts or is across the street from a residential zoning district or residential use. The Board of Adjustment may reduce this requirement if the flea market operation does not include outdoor sales space;
7. Merchandise displayed outdoors shall not be located in any buffer area;
8. Unless specifically approved in a site plan, an outdoor sound or public address system is not permitted;
9. Adequate public restrooms and/or toilet facilities in accordance with the requirements of the International Building Code with North Carolina Amendments apply;
10. Permanent sales or display areas shall not block sidewalks or parking areas, and may not impede vehicular or pedestrian traffic;
11. Permanent outdoor sales or display areas may not be located in any required parking spaces;
12. Open-air flea markets may store tables, stands and/or other display equipment on-site in a permitted accessory structure. Enclosed flea markets may store tables, stands and/or other display equipment within their assigned area with the permission of the property owner/manager. Otherwise, all tables, stands and/or other display equipment and all vehicles shall be removed from the parcel any time that the flea market is not open to the public;

13. No overnight camping or permanent occupancy shall be permitted unless specifically authorized in an approved site plan;

14. Hours of operation shall be limited to 7:00 a.m. through 7:00 p.m. 7 days per week; and

15. All outdoor lighting must be consistent with Section 6.9, "Outdoor Lighting" of the UDO.

**W. Electronic Gaming Operation**

Electronic Gaming Operations shall be permitted in accordance with the use tables in Section 5.2., subject to the following:

1. Electronic Gaming Operations shall be regulated as to location in the following manner in addition to any other requirements of the UDO:
   - i. Electronic gaming operations shall be located a minimum of 1,500 feet measured in any direction, from:
     - (a) A place of worship or other religious institution.
     - (b) A day care center, public or private school.
     - (c) A public park, playground, public library, cemetery.
     - (d) A skating rink, video arcade, or motion picture theater which shows G or PG-rated movies to the general public on a regular basis.
     - (e) Electronic gaming operations, tattoo and body piercing establishments or adult and sexually oriented businesses.

2. Hours of operation shall be limited to 8:00 a.m. through 12:00 Midnight, 7 days per week.

3. The maximum number of machines/terminals/computers for any electronic gaming operation business is 20.

4. Off-Street Parking must comply with Section 6.12. of the UDO.

**X. Convenience Store**

Convenience stores shall be permitted in accordance with the use tables in Section 5.2., subject to the following:

1. When located in the CP and MR-3200 Zoning Districts, convenience stores shall be limited to less than or equal to 10,000 square feet.

## 5.3.6. Office Uses

**A. Offices and Studios**

Offices and studios shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

| District | Minimum Lot Width (ft.) | | Minimum Lot Area (s.f.) | | Yard (ft.) | | |
|---|---|---|---|---|---|---|---|
| Water and Sewer? | Yes | No | Yes | No | Front | Rear | Side |
| RR, C-I | Per District | Per District | Per District | Per District | Per District | | |
| C-LD | Per District | 75 | Per District | 10,000 | Per District | | |
| N-C | | 50 | | 7,500 | | | |

**B. Banks and Financial Institutions**

Banks and financial institutions shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

| District | Minimum Lot Width (ft.) | | Minimum Lot Area (s.f.) | | Yard (ft.) | | |
|---|---|---|---|---|---|---|---|
| Water and Sewer? | Yes | No | Yes | No | Front | Rear | Side |
| N-C | Per District | 75 | None | 10,000 | Per District | | |

1. Drive through facilities shall be permitted separately as a principal use in accordance with the use table in Section 5.1 and the standards found in Section 5.3.5.E.
2. Vehicle stacking areas shall be provided in accordance with Section 6.12.8, Vehicle Stacking Areas.

## 5.3.7. Industrial Uses

### A. Contractor's Office and Storage Operations

Contractor's office and storage operations shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

1. When adjacent to residences, outside storage of equipment, construction materials or other goods shall be screened by means of a solid wall or slated fence. A vegetative row shall also be provided on the exterior of the wall or fence.
2. When adjacent to a public roadway, outdoor storage of equipment, construction materials or other goods shall be screened by a perimeter vegetative buffer row, such buffer to be installed on the exterior of walls or fences, if any.
3. The vegetative buffer shall reach a minimum of 0.6 opacity and a height of eight feet within five years.
4. Screening shall not be required for portions of the operation adjacent to expansive water features, wetland areas, natural areas, utilities or industrial uses.

### B. Craft and Woodworking Shops and Similar Uses

Craft and woodworking shops and similar uses shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

1. Outside processing or compounding treatment shall not be permitted.

### C. Hazardous Materials Treatment Facility

Hazardous materials treatment facilities shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

1. The following activities may not be permitted at a hazardous materials treatment facility:
   i. Manufacture of hazardous materials from component non-hazardous materials;
   ii. Long term or perpetual storage of hazardous materials; or
2. The facility shall comply with all applicable State and federal regulations.
3. The facility shall be located at least 1,500 feet from the property line of any residentially used or zoned property.
4. Maps and engineering drawings shall be provided showing proposed drainage, proposed sewer system design, the depth of the water table, soil composition, all existing surface water, and all existing uses within ¼-mile of the property line.
5. The site shall be enclosed by a fence or wall of between six and eight feet in height of a minimum opacity of 75%. Entrance and exit shall be through a gate which shall be locked during non-business hours.
6. A hazardous materials treatment facility may not be operated as a secondary use.

## D. Incinerators for the Disposal of Animal Remains

Incinerators for the Disposal of Animal Remains (e.g. pet crematories), shall be permitted in accordance with the use tables in Section 5.2., subject to the following:

1. In all permitted zoning districts, the incinerator apparatus (called a retort) must be a certified apparatus, installed and located within an enclosed building.

## E. Junkyards

Junkyards and mobile home salvage and storage shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

### 1. General Requirements

i. One caretaker residence shall be permitted as an accessory use in compliance with Section 5.4.2, Accessory Dwellings.

ii. Open burning shall be prohibited.

iii. Any gasoline, oil, or other materials spilled or collected on the site shall be contained and disposed of in accordance with State and federal laws.

iv. Disposal of garbage unrelated to motor vehicles shall be in an approved container and regularly maintained. Open dumping of garbage is prohibited.

v. Stock piling of tires and batteries shall be prohibited.

vi. Weeds and vegetation shall be kept at a height not to exceed 12 inches.

vii. Drainage of junkyards shall be adequate to assure that no standing water shall exist.

viii. Notarized assurance from both the lot owner(s) and any party(ies) contracted to operate such junkyard shall be provided warranting no materials from such operation will be permitted to seep into the ground, whether it be oils, eroded dissolving base metals.

ix. Access to any roadway must be paved.

x. Access shall be provided by paved road to the lot.

xi. A junkyard shall not be placed within 1,000 linear feet of a major thoroughfare, place of worship, day care, or elementary or secondary education facility.

xii. Junkyards may not be located within 1,500 feet, measured in any direction, of any publicly owned or operated facility.

### 2. Fencing:

i. An opaque fence or wall shall be erected along the entire perimeter of the lot except for one point of ingress and egress, which shall not be over 30 feet in width of opening of the wall, and over which space a gate of solid material shall be provided and closed during non-operating hours, or the lot be enclosed by fence with similar gate and the view on all sides be screened by natural objects grassed earthen berms, or heavy tree and shrubbery plantings. All business activity, including storage of vehicles or other materials, shall be conducted within the fence. Fencing requirements shall be one of the following:

(a) Within 50 feet of Right-of-Way. An eight foot solid fence is required for all portions located within 50 feet of the right-of-way boundary; or,

(b) All other locations. A six foot high solid fence is required.

ii. Fences shall not contain advertising or other lettering other than lettering or a sign which identifies the operation carried on within the enclosure.

**F.** Mobile Home Salvage and Storage Yard

Mobile home salvage and storage operations shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

**1.** All mobile home salvage and storage operations shall comply with the requirements for Junkyards found in Section 5.3.7.E, above.

**G.** Mining Operations, Class I

Class I mining operations shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

**1.** Class I Mining Operations may not occupy more than 20 acres.

**2.** Soil or other unconsolidated material (i.e. sand, marl, rock, fossil deposits, peat, fill or topsoil) may be removed for use off-site. However, no further on-site processing is permitted (i.e. use of conveyor systems; screening machines; crushing; or other mechanical equipment). Mining activities where other on-site processing activities are conducted are considered Class II Mining Operations.

**3.** The use of explosives is not permitted.

**4.** All mining operations and their associated activities shall comply with the following standards when dewatering occurs:

**i.** Must be located a minimum of 100 feet from all property lines.

**ii.** The depth of each excavation pit shall not exceed 35 feet.

> *Commentary: The pumping of surface waters from one excavation pit to another excavation pit when located on the same parcel of land as the mining operation shall not be considered dewatering.*

5. Temporary sand and soil mining activities undertaken in conjunction with land development may be considered a Temporary Mining or Borrow Pit subject to compliance with Section 5.5.4.

**H.** Mining Operations, Class II

Class II mining operations shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

**1.** The minimum lot size shall be one acre.

**2.** Soil or other unconsolidated material (i.e. sand, marl, rock, fossil deposits, peat, fill or topsoil) may be removed for use off-site. Additional on-site processing shall be permitted (i.e. use of conveyor systems; screening machines; crushing; or other mechanical equipment).

**3.** The use of explosives is not permitted.

**4.** All mining operations and their associated activities shall comply with the following standards when dewatering occurs:

**i.** Must be located a minimum of 100 feet from all property lines.

**ii.** The depth of each excavation pit shall not exceed 35 feet.

> *Commentary: The pumping of surface waters from one excavation pit to another excavation pit when located on the same parcel of land as the mining operation shall not be considered dewatering.*

**5.** Temporary sand and soil mining activities undertaken in conjunction with land development may be considered a Temporary Mining or Borrow Pit subject to compliance with Section 5.5.4.

**I.** Public or Private Waste Disposal Site, Non-hazardous Solid or Liquid

Public or private non-hazardous solid or liquid waste disposal sites (including municipal waste) shall

be permitted in accordance with the use tables in Section 5.2, subject to the following:

1. No waste material deposited in the waste disposal site may originate outside of the County borders.
2. All federal, state, and local guidelines and regulations regarding site design, construction, and operation shall apply.

**J.** Wood Waste Grinding Operations with the following minimum requirements:

Wood waste grinding operations shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

1. The minimum lot size shall be ten acres.
2. The activity (including storage) must be separated from all property lines or right-of-way lines by a minimum 50 feet. A separation of minimum 660 feet is required from any road right-of-way located in Corridor Development Standard.
3. Driveways and internal circulation must be designed so that no queuing of vehicles occurs on public roadways.
4. All traffic areas, including entrances and exits, within the area of operation must be graveled or covered with a similar dust reduction material. Storage areas for mulch, dirt, wood waste or other similar materials need not be graveled.
5. Large permanent, industrial grinders of less than 350 horsepower and curtain burners must be located a minimum of 300 feet from any residential dwelling with the exception of one residential dwelling for use of an on-site manager or watchman. Large permanent grinders of 350 horsepower or more must be located a minimum of 500 feet from any residential dwelling with the exception of one residential dwelling for use of an on-site manager or watchman. All other permanent grinders, screeners, or similar equipment must be located a minimum of 100 feet from any residential dwelling with the exception of one residential dwelling for use of an on-site manager or watchman. The site plan must include a footprint demonstrating where the equipment will be located in relation to dwellings located on adjoining properties.
6. Any permanent grinder, screener, or similar equipment must be set back at least 50 feet from the property lines. Any mulch, dirt, wood waste, or other similar material stored on the property must be located at least 50 feet from any property or road right-of-way lines.
7. No grinders, screeners, loaders, dozers, or other similar equipment shall be operated at the site except between 7:00 a.m. and 9:00 p.m. Monday through Saturday. In the event that a state of emergency has been declared for Brunswick County and/or a natural disaster occurs, the Board of Adjustment may permit extension of the hour of operation for Wood Waste Grinding Operations for a period of time not to exceed 90 days. Natural disasters called for the necessity of extended Wood Waste Grinding Operation hours may include hurricanes, floods, tornadoes, nor'easters, thunderstorms, severe winter storms, wildfires, earthquakes, and landslides. Natural disasters and/or declared state of emergencies not resulting in the need for the assistance of Wood Waste

   Grinding Operations shall not prompt an extension in the hours of operation for Wood Waste Grinding Operations.
8. Buffering and landscaping requirements shall be in accordance with Section 6.1.5, Design of Landscaping and Buffers.
9. The grinding operation must comply with any applicable regulations enforced by the North Carolina Department of Environment and Natural Resources.

**K.** L.P. Gas Filling Facility > 1,000 gal. (Principal use)

L.P. Gas Filling Facilities with storage capacity greater than 1,000 gallons shall be permitted as a principal use in accordance with the Use Tables in Section 5.2, subject to the following:

1. Storage tanks may not exceed 30,000 gallons.
2. Maximum aggregate capacity per site 60,000 gallons.
3. Planted screen row required when adjacent to residential zoning, existing residence or public roadway. Must be 100% and minimum height of six feet within five years.
4. Must comply with all requirements established by the latest edition of the Liquefied Petroleum Gas Code NFPA 58.
5. Provide documentation of licensure by the North Carolina Department of Agriculture and Consumber Services prior to the issuance of permits by Brunswick County.

### L. L.P. Gas Filling Facility (Accessory)

L.P. Gas Filling Facilities shall be permitted as an accessory use in accordance with the Use Tables in Section 5.2., subject to the following:

1. The storage tank(s) may not exceed 1,000 gallons in aggregate capacity.
2. Must comply with all requirements established by the latest edition of the Liquefied Petroleum Gas Code NFPA 58.
3. Provide documentation of licensure by the North Carolina Department of Agriculture and Consumer Services prior to the issuance of permits by Brunswick County.

## 5.3.8. Outdoor Lodging

### A. Campground (including Government-Operated)

Campgrounds shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

#### 1. Nude Campgrounds

In addition to the standards contained in this Section, nude campgrounds shall comply with the standards found in Section 5.3.8.B, Nude Campgrounds, Colonies, or Resorts.

#### 2. Applicability

All proposed developments utilitizing a campground or modifications to an approved campground shall be subject to the review and approval procedures found in this Section. Additional review or permits, including a Traffic Impact Analysis may be required.

#### 3. Neighborhood Meeting

| Parcel Zoning Designation | Neighborhood Meeting[1] | |
|---|---|---|
| | Encouraged | Required |
| C-LD (Commercial Low Density) | ✓ | |
| RR (Rural Residential) | ✓ | |
| MR-3200 (Multifamily Residential) | | ✓ |
| [1] See Section 9.2 of the UDO for Neighborhood Meeting criteria. | | |

**4.** Design Standards

**i.** A campground shall require minimum gross land area of three acres.

**ii.** A minimum of 8% of the total land area shall be devoted to accessible common open spaces intended for recreational use. These open spaces are separate from individual campsites, and shall be grouped and of character suitable for active and passive recreation and shall be reasonably located for safe and convenient access to residents.

**iii.** A street buffer of at least ten feet in width shall be maintained along all road frontages (see Section 6.3.8). In addition, a project boundary buffer of 0.4 opacity (see Section 6.3.9) shall be required along the perimeter of all campgrounds in C-LD and RR Zoning Districts. Campgrounds in a MR-3200 Zoning District shall be required to have a project boundary buffer of 0.8 opacity (see Section 6.3.9). These buffers shall be free of all encroachment by campsites, buildings or structures, parking areas or impervious coverage.

**iv.** A campground shall contain at least 15 campsites.

**v.** All campsites shall be located on land with elevations that are not susceptible to flooding. Campsites shall be graded to prevent any water from ponding or accumulating within the park. Each campsite shall be properly graded to obtain a reasonably flat area and to provide adequate drainage away from the space. This requirement is not intended to circumvent FEMA regulations or Article 7, Flood Damage Prevention.

**vi.** Each campsite shall be located at least 30 feet from the edge of any publicly-maintained street or road.

**vii.** Campgrounds shall be designed to prevent overcrowding, fire hazards, and to provide sufficient light and air. In no case shall an individual campsite shall be no less than 1,250 square feet in area or have a minimum average width of less than 25 feet.

**viii.** No campsite shall have direct vehicular access to a public road.

**ix.** Each campsite shall be identified by a permanent number which may not be changed. The appropriate number of each campsite must be permanent and visibly displayed on each space. Each number shall be placed on a concrete, wood, metal, or any permanent post and conspicuously located on the campsite.

**x.** For Campgrounds located in a MR-3200 Zoning District, only campsites for recreational vehicles and/or travel trailers are permitted. Tent sites or other primitive campsites are prohibited.

**xi.** No permanent accessory structures such as carports, cabanas or decks requiring a building permit may be attached or unattached to any recreational vehicle or other vehicular accommodations within the Campground. At-grade patios and uncovered steps are permissible.

**xii.** Each new campground and additions to existing campgrounds must meet the minimum standards and requirements set forth in the International Building Codes with North Carolina Amendments for sanitation and plumbing installations, accommodations, use and any associated parking.

**xiii.** Service structures may also contain a retail sales counter and/or coin operated machine for the campground residents use, provided there is no exterior advertising. Vending machines also may be permitted in a sheltered area provided there is no exterior advertising on the structure. All service structures shall be maintained in a clean and sanitary condition and kept in good repair at all times. Structures shall be safely and adequately illuminated. Facilities shall be easily accessible and conventiently located to all users of the campground. All structures shall be constructed in accordance with the International Building Codes with North Carolina Amendments and shall meet Building Code and/or UDO setback requirements.

*Commentary*: See the International Building Codes with North Carolina Amendments for dependent and independent camper definitions.

**5.** Parking and Streets

**i.** Parking shall be provided in compliance with Section 6.12, Off Street Parking and Loading. Parking within the campground shall take place off an internal street within designated parking areas only.

**ii.** No campsite within a campground may directly access a public road. Access to all campsites and accessory structures within the campground shall be made using internal streets.

**iii.** Internal Street Standards

**(a)** One or two-way streets shall be used throughout the campground. Such streets shall be well-maintained and clearly identified. All streets within the campground shall be privately owned and maintained. Each campsite shall abut an internal street within the campground.

**(b)** Minimum street width requirements are as follows:

| Minimum Street Widths (feet) | |
|---|---|
| One-Way Street | 14 |
| Two-Way Street | 20 |

**(c)** Any dead-end shall be provided with a permanent turnaround with a minimum radius of 47.5 feet.

**(d)** Additional Internal Street Standards for Campgrounds in the RR and C-LD Zoning Districts:

**(1)** All internal streets within the campground shall be surfaced with a minimum of six inches of compacted stone and shall be capable of supporting the imposed load of fire apparatus in accordance with the Fire Apparatus Access Roads Standard in the North Carolina Fire Code (NC Fire Code Section 503) and be equipped with adequate and suitable drainage facilities.

**(e)** Additional Internal Street Standards for Campgrounds in MR-3200 Zoning Districts:

**(1)** All internal streets must be either paved or surfaced with a pervious pavement system that meets or exceeds the North Carolina Department of Transportation (NCDOT) strength and durability standards for Subdivision Roads.

*Commentary:* According to the 2006 Edition of the North Carolina Fire Code Appendix D, Fire Apparatus Access Roads shall be capable of supporting the imposed load of the fire apparatus weighing at least 75,000 pounds.

**(f)** Maintenance of all internal streets and drainage facilities shall be the responsibility of the owner of the campground. Such streets shall be maintained in a manner to be free from pot holes, breaks in the pavement, rough surfaces, ponding of water and associated problems which would impded or cause hazards to motor vehicles. Speed reduction bumps on paved internal streets are permissible, but they shall be painted and appropriate signs indicating the bump must be placed along the street.

**(g)** All internal roads shall be subject to annual inspections by the Brunswick County Fire Marshal per Section 106 of the North Carolina Fire Code.

**iv.** External Access

**(a)** In general, campgrounds should not be located on through lots. When located on a through lot, the campground shall be designed to discourage through-traffic.

**(b)** Campgrounds with only one point of external access shall provide at least one permanent turnaround within the campground. All external access must be approved by the North Carolina Department of Transportation.

**(c)** Any proposed electronic vehicular access gates or barricades must be siren activated for Emergency Vehicle access.

**6.** Utilities

**i.** Water

**(a)** An accessible, adequate, safe and potable supply of water shall be required. Where public, municipal or community water systems exist within 1,000 feet of the park, the developer shall connect to such system (the Sewer Use Ordinance may require connection even when separated by greater distances). Any waiver(s) to the Brunswick County Utility Policy must be approved by the Brunswick County Board of Commissioners.

**(b)** When a public water supply is not available, a community water supply may be developed and its supply used exclusively in accordance with local and state regulations and standards of the Division of Environmental Management, NC Department of Environment, Health, and Natural Resources codified in 15A NCAC 2C. Each water supply well shall be located so as to maintain a minimum pollution-free radius as specified in N.C.G.S. 15A-18C-0203. Siting of well locations should be discussed with the local health authority.

**(c)** Internal water distribution systems shall be installed in accordance with minimum County Standards.

**ii.** Sewer

**(a)** Approval by the Brunswick County Health Department shall be required for any installation, alteration or use of a sewage disposal system. All sewage wastes from each park, including wastes from toilets, showers, bathtubs, lavatories, wash basins, sinks, and water using appliances not herein mentioned, shall be disposed of by an approved sewage disposal system.

**(b)** Adequate and safe sewage disposal facilities shall be provided in all campgrounds. Where public, municipal, or community sewer systems exist within 1,000 feet of the campground, the developer shall connect to such system (the Sewer Use Ordinance may require connection even when separated by greater distances). Any waiver(s) to the Brunswick County Utility Policy must be approved by the Brunswick County Board of Commissioners.

**(c)** When a public, municipal, or community system does not exist within 1,000 feet, a centralized sewage disposal and treatment system complying with the requirements of the North Carolina Department of Environment, Health and Natural Resources shall be provided. Individual septic tank systems may be allowed in accordance with the requirements of Title 15A – Department of Environment, Health and Natural Resources, Chapter 18 – Environmental Health Subchapter 18A – Sanitation Section .1900 – Sewage Treatment and Disposal Systems.

**(d)** Each campground shall provide at least one sewage dumping station for each 100 campsites which are not equipped with individual sewer and water connections. Sewage dumping stations shall be approved by the Brunswick County Health Department or the North Carolina Division of Water Quality.

### 7. Campground Operation

**i.** General

**(a)** The person to whom an operating permit for a campground is issued shall operate the campground in compliance with this Ordinance and shall provide adequate supervision to maintain the campground, its facilities and equipment in good repair and in a clean and sanitary condition.

**(b)** The campground owner shall notify campground visitors of all applicable provisions of this Ordinance and inform them of their responsibilities under this Ordinance.

**(c)** The campground owner shall be responsible for refuse collection. Storage, collection, and disposal of refuse shall be so managed as not to create health hazards, rodent harborage, insect-breeding areas, accident, fire hazards, or air pollution. The method of garbage disposal shall be noted on the plan and approved by the Brunswick County Planning Board.

**(d)** Swimming pools or bathing areas shall be installed, altered, improved, and used in compliance with applicable County and State Health Services regulations. Any bathing area shall require the approval of the Brunswick County Health Department. For Campgrounds located in a MR-3200 Zoning District, bathing areas or community restrooms shall be located at least 100 feet inside the property lines of the Campground.

**(e)** Except as specifically permitted by this paragraph, it shall be unlawful to locate a mobile home in a campground. With the exception of the MR-3200 Zoning District, up to two mobile homes shall be permitted to be located within a campground to be used as residences of persons responsible for the operation and/or maintenance of the campground, consistent with Section 5.3.3.C (Mobile Homes: Class A, B, and C).

**(f)** No more than one camper may be parked on any one campsite. Campers shall not be permitted on parcels, lots, or spaces other than those approved through these regulations.

**(g)** The transfer of title of campsites, either by sale or by any other manner shall be prohibited within a campground as long as the campground is in operation.

**(h)** All campers must be placed individually on approved campsites where all design standards and utilities have been completed.

**(i)** Junked or wrecked vehicles shall be prohibited in a campground.

**ii.** Inspection

The Brunswick County Health Department, the Brunswick County Building Inspections Department, the Brunswick County Fire Marshal and the Planning Department are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance. It shall be the duty of the owners of campgrounds to give these agencies free access to such premises at reasonable times for inspections.

## B. Nude Campgrounds, Colonies, Resorts or Similar Facilities

Nude campgrounds, colonies, resorts, or similar facilities shall be permitted in accordance with the use tables in Section 5.2, subject to the following:

**1.** The standards of Section 5.3.8.A, Campgrounds shall apply to all campgrounds.

**2.** Must meet all applicable county and state regulations including but not limited to, Campground, Mobile Home Park and PUD ordinances.

**3.** Must operate as private organization with no access by the general public. Only members or guests members may be permitted on site.

4. Must provide visual and noise screening and/or buffering to completely obscure view of colonists and internal activities from adjoining properties and any external streets.
5. No part of any facility or structure shall be:
   i. Located within 1,500 feet, measured in any direction, from a building used as a dwelling.
   ii. Located within 1,500 feet, measured in any direction, from a building in which an adult business or a sexually oriented business is located.
   iii. Located within 1,500 feet, measured in any direction, from a building used as a church, synagogue, other house of worship or cemeteries.
   iv. Located within 1,500 feet, measured in any direction, from a building used as a public school or as a state licensed day care center.
   v. Located within 1,500 feet, measured in any direction, from any lot or parcel on which a public playground, public swimming pool, or public park is located.

## C. Outdoor RV Resorts

### 1. Intent

The intent of an Outdoor Recreational Vehicle (RV) Resort is to provide sites for the placement and occupancy of recreational vehicles and self-contained travel trailers on individually owned lots with the necessary accessory uses and amenities. Design standards are intended to ensure adequate utilities and facilities and to promote compatibility with adjacent uses.

Commentary: For the purpose of this Ordinance, see Definitions of the Unified Development Ordinance (UDO), under the subheading of "Camper" for the definition of a recreational vehicle and a travel trailer.

### 2. Applicability

| Permitted Zoning Districts for Outdoor RV Resorts | Approval Requirements[1,2,3] | |
|---|---|---|
| | Special Use Permit Approoval | Additional Requirements (See Sections 5 & 9) |
| C-LD (Commercial Low Density) | | x |
| RR (Rural Residential) | | x |
| R-7500 (Medium Density Residential) | ✓ | ✓ |
| R-6000 (High Density Residential) | ✓ | ✓ |
| MR-3200 (Multifamily Residential) | | ✓ |

[1] All proposed developments utilizing an Outdoor RV Resort or modifications to an approved Outdoor RV Resort shall be subject to the review and approval procedures found in this Section.
[2] Additional review or permits, including a Traffic Impact Analysis may be required.
[3] See Section 3.3 of the Unified Development Ordinance for Special Use Permit criteria.

### 3. Ownership of Development Site

The development site to be subdivided may be held in single ownership or in multiple ownership. If held in multiple ownership, the site shall be developed according to a single plan with common authority and common responsibility.

Where lots are being sold to individuals, the developer/owner of the lots shall include in the

title transfer document a covenant attesting to the fact that the lot cannot be used as a place of permanent occupancy.

### 4. Pre-Application Conference

All applicants seeking Outdoor RV Resort approval shall schedule a pre-application conference with the Planning Director in accordance with Section 3.1.6. At the pre-application conference, Planning Staff shall review the proposed plan.

Once the pre-application conference is complete, the applicant will prepare a Preliminary Master Plan of the entire Outdoor RV Resort. The Preliminary Master Plan will consist of both a preliminary site plan and a preliminary utilities plan.

### 5. Neighborhood Meeting

| Parcel Zoning Designation | Neighborhood Meeting[1] | |
|---|---|---|
| | Encouraged | Required |
| C-LD | ✓ | |
| RR | ✓ | |
| R-7500 | | ✓ |
| R-6000 | | ✓ |
| MR-3200 | | ✓ |
| [1] See Section 9.2 of the UDO for Neighborhood Meeting Criteria. | | |

**i.** Applicants seeking approval of modifications and/or expansions to an existing Outdoor RV Resort in all zoning districts shall be required to hold a neighborhood meeting.

### 6. Application Requirements

The applicant will complete and submit to the Planning Department the Preliminary Master Plan compliance sheet along with an application for a Special Use Permit (see Section 3.5).

**i.** An application for Outdoor RV Resort plan review shall be submitted in accordance with Section 3.1.7, Application Requirements.

**ii.** A Traffic Impact Analysis may be required if the proposed site plan meets the thresholds established in Section 6.16, Traffic Impact Analysis.

**iii.** Preliminary Master Plan

**(a)** The Preliminary Master Plan will consist of and be labeled, at a minimum: major thoroughfares, cross-section of proposed road type(s), recreational space, golf courses, natural or man-made lakes, setbacks, RV/Travel Trailer parcels, cabin parcels, vicinity map, drainage and topography, approximate delineation of wetlands (404 jurisdictional wetlands) by Corps of Engineers or certified designee, environmentally sensitive areas, north arrow, adjoining land owners, and commercial area. Other relevant information such as the total number of acres within the Outdoor RV Resort, and the total number of parcels (broken down into various phases and acreage), density, and Flood Zone(s). A proposed timetable of each development phase should also be included.

**(b)** All site specific plans shall clearly indicate all required open space and/or recreation area that has been dedicated or reserved to conform with the requirements of Section 6.4.4, Open Space and Recreation Area.

**(c)** A heritage tree survey must be submitted in accordance with Section 6.1.3.A.

**(d)** A detailed landscaping plan must be submitted that indicates the location of all required buffers and the minimum number of required plantings (canopy trees, understory trees, shrubs) that are required in each buffer area.

**(e)** The Preliminary Master Plan shall be accompanied with a preliminary utilities plan which consists of size and location of water and/or sewer lines, fire hydrant locations and spacing, estimated fire flows, utility easements / rights-of-way, drainage and topography, location and/or type of solid waste disposal containers and shall be approved by the Director of Engineering Services and/or Public Utilities Director.

**(f)** A mechanism and/or instrument guaranteeing adequate maintenance and continued operation of all assured open space and other private service facilities shall be submitted as part of the Preliminary Master Plan requirement and then properly recorded upon Planning Board approval of the Preliminary Master Plan. Assured open space and other facilities shall not be dedicated for public purpose or maintenance.

**iv.** Notice and Public Hearings

**(a)** The County shall hold all required public hearings and give notice in accordance with Section 9.1, Notice and Public Hearings.

**7.** General Design Standards

**i.** An Outdoor RV Resort shall require a minimum gross land area of three (3) acres.

**ii.** A minimum of eight percent (8%) of the total land area shall be devoted to accessible common open spaces intended for recreational use. Clubhouses, swimming pools, tennis courts and other similar facilities may be used in common and made available to the residents of the entire Outdoor RV Resort. See Sections 6.4.4.C.iii., iv., and v., Open Space and Recreation Area Standards, for additional requirements applicable to all open space and recreational areas.

**iii.** Some areas are to be reserved and included within the common area of the Outdoor RV Resort, regardless of whether reservation of these areas would exceed the minimum open space dedication requirements. See Section 6.4.5 for other Areas to be Reserved.

**iv.** A minimum of 15 parcels for RV/Travel Trailer use must be provided.

**v.** Some parcels within the Resort may be used for site-built or modular cabins. No RV/Travel Trailer may be parked on a cabin parcel. All cabins must conform to International Building Code with North Carolina Amendments.

**vi.** Parcels must be graded to prevent water from ponding or accumulating around the location of the RV/Travel Trailer.

**vii.** Minimum parcel requirements are as follows:

| Minimum RV Lot Requirements | | | |
|---|---|---|---|
| Lot Size (sq ft) | 2,400 | | |
| Lot Width (feet) | 40 | | |
| **Minimum Yard Setbacks (feet)** | | | |
| **Lot Type** | **Front Yard Setback** | **Rear Yard Setback** | **Side Yard Setback** |
| Conventional Lot | 15 | 5 | 5 |
| Through Lot (Double Frontage Lot) | 10 | 10 | 5 |

**viii.** Each Outdoor RV Resort must meet the minimum standards and requirements set forth in the International Building Code with North Carolina Amendments for sanitation and plumbing installations, accommodations, use and any associated parking.

**ix.** Amenities/service structures may contain a retail sales counter and/or coin operated machines for the resort residents use, provided there is no exterior advertising. Vending machines also may be permitted in a sheltered area provided there is no exterior advertising on the structure. All service structures shall be maintained in a clean and sanitary condition and kept in good repair at all times. Structures shall be safely and adequately illuminated. Facilities shall be easily accessible and conveniently located to all users of the resort. All structures shall be constructed in accordance with the International Building Code with North Carolina Amendments and shall meet Building Code and/or UDO setback requirements.

**x.** No permanent accessory structures such as carports, cabanas or decks may be attached or unattached to any recreational vehicle or other vehicular accommodations within the Outdoor RV Resort. At-grade patios and uncovered steps are permissible. A detached storage structure no greater than 100 square feet may be permitted on each parcel, provided the building setbacks and structural separation requirements are met.

### 8. Outdoor RV Resort Perimeter Compatibility

***Commentary:*** *Generally, the perimeter buffer is required along all boundaries, even if the adjacent property is vacant. This is intended to provide visual protection for residents of the Outdoor RV Resort and any development which may occur on adjacent properties. It is preferable that all buffers be natural undisturbed wooded areas, where possible.*

| Outdoor RV Resort Perimeter Buffer Options Available[1] | | | | |
|---|---|---|---|---|
| Adjoining Zoning District | Site-Built or Modular Cabins[2] | Planted Buffer Types[3] | | Berms[4] (With Plantings) |
| | | 0.4 Opacity | 0.6 Opacity | |
| RR, C-LD, NC, C-I, RU-I, I-G | ✓ | ✓ | | ✓ |
| R-7500, R-6000, SBR-6000, MR-3200 | ✓ | | ✓ | ✓ |

Note:
1. One or more of the applicable alternatives may be chosen for the perimeter buffer.
2. Cabins must conform to the International Building Code with North Carolina Amendments.
3. See Section 6.3.9 of the Brunswick County UDO.
4. See Section 6.3.10 of the Brunswick County UDO.

**i.** A street buffer shall be required along all boundaries of an Outdoor RV Resort fronting on a street or roadway. See Section 6.3.8 of the Brunswick County UDO for street buffer alternatives.

**9.** Parking and Streets

**i.** A minimum of 2 parking spaces per parcel shall be provided.

**ii.** No Outdoor RV Resort parcel may directly access a public road. Access to all parcels and accessory structures within the resort shall be made using internal streets.

**iii.** Internal Street Standards for all Zoning Districts

**(a)** One or two-way streets shall be used throughout the Outdoor RV Resort. Such streets shall be well-maintained and clearly identified. All streets within the Outdoor RV Resort shall be privately owned and maintained. Each parcel shall abut an internal street with the Outdoor RV Resort.

**(b)** Minimum right-of-way (ROW) and street width requirements are as follows:

| Minimum ROW and Street Widths (feet) | | |
|---|---|---|
| | ROW | Street |
| One-Way Street | 25 | 14 |
| Two-Way Street | 30 | 20 |

**(c)** Any dead-end shall be provided with a permanent turnaround with a minimum radius of 47.5 feet. In order to provide design flexibility, terminal access streets may provide turning and maneuvering area at the terminus of the street in compliance with Section 6.11.5.F.

**(d)** Terminal streets within an Outdoor RV Resort shall not exceed 800 feet in length unless necessitated by topography or property accessibility.

**(e)** All streets shall be maintained in a manner to be free from potholes, breaks in the pavement (if applicable), rough surfaces, ponding of water and associated problems which would impede or cause hazards to motor vehicles.

**(f)** All internal roads shall be subject to annual inspections by the Brunswick County Fire Marshal per Section 106 of the North Carolina Fire Code.

**iv.** Additional Internal Street Standards for Outdoor RV Resorts in the RR and C-LD Zoning Districts.

**(a)** All internal streets within the Outdoor RV Resort shall be surfaced with a minimum of six inches of compacted stone and shall be maintained in a smooth, well-graded condition. All internal roads shall be capable of supporting the imposed load of fire apparatus in accordance with the Fire Apparatus Roads Standard in the North Carolina Fire Code (NC Fire Code Section 503).

*Commentary*: According to the 2006 Edition of the North Carolina Fire Code Appendix D, Fire Apparatus Access Roads shall be capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.

**v.** Additional Internal Street Standards for Outdoor RV Resorts in the R-7500, R-6000, and MR-3200 Zoning Districts.

**(a)** All internal streets shall meet or exceed North Carolina Department of Transportation (NCDOT) Standards for Subdivision Roads and must be paved or surfaced with a pervious pavement system that meets or exceeds NCDOT's strength and durability standards for Subdivision Roads.

**vi.** External Access

**(a)** In general, Outdoor RV Resorts should not be located on through lots. When located on a through lot, the Outdoor RV Resort shall be designed to discourage through-traffic.

**(b)** Outdoor RV Resorts with only one point of external access shall provide at least one permanent turnaround within the Outdoor RV Resort. All external access must be approved by the North Carolina Department of Transportation.

**(c)** Any proposed electronic vehicular access gates or barricades must be siren activated for emergency vehicle access.

**vii.** Outdoor Lighting

The developer shall install outdoor lighting consistent with the standards set forth in Section 6.9 of the UDO.

## 10. Utilities

**i.** Water

All utilities may be included within designated right-of-way areas according to the following:

**(a)** An accessible, adequate, safe and potable supply of water shall be required. Where public, municipal, or community water systems exist within 1,000 feet of the Outdoor RV Resort, the developer shall connect each parcel to such system (the Sewer Use Ordinance may require connection even when separated by greater distances). Any waiver(s) to the Brunswick County Utility Policy must be approved by the Brunswick County Board of Commissioners.

**(b)** When a public water supply is not available, a community water supply may be developed and its supply used exclusively in accordance with local and state regulations and standards of the Division of Environmental Management, NC Department of Environment, Health, and Natural Resources codified in 15A NCAC 2C. Each water supply well shall be located so as to maintain a minimum pollution-free radius as specified in N.C.G.S. 15A-18C-0203. Siting of well locations should be discussed with the local health authority.

**(c)** Internal water distributions systems shall be installed in accordance with minimum County Standards.

**ii.** Sewer

**(a)** Approval by the Brunswick County Health Department shall be required for any installation, alteration or use of a sewage disposal system. All sewage wastes from each Outdoor RV Resort, including wastes from toilets, showers, bathtubs, lavatories, wash basins, sinks, and water using appliances not herein mentioned, shall be disposed of by an approved sewage disposal system.

**(b)** Adequate and safe sewage disposal facilities shall be provided in all Outdoor RV Resorts. Where public, municipal, or community sewer systems exist within 1,000 feet of the Outdoor RV Resort, the developer shall connect to such system (the Sewer Use Ordinance may require connection even when separated by greater distances). Any waiver(s) to the Brunswick County Utility Policy must be approved by the Brunswick County Board of Commissioners.

**(c)** When a public, municipal, or community system does not exist within 1,000 feet, a centralized sewage disposal and treatment system complying with the requirements of the North Carolina Department of Environment, Health and Natural Resources shall be provided. Individual septic tank systems may be allowed in accordance with the requirements of Title 15A – Department of Environment, Health and Natural

Resources, Chapter 18 – Environmental Health Subchapter 18A – Sanitation Section .1900 – Sewage Treatment and Disposal Systems.

**11.** RV Resort Operations

**i.** General

**(a)** The entity to which a Special Exception is issued for an Outdoor RV Resort shall operate the Outdoor RV Resort in compliance with this Ordinance and shall provide adequate supervision to maintain the Outdoor RV Resort, its facilities and equipment in good repair and in a clean and sanitary condition.

**(b)** The Outdoor RV Resort Owner(s) shall notify Resort visitors of all applicable provisions of this Ordinance and inform them of their responsibilities under this Ordinance.

**(c)** The Outdoor RV Resort Owner(s) shall be responsible for refuse collection. Storage, collection, and disposal of refuse shall be so managed as not to create health hazards, rodent harborage, insect-breeding areas, accident, fire hazards, or air pollution. The method of garbage disposal shall be noted on the plan and approved as part of the Special Exception.

**(d)** Swimming pools or bathing areas shall be installed, altered, improved, and used in compliance with applicable County and State Health Services regulations. Any bathing area shall require the approval of the Brunswick County Health Department. See Section 5.4.8 for pool requirements.

**(e)** With the exception of the MR-3200 Zoning District, up to two permanent units shall be permitted to be located within an Outdoor RV Resort to be used as residences of persons responsible for the operation and/or maintenance of the Resort, consistent with Section 5.3.3.C (Mobile Homes: Class A,B, and C).

**(f)** No more than one recreational vehicle or travel trailer may be parked on any one parcel. Recreational vehicles and travel trailers shall not be permitted on parcels or lots other than those approved through these regulations.

**(g)** All recreational vehicles and travel trailers must be placed individually on approved parcels where all design standards and utilities have been completed.

**(h)** All RVs within the Outdoor RV Resort shall be maintained in a roadworthy condition and shall display proper state registration.

**(i)** Junked or wrecked vehicles shall be prohibited in an Outdoor RV Resort.

**12.** Dedication and Improvements

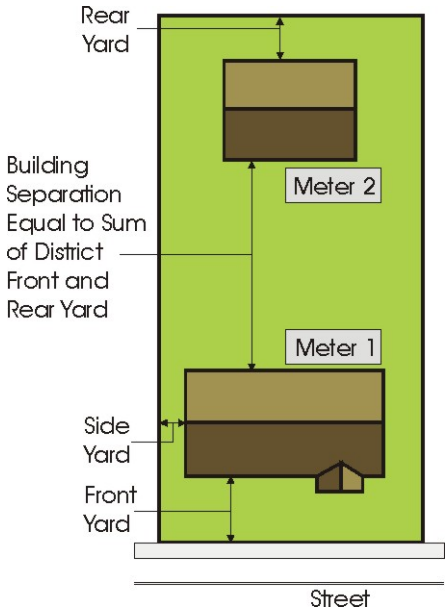
**i.** The applicant shall bear the costs of the installation of all on-site and off-site improvements as required by this Ordinance, inlcuding provision for surface drainage, pavement, landscaping and utilities consistent with Article 6.

## 5.4 Accessory Structures and Uses

Accessory uses shall be permitted as a subordinate use to the primary use existing on the site. Certain accessory uses shall be subject to the additional standards described in this Section. Accessory uses shall be operated in a way that presents no nuisance to the surrounding properties or larger community.

### 5.4.1. Accessory Structures

All accessory buildings and structures, including accessory dwellings (see below) shall be subject to the following additional requirements:

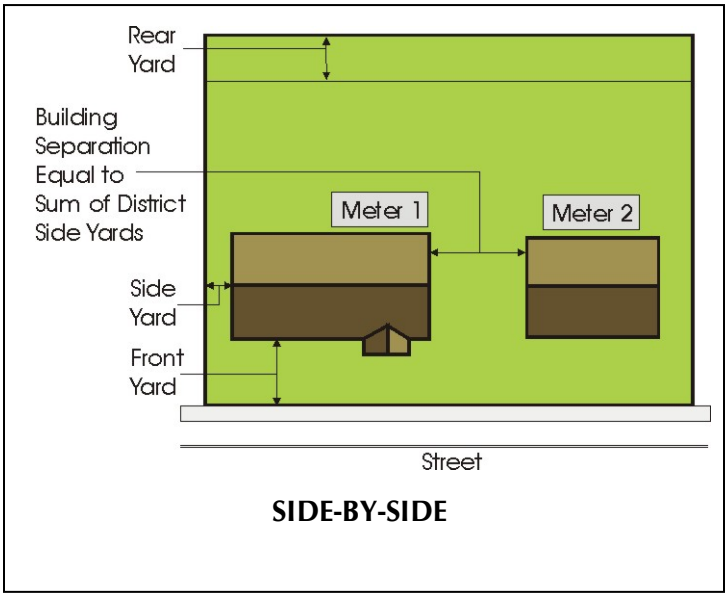


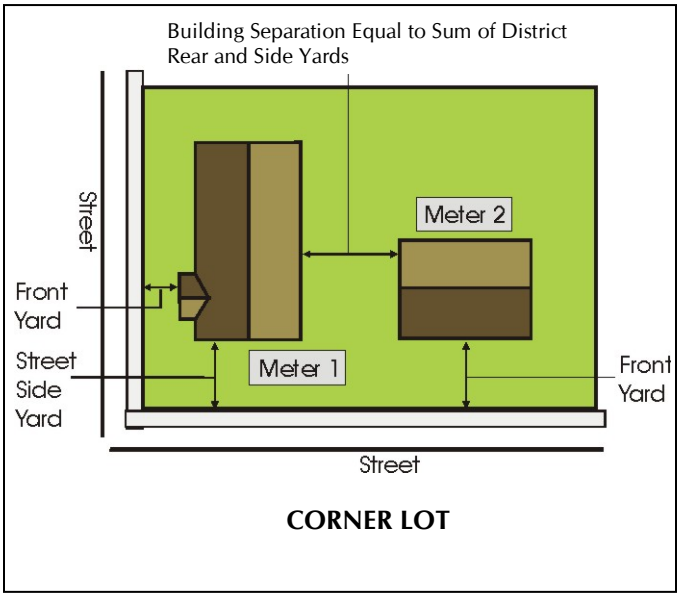

**BEHIND**

**A.** In all residential districts except RR, the building or structure shall not be located between the front wall of the primary structure and the street, except in instances where a designated Viewshed Protection Overlay watercourse, as defined in Section 4.8.7 of the UDO, is adjacent to a parcel. The public waterway must be clearly denoted on the site plan submitted at the time of application for a building permit for the accessory structure and all applicable setbacks must be met. The addressing of the parcel will be based on the street on which the parcel is accessed.

**B.** The building or structure may be located in a required side or rear yard. However, a separation of at least five feet shall be required between the building or structure and an adjoining lot line.

**C.** In all Residential districts except RR, the height of an accessory building shall not exceed 15 feet when the building is within ten feet of a lot line. In the RR district, the height of an accessory building shall not exceed 20 feet when the building is within 10 feet of the property line. Accessory buildings or structures may not exceed the height limit for the zoning district.




**D.** Generally, buildings or structures accessory to detached single family and two-family dwellings shall provide water, sanitary sewer, and/or any other utilities by branching service from the principal building. However, the Planning Director may permit an accessory structure to be provided with independent metered service when the applicant demonstrates that the following criteria will be met (see diagram):

**1.** No structure may be located in a required yard (except those allowed as permitted obstructions, Section 4.14.4.E).

**2.** When the subject accessory structure is located behind the principal structure (as viewed from the fronting roadway), a minimum separation equal to the sum of the minimum front and rear yard requirements for the subject district must be provided.

**3.** When the subject accessory structure is located to either side of the principal structure (as viewed from the fronting roadway), a minimum separation equal to the sum of the minimum side yard requirements for the subject district must be provided maintained between the two structures.

*Commentary: Accessory structures that receive utility service by branching from the main structure are not required to maintain these larger separations.*

## 5.4.2. Accessory Dwellings

When permitted, accessory dwellings shall be subject to the following additional requirements:

**A.** The accessory dwelling shall be located within the primary dwelling (e.g. accessory apartment) or shall meet the locational and dimensional requirements for accessory structures (see above).

**B.** Only one accessory dwelling may be allowed.

**C.** The primary dwelling shall be located on a lot which meets the minimum area requirements of the zoning district.

**D.** The property shall retain a single family appearance from the street.

**E.** One additional off-street parking space shall be provided.

**F.** Use of a travel trailer or recreational vehicle (RV) as an accessory dwelling shall be prohibited within a Residential district or on property devoted to residential use. No RV or travel trailer shall be permanently connected to public or private utilities.

### 5.4.3. Multiple Principal Dwellings on Single Parcel

Multiple principal single family dwellings on a single lot shall be permitted in all residential districts subject to the following requirements:

**A.** The lot size shall be minimum one acre in size, unless modified by the Planning Director.

**B.** A site plan must be provided showing that the development site for each new residence meets or exceeds all dimensional and area requirements of the associated zoning district.

**C.** No more than three residences as principal structures shall be permitted on a single lot, except in the RR District. Additional residences may be allowed in the RR district as follows:

| | |
|---|---|
| 10 Acres – 19.99 Acres | 4 |
| 20 Acres – 29.99 Acres | 5 |
| 30 Acres – 39.99 Acres | 6 |
| 40 Acres – 49.99 Acres | 7 |
| 50 Acres or more | 8 |

**D.** All other requirements, such as adequate water and sewer service, must be met.

### 5.4.4. Home Occupations

This activity shall be an accessory use which is clearly incidental and secondary to a residential use of the dwelling unit and shall be subject to the following restrictions:

**A.** No display of goods, products or services shall be visible off site. There shall be no external evidence of the activity such as commercial vehicles, window displays, outside storage, smoke, noise, odors or other nuisances emitted from the premises.

**B.** Only handmade items, foodstuffs, and crafts made on the premises may be offered directly for sale. No goods, products or commodities bought or secured for the express purpose of resale shall be sold at retail or wholesale on the premises. Catalog and electronic business orders may be received for goods, products or commodities bought or secured for the express purpose of resale at retail and wholesale when the products are received and shipped from the premises to fulfill catalog or electronic business orders.

**C.** Traffic and parking associated with the use shall not be detrimental to the neighborhood or create congestion on the street where the home occupation is located. Vehicles used primarily as passenger vehicles shall be permitted in connection with the home occupation. Only one commercially licensed vehicle shall be allowed. This vehicle may not exceed 1-ton capacity.

**D.** The home occupation shall occupy an area not to exceed 50% of the gross floor area of the dwelling unit. All activities shall be conducted entirely within the dwelling unit and are not permitted in a detached garage or other accessory structure.

**E.** Not more than two persons that are not a resident of the home is permitted to conduct business in the home occupation.

***COMMENTARY:*** *The business may employ others that do not reside in the home as long as they do not conduct business at the home occupation location.*

**F.** On parcels two acres or more, one sign is permitted. Such sign to be no larger than 3 square feet of commercial quality and design and shall be limited to the business name and address only.

**G.** No infrastructure demands shall be generated by the home occupation in greater volumes that would normally be expected with a residential use.

**H.** Instruction in music, dance, and similar subjects shall be limited to no more than two students at a time.

**I.** No hazardous materials may be mobile, stored, processed or disposed of on the premises.

**J.** See Section 5.4.7 for retail sales of produce grown on the premises.

### 5.4.5. Junk Vehicles

Junk vehicles shall be allowed in conformance with the Abandoned and Junked Motor Vehicles Ordinance available from the Planning Department.

### 5.4.6. Satellite Dishes

Satellite dishes that are less than one meter (39.37 inches) in diameter in Residential districts and less than two meters in diameter in all other zoning districts shall be exempt from the standards of this Ordinance. Satellite dishes exceeding these dimensions shall be subject to the following additional requirements:

**A.** The provisions of Section 5.3.4.L, TV/HDTV/FM/AM Antennae or, Section 5.3.4.O, Wireless Communication Facility as applicable.

**B.** If attached to a roof or building, a letter certifying the roof's and building's structural stability shall be written and sealed by a licensed engineer, prior to any approval of a roof-mounted satellite earth station. No commercial messages shall be placed on the dish.

### 5.4.7. Retail Sale of Produce Grown on the Premises (when not associated with a Bona Fide Farm Use)

**A.** When conducted as an accessory use, retail sales are not anticipated to generate substantial amounts of vehicle traffic.

**B.** Sales are limited to produce grown on the premises.

**C.** Sufficient on-site parking shall be provided so that no parking associated with the retail sales shall take place within a public right of way or in a required yard.

**D.** For sales activities associated with a bona fide farm use, see Section 5.3.2.C.

### 5.4.8. Swimming Pools

When allowed, in-ground and above ground swimming pools designed to utilize mechanical filtering system(s) which have a water depth over 24 inches and have a surface area of at least 100 square feet shall be subject to the following additional requirements:

**A.** All Pools

1. Outdoor swimming pools shall be enclosed with a wire fence or other equivalent-type barrier at least four feet (4') high designed to protect public safety. The fence or barrier may enclose either the pool area only or the full property boundary area or any part of the property which includes the pool.
2. Private swimming pools (as well as the decking and equipment associated with the pool) on single-family, duplex, and triplex lots shall not be located in the front yards and not be closer than five feet to any property line.

**B.** Outdoor Community Pools, Private Club Pools, or Pools in Multifamily Complexes

1. Where swimming pools are an accessory, they may be located in the side and rear yards of all zoning districts.

2. Outdoor pools including decking shall be setback from the property lines consistent with Section 4.4.4. Nonresidential Uses in Residential Districts of the UDO. A project boundary buffer of 0.6 consistent with Section 6.3.9.A.4 of the UDO must be provided where property lines adjoin a single family Residential district or use. Buffers may be located and constructed within the required yard.

3. When the pool is adjacent to off-site residences, the playing of music detectable off-site on a public address system is prohibited. Informational announcements shall be permitted. This requirement may be waived if a permit has been issued for a special event.

### 5.4.9. Temporary Worker Housing

When located on a bona fide farm, accessory residential housing structures for the temporary use and occupancy by temporary workers employed in farming activities shall be exempt from the requirements of Section 5.4.1 and Section 5.4.2. However, other permits, including a certificate of occupancy (see Section 9.4.1) may be required.

### 5.4.10. Vehicle Repair

Up to two vehicles may be repaired simultaneously on a residential property if the vehicles are registered to an occupant of the residence. Vehicle repair and storage may not be conducted in the required front yard. Other than emergency repairs, vehicle repair shall not be permitted within a public right-of-way.

### 5.4.11. Solar Collector (Accessory)

Solar Collectors shall be permitted as an accessory use to existing structures or facilities in any zoning district under the following standards:

A. Roof-Mounted Solar Systems – The collector surface and mounting devices for roof-mounted solar systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.

1. Pitched Roof Mounted Solar Systems – For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.

2. Flat Roof Mounted Solar Systems – For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building.

B. Ground-Mounted Solar Systems – Ground-mounted solar collectors (accessory) may not exceed six feet (6′) in height and shall meet the minimum zoning setback for the zoning district in which located, except it may be located within the front yard setback. Screening shall be required consistent with Section 6.4.2.A.1 of the UDO.

C. Approved Solar Components – Electric solar system components must have a UL listing and must be designed with anti-reflective coating(s).

D. Application Requirements – Plan applications for solar energy systems shall be accompanied by horizontal and vertical (elevation) to-scale drawings with dimensions. The drawings must show the location of the system on the building for a roof-mounted system or on the property for a ground-mounted system, including the property lines.

E. Compliance with Building and Electrical Codes – All solar collector systems shall be in conformance with the International Building Code with North Carolina Amendments.

*Commentary: Compliance with the International Building Code with North Carolina Amendments includes meeting the wind load requirements for Brunswick County, which are 120 miles per hour on the western side of US 17 (Ocean Highway) and 130 miles per hour on the eastern side of US 17.*

## 5.4.12. Wind Energy Generator (Accessory)

Wind Energy Generators (Accessory) designed to supplement other electricity sources shall be permitted as an accessory use to existing structures or facilities in any zoning district under the following standards:

**A.** A wind energy generator (accessory) must be setback from all property lines a distance equal to one and one-half (1.5) linear feet for every foot of height of the highest structure that is part of the facility or the minimum setback for the zoning district, whichever is greater.

**B.** A wind turbine may not be located between the front wall of the primary structure and the street.

**C.** Rotor blades on wind turbines must maintain at least 24 feet of clearance between their lowest point and the ground.

**D.** Maximum height of wind turbines shall be 175 feet.

**E.** Application Requirements

**1.** Identification and location of the property on which the proposed wind energy generator will be located.

**2.** A site plan showing the planned location of the wind turbine and associated equipment, property lines, setback lines, driveway locations, and location of all existing structures on the parcel.

**3.** Drawings to-scale showing the representative type and height of the wind turbine to be constructed, including its generating capacity, dimension and respective manufacturer, and a description of ancillary facilities.

**F.** Installation and Design

**1.** The installation and design of the Wind Energy Generator (Accessory) shall conform to applicable industry standards, including those of the American National Standards Institute.

**2.** All electrical, mechanical and building components of the Wind Energy Generator (Accessory) shall be in conformance with the International Buidling Code with North Carolina Amendments.

*Commentary:* Compliance with the International Building Code includes meeting the wind load requirements for Brunswick County, which are 120 miles per hour on the western side of US 17 (Ocean Highway) and 130 miles per hour on the eastern side of US 17 (Ocean Highway).

**3.** Any on-site electrical lines shall, to the maximum extent possible, be installed underground.

**4.** Attachment to a building of any kind shall be prohibited.

**G.** The visual appearance of Wind Energy Generator (Accessory) shall:

**1.** Be constructed of a corrosion resistant material that will not fade, show rust spots or otherwise change the appearance as a result of exposure to the elements and be a non-obstrusive color such as white, off-white or gray; and

**2.** Not be artificially lit.

**H.** Any wind energy generator (accessory) that is not functional shall be repaired by the owner within a 3 month period or be removed. In the event that the County becomes

aware of any wind energy system that is not operated for a continuous period of 3 months, the County will notify the landowner by certified mail and provide 30 days for a written response. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a resonsable timetable for corrective action. If the County deems the timetable for corrective action as unreasonable, the County shall notify the landowner and such landowner shall remove the turbine within 30 days of receipt of said notice. Any disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

## 5.5 Temporary Uses

### 5.5.1. General

Certain uses are temporary in character. They vary in type and degree, as well as length of time involved. Such uses may have little impact on surrounding and nearby properties or they may present questions involving potential incompatibility of the temporary use with existing uses. Unless otherwise specified in this chapter, the following regulations shall govern temporary uses.

### 5.5.2. Temporary Uses Exempt from Permit

The following permitted temporary uses do not require temporary use permits.

**A.** Christmas tree sales lots.

**B.** Garage or yard sales are permitted only by the property owner on their property and are allowed once every four months at any given location. The sale may not exceed three consecutive days in length. Advertising signs may not be placed on any rights-of-way or off-site locations without the applicable property owners' permission.

**C.** Storage containers or pods for off-site storage or transfer of household or other goods located in any required front yard are permitted for a maximum of seven consecutive days.

### 5.5.3. Temporary Use Permit Required

In addition to any specific requirements, a temporary use permit (see Section 9.4.3) shall be required for any use not explicitly exempted in Section 5.5.2 above.

**A.** All temporary uses shall provide adequate off street parking for the intended use.

**B.** In order to provide temporary housing following a hurricane or other significant natural disaster, a mobile home, FEMA emergency housing, and/or other relief organization housing may be placed anywhere in the County for a period of up to 120 days without obtaining a temporary use permit. After the expiration of the original 120 day period, the housing may remain on the lot for subsequent 120 day periods only through the issuance of a temporary use permit.

**C.** Permits for temporary emergency, construction or repair residences to be occupied by persons intending to live in such permanent residence pending the construction, repair, or renovation of the permanent residential building on a site shall expire within six months after the date of issuance. Additionally, the Zoning Administrator may renew such permit for one additional period not to exceed three months if it is determined that such renewal is reasonably necessary to allow the proposed occupants of the permanent residential building to complete the construction, repair, renovation or restoration work necessary to make such building habitable.

**D.** Farmers markets are allowed two days a week. When issuing the temporary use permit authorizing the farmers market, the Planning Director may approve up to 12 consecutive farmers markets that will occur on the same site. When occurring in the RR zoning district, a

farmers market shall not require a temporary use permit and there shall be no limit on the number of days a farmers market may operate.

**E.** The following temporary uses are allowed in the frequency stated below except that no property shall have more than four of the events listed in E.1 through E.7 in a calendar year, unless the parcel includes an adequate permanent parking lot as determined by the Planning Director.

*EXAMPLE: A temporary use permit for a carnival would be counted in considering whether to issue a temporary use permit for a subsequent non-profit special event on the same property.*

**1.** Commercial Circuses, Carnivals or Fairs

Commercial circuses, carnivals or fairs, for not more than two consecutive weeks in any calendar year.

**2.** Temporary Religious or Revival Activities

Temporary religious or revival activities in tents in association with a place of worship, for not more than two consecutive weeks in any calendar year.

**3.** Non-Profit Special Events

Special events run by non-profit, charitable organizations occurring no longer than seven consecutive days once every three months.

**4.** Tent Sales

Tent sales by merchants occupying the premises on which the sale is conducted and having a valid certificate of occupancy, and occurring no longer than seven consecutive days once every three months.

**5.** Grand Opening Sales

Grand opening sales, including outside food and beverage vending, for three consecutive days, once per certificate of occupancy.

**6.** Outdoor Vehicle Show or Sale

Outdoor motor vehicle or recreational vehicle show or sale, for three consecutive days, twice per calendar year.

**7.** Other Temporary Uses

Other temporary uses similar in nature to the ones listed above, with corresponding limitations, as determined by the Planning Director.

**F.** Outdoor Display of Merchandise

**1.** The requirements of this Section do not supersede the outdoor display or storage requirements of Section 6.22.

**2.** Outdoor display of merchandise in nonresidential districts is allowed subject to issuance of a temporary use permit and all of the following conditions.

**i.** Merchandise shall only be displayed in front of the premises occupied by the merchant. The merchant must hold a valid certificate of occupancy for the premises.

**ii.** Merchandise may be displayed up to four times per year. Each time, merchandise may be displayed up to nine consecutive days.

**iii.** Merchandise shall not be displayed closer than five feet to any entrance to the premises.

**iv.** Merchandise shall only be displayed in a manner that does not obstruct pedestrian or vehicular circulation or traffic.

**v.** Merchandise shall not be displayed in parking lots.

vi. The display of merchandise shall not exceed eight feet in height.

vii. Merchandise shall only be displayed during the merchant's hours of operation, and must be taken inside the premises at closing.

viii. No payment (collection of monies) shall occur outside. All sales must occur within a completely enclosed building.

ix. Merchandise shall only be displayed in an area not wider than 50 percent of the total linear foot frontage of the building occupied by the merchant.

x. The required temporary use permit must be visibly displayed at the main entrance of the associated merchant.

xi. A violation of any conditions set out in this section shall constitute a violation of the temporary use permit and cause said temporary use permit to be revoked. Once revoked, a temporary use permit shall not be issued for the same temporary use for a period of one year.

3. Any temporary use permit issued under paragraphs E.4 through E.7 above shall be counted in the maximum number of temporary use permits allowed for the outdoor display of merchandise.

### 5.5.4. Temporary Mining and Borrow Pit

A. This permit applies to temporary (sand and soil) excavation and movement activities during the land development process that are not required for the construction of internal roadways or structures during the construction of a major subdivision or PUD. Permanent excavation activities shall be considered Mining Operations (Class 1 or Class 2 as applicable), or Quarries, and are not permitted through the Temporary Use Permit process.

B. Excavation activities that involve removing material from the development site shall require a permit from the NC State Board of Mines.

C. Approval of the temporary use permit shall require the applicant to submit a detailed site plan of the area proposed for disturbance drawn to scale. At a minimum, this plan shall show areas proposed for excavation and deposition of material, including the height of fill or depth of cut proposed. The plan must also show any existing trees larger than four inches diameter measured at four feet above ground that will be removed during the process. The Planning Director may consult with the Director of Engineering Services to determine the extent of external impacts (such as water ponding or flooding) that may be caused by the proposed activity. Additionally, a Brunswick County Stormwater Permit may be required.

D. A temporary use permit may be issued for a maximum period of nine months. The Planning Director may extend this period up to nine months by request of the original applicant. Subsequent permits or changes in ownership require the resubmission of an application in conformance with this Section.

E. As an alternative to the Temporary Use Permit process, applicants may elect to submit an application to perform excavation and relocation of sand and soil as part of the Site Plan, Major Subdivision, or PUD application process.

F. The Planning Director may require the construction of a separate construction entrance as a prerequisite for approval of the Temporary Mining and Borrow Activity.

### 5.5.5. Temporary Use in Conjunction with Special Event Permit

Where a valid permit has been issued by the County for use of adjoining right-of-way that makes the street unavailable to vehicular traffic, a temporary use permit may be issued in

accordance for events on the grounds or in the parking lot of any adjoining parcel during the period of the special event permit.

### 5.5.6. Prohibited Temporary Uses

1. The use of a camper or recreational vehicle for temporary housing or contractor's office while a single family residence is being constructed or where a residential building permit has been issued is prohibited.
2. [Reserved]

# ARTICLE 6. DESIGN AND PERFORMANCE STANDARDS

Brunswick County promotes quality development that conforms to infrastructure standards, enhances the visual appearance of the community and sustains the environment. This Article provides the requirements associated with site design, appearance, infrastructure and other project elements for major and minor developments outlined in Article 3, Review and Approved Procedures.

This Article is organized as follows:

Site Design
- Design Flexibility
- Trees and Landscaping
- Buffering
- Screening
- Open Space and Recreation Areas
- Historic Resources
- Suitability (wetlands, floodways, etc.)

Appearance
- Building Façade
- Large Scale Development
- Outdoor Lighting
- Fences & Walls

Vehicular
- Streets
- Off-Street Parking & Loading
- Access
- Emergency Management Standards
- Site Triangles
- Traffic Impact Analysis

Infrastructure
- Roadways
- Water & Sewer
- Private Utilities (electric, etc.)
- Stormwater
- Easements

Miscellaneous
- Utility, Dumpster, Recycling and Trash Handling
- Name duplication
- Addressing
- Outdoor Display and Storage

## 6.1 SITE DESIGN

### Design Flexibility

Flexibility is provided in this ordinance to promote quality development through the use of proven design principles and best management practices. The intent is to promote the use of recognized and accepted design methods to achieve quality development without imposing financial or regulatory burdens on projects.

Low Impact Development (LID) and other best management practices improve the environmental quality and sustainability of development. Many are very cost effective and can result in short and/or long-term cost savings. Use of these practices is strongly encouraged in the planning and design of projects.

Credit toward meeting the buffer, recreation, open space, stormwater and other requirements of this ordinance for residential and non-residential projects may be obtained by utilizing best management practices, exceptional site and structure design, tree resource management, historic resource protection and other similar design practices. Examples of these techniques include the following:

**A.** Site and/or structure design that reflects exceptional aesthetic elements and is consistent with the character and context of the community;

**B.** Naturally shaped landscapted stormwater ponds with recreational features such as trails, bridges, gazebos, etc.;

**C.** Tree resource management such as protecting large contiguous areas of heritage trees;

**D.** Stormwater management utilizing LID methods such as bioretention;

**E.** Connecting recreational elements with established greenways, trails, parks, etc.; and

**F.** Green Growth techniques to conserve and connect highly sensitive areas.

Commentary: *Information and references regarding selected best management practices is provided in Appendix E.*

Alternative design using proven methods that result in equivalent or superior compliance with the purpose and intent of this ordinance may be approved by the Planning Director, in consultation with other County departments and/or outside agencies as deemed necessary. The basis for such approvals shall be documented by the Planning Director.

### 6.1.2. Trees and Landscaping

#### A. Landscape Plan Required

**1.** A landscape plan shall be submitted in conjunction with a required site plan. For minor site plan applications, the landscaping may be shown on the site plan, as opposed to a separate landscape plan.

**2.** Landscaping requirements for Parking Lots is provided in Section 6.12.10 Vehicular Use Area Landscaping.

**3.** A Landscape Architect or other person with landscape design knowledge (this could include the land owner) shall prepare all landscape plans, except where expressly exempted by the Planning Director. The landscape plan shall adequately detail the requirements of this Section.

**4.** As much as possible, landscape designs should incorporate as much contiguous undeveloped areas into their plans. Whether left undisturbed during development or planted during site development, the purpose is to create suitable wildlife habitat and corridors that facilitate movement to adjoining forestland.

**5.** Approved planting materials are provided in the standard plant list (see Appendix B for approved lists of Canopy Trees, Understory Trees and Shrubs). Alternative plant materials may be substituted if a letter of approval is provided from the N.C. Cooperative Extension. The plants approved for substitution shall be added to the standard plant list.

**6.** Use of known invasive or problem plants is strongly discouraged (see Appendix B for plant listings and more detailed information).

### 6.1.3. Tree Survey Required

The primary objective of tree survey requirements is to provide better information about the presence and location of heritage trees (see Section 6.1.4.B) on sites proposed for development. This

information is needed before plans for development are so far advanced that it is unreasonable and impractical to modify the plans to protect the trees identified on the tree survey. Tree survey requirements do not obligate a property owner or developer to save trees by modifying a plan for development. However, knowing the location and size of heritage trees helps the staff evaluate possible modifications to the proposed plans to preserve heritage trees and improve the appearance of proposed development. Canopy trees shoud be retained or installed to cover a minimum of 15% of the site. Coverage can be estimated by visual estimates, aerial photography or by land survey methods.

**A.** Heritage Tree Survey

**1.** A heritage tree survey shall be required for any multifamily development, nonresidential development, major subdivisions or planned development, with applications for site plan, preliminary plat, development plan, or special use permit. The heritage tree survey shall show the general location, species and size of trees.listed below. However, a heritage tree survey shall not be required for land in the floodway (unless filled or developed in accordance), preserved wetlands and wetland buffers, steep slope areas, and stream buffers.

**2.** For purposes of this Ordinance, a heritage tree shall be defined as follows:

**i.** A flowering Dogwood, Live Oak, Long Leaf Pine, Redbay, Black Tupelo or Laurel Oak with a trunk diameter measurement of 4″ or greater measured at 4.5 feet above ground;

**ii.** Any tree species included in the planting table (See Section 6.1.5.C) with a trunk caliper measurement of 18″ or greater measured at 4.5 feet above ground;

**3.** For development plans where specific building locations are not shown, a more generalized survey of vegetation may be provided in lieu of a heritage tree survey. This survey shall describe existing forest stands, indicating the average species and size of trees on the tract. A more specific survey should be provided in conjunction with preparation of specific development plans.

**4.** Having better information about the location of heritage trees is not especially useful where plans call for the preservation of large areas in undisturbed vegetation. An example is the pervious portions of developments in watershed protection districts. Producing such information adds to the project's cost without providing information that could result in project redesign. Where unique site conditions or a proposed development arrangement indicate that the required heritage tree survey would produce little useful information, the Planning Director shall have the authority to waive the requirements for a heritage tree survey for all or a portion of the tract.

### 6.1.4. Credit for Existing Vegetation

**A.** General

The retention of “existing vegetation” shall be maximized within the proposed landscaping, parking and buffer areas. When retaining existing vegetation within the buffer area, only clearing methods that do not disturb the root structure shall be allowed within the dripline of tree canopies. Existing native habitat or plant material located within the proposed landscaping or buffer area that meets the percent opacity requirements (See Section 6.3.9.A.4, Buffer Alternatives Table [Required Opacity]) of these regulations may be counted toward the total buffer required between adjoining land uses, or toward total landscaping requirements. If the existing vegetation has been counted toward the total required buffer or landscaping and is subsequently removed or dies, it shall be replaced with the appropriate buffer or landscaping material.

**B.** Heritage Trees

**1.** With the exception of clearing required for required driveways or street connections, the retention of heritage trees within a proposed landscaping or buffer area shall be required. The Planning Director shall have the authority to permit the selective removal of heritage trees on a case by case basis.

2. The preservation of heritage trees located on the interior of the lot is encouraged, but shall not be required.

**C.** Credit for Existing Vegetation

In order to encourage the preservation of established vegetation, credit shall be given for preservation within the proposed buffer or other required landscaping areas on a one-for-one basis. In limited cases, the Planning Director may allow the applicant to count established vegetation located outside of the required planting area towards the landscaping requirement.

**D.** Clear-Cutting

1. With Forestry Activities

Properties should not be clear-cut during the conduct of forestry or silvicultural activities. To maintain the visual character of the site from adjoining properties and right-of-way, a vegetated perimeter buffer shall be maintained while tree harvesting for forestry occurs. All existing vegetation located in a required side or rear yard shall be maintained, exclusive of areas required for access to the site or connection to adjoining sites. Along public rights-of-way, all existing vegetation located in a required street yard shall be maintained, exclusive of areas required for access to the site.

2. Prior to Development

Properties shall not be clear-cut prior to undertaking development activities. Along public rights-of-way, a buffer consisting of all existing vegetation located in a required street yard shall be maintained, exclusive of areas required for access to the site. Applications proposing development of properties that failed to maintain such a buffer prior to development may be denied for a period of up to five years from the date of clearing in conformance with N.C.G.S. Section 153A-452(c).

3. During Development

Properties shall not be clear cut while undertaking development activities. The preservation of the maximum amount of existing vegetation and selective removal of existing trees throughout the site is strongly encouraged during project design and construction. In order to encourage such preservation, the Planning Director may count established vegetation preserved during development towards the landscaping requirement (see paragraph C, above) where the percent opacity requirement is met (See Section 6.3.9.A.4, Buffer Alternatives Table [Required Opacity]).

### 6.1.5. Design of Landscaping and Buffers

**A.** Design, Installation and Establishment Standards

Location of plants and design of landscaping, including maintenance, shall be according to sound landscape and horticultural principles. The use of native vegetation and other lower maintenance landscape materials is desired to promote environmental protection, energy efficiency, and water conservation.

1. Landscape plans submitted for approval for the purposes of satisfying the requirements of this Section shall clearly indicate the name, location, and size of vegetation to be installed as well as trees to be preserved.

2. Plant material should be chosen from the lists of recommended plant species contained in Appendix__ and shall adhere to the minimum specifications therein. Plant materials shall be reviewed for variety and suitability with regard to the eventual size and spread, susceptibility to diseases and pests, and appropriateness to existing soil, climate and site conditions.

3. The height and canopy size at maturity of trees and other plantings should be considered with regard to potential conflicts with overhead lighting, utilities, etc.

**B.** Issuance of Certificate of Occupancy

A permanent certificate of occupancy shall not be issued, until all seeding, trees, and plant material have been

placed in accordance with the approved site plan and requirements of this section. A temporary certificate of occupancy may be issued for a period of 120 days under circumstances that would affect the seeding and planting of the site, or until the proper planting season (generally early spring or early fall) is reached to complete the landscaping requirements, and may be extended up to 90 days upon request to the Planning Director.

**C.** Plant Material and Minimum Plant Size

The following list shall be used as a guide in identifying and categorizing the different acceptable types and minimum sizes for any required plant. Although the lists may be expanded, they are intended to provide guidance in selecting predominately hardy natural species. All materials shall be of high-quality nursery grade.

**1.** Trees

**i.** Canopy Trees (see Approved Canopy Tree List in Appendix B)

At the time of planting, the tree shall have a minimum caliper of two inches measured at 4.5 feet above ground.

Commentary: At maturity, canopy trees shall be of a species having an average minimum height of 15 feet and a minimum mature crown spread of 20 feet.

**ii.** Understory Trees (see Approved Understory Tree list in Appendix B)

At the time of planting, the tree shall have a minimum caliper of two inches measured at 4.5 feet above ground.

Commentary: At maturity, understory trees shall be of a species having an average minimum height of eight feet and a minimum mature crown spread of 12 feet.

**2.** Shrubs (see Approved Shrub list in Appendix B)

Shrubs shall have a minimum mature height of 24 inches.

**D.** Minimum Planting Areas

**1.** Canopy trees shall have a planting diameter no less than 8 feet wide.

**2.** Understory trees shall have a planting diameter no less than eight feet wide.

**3.** When planted as a hedge, the maximum spacing for 20-inch high shrubs shall be 40 inches on center.

**4.** These minimum planting areas may be reduced administratively by the Planning Director.

**E.** Mulch

Plants shall be mulched to provide ground cover and prevent water loss due to evaporation. Where selected plant material is not tolerant of deep mulch, a specific note regarding shallower mulch shall be set forth on the final landscape plan and approved by the County as part of the landscape plan. Mulch shall be kept away from tree trunks.

### 6.1.6. Requirements for Maintaining Planted Areas

**A.** Responsibility

The responsibility for maintenance of a required buffer or other landscaping shall remain with the owner of the property, his or her successors, heirs, assignees or any consenting grantee. Maintenance is required in order to ensure the proper functioning of the plantings as a landscaped area which reduces or eliminates nuisance and/or conflict.

**B.** Maintenance

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

2. Necessary pruning and trimming shall be in accordance with the American National Standards for Tree Care Operations: Tree Shrub and Other Woody Plant Maintenance – Standards Practices (Pruning), and shall not be interpreted to include topping of trees through removal of crown material or the central leader, or any other similarly severe procedures such as *lollipopping* or *meatballing* that cause irreparable harm to the natural form of the tree, except where such procedures are necessary to maintain public overhead utilities. Any such activity shall be a violation of these zoning regulations.
3. Dead or diseased plantings shall be removed. Unless specifically exempted (such as Understory Trees shaded by Canopy Trees), replacement plantings shall be provided for any required plants which die or are removed for any reason and shall meet all minimum standards and conform to these regulations.
4. Natural water courses within a buffer shall be maintained in a natural condition consistent with any applicable regulations.
5. A water source shall be supplied within 100 feet of any planting requiring continuing watering. Where non-native or non-drought tolerant native vegetation is incorporated in the buffer, an irrigation system shall be required.
6. Landscape structural features such as walls, fences, berms or water features shall be maintained in a structurally safe and attractive condition.
7. Where other uses, including pedestrian, bike or other trails, are allowed within a buffer, these uses shall be maintained to provide for their safe use.

### C. Failure to Maintain

In the event that any owner of a buffer area or vehicular use landscaping area fails to maintain same according to the standards of these regulations, these regulations shall be enforceable by the County with the right to recover the cost of enforcement, including reasonable attorney fees. The County may also, following reasonable notice and a demand that deficiency of maintenance be corrected, enter the buffer area to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the buffer area.

## 6.2 Buffering

### 6.2.1. Intent

Buffers are designed to protect adjoining land uses, particularly residential, from the noise, heat, duts, lights, and aesthetic impacts from more intense land-uses. There are three basic types of landscaping that may be required for any project. They include (1) project boundary buffers, (2) street buffers (which may include project boundary buffers or vehicular use area landscaping) and (3) vehicular use area landscaping. The project boundary and street buffers are described further in this section. The vehicular use area landscaping is described in Section 6.12.10 of this Article.

The more intense land use shall be required to provide the buffer as part of its yard requirements. The following requirements shall be met for buffers and the yards in which buffers are required:

### 6.2.2. Applicability

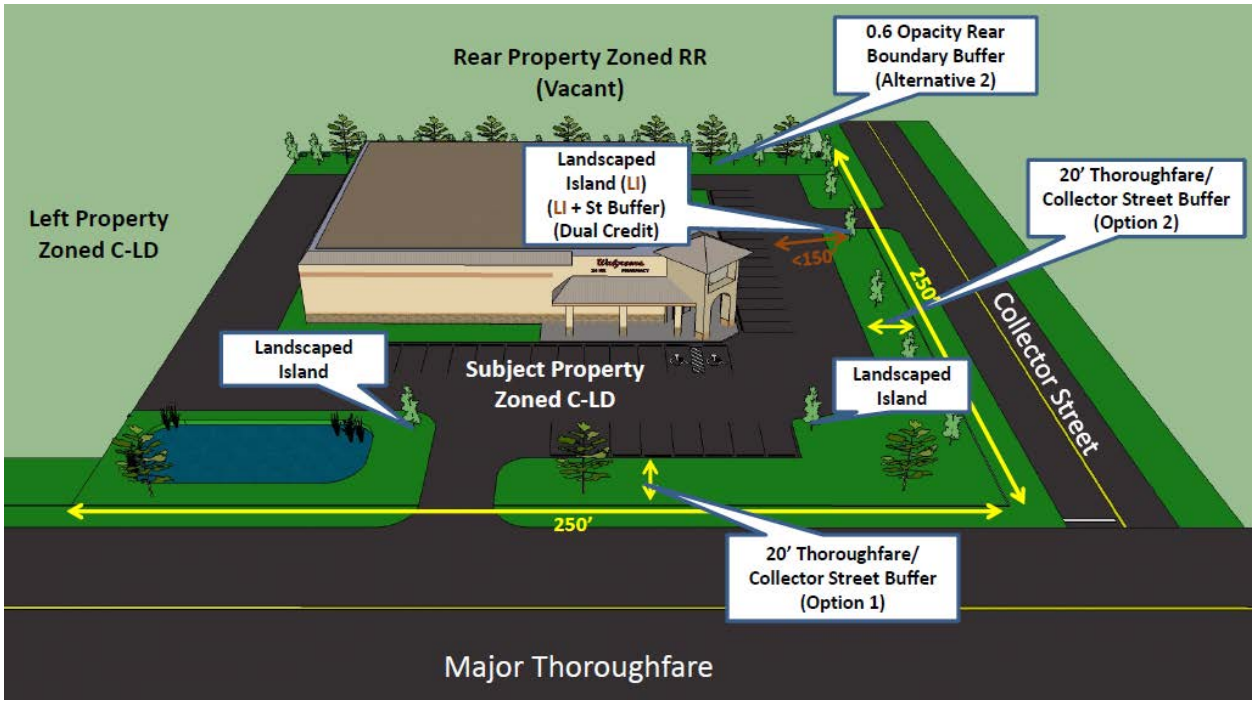
The landscaping and buffering requirements found in this Section shall apply to all development within Brunswick County with the exception of bona fide farming activities and the construction of one or two single-family or two-family households.

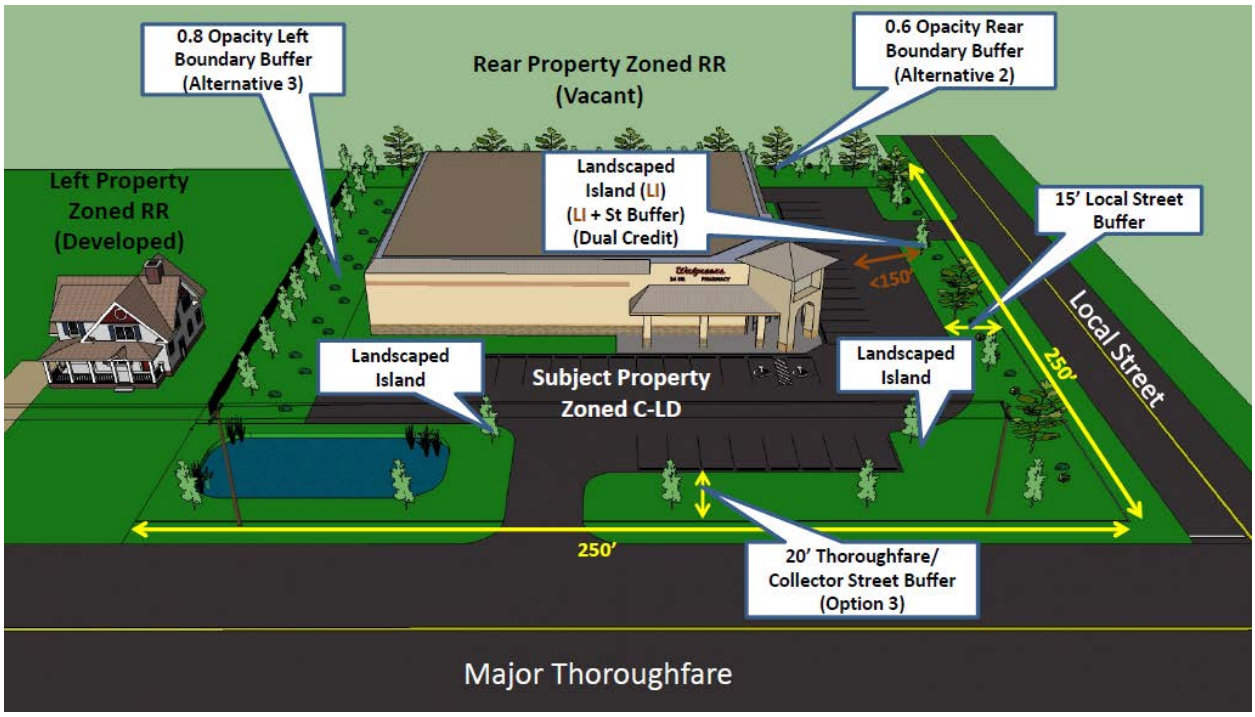
| Commercial/Non-Residential Landscaping and Buffer Requirements | | |
|---|---|---|
| Street-Side Planting Area[1]<br>Street Buffer[2] | Project Boundary Buffer[3] | Landscape Island[4] |
| ✓ | ✓ | ✓ |

1. Street buffer averaging consistent with Section___, Street Buffers – Measurements of the UDO may be used to vary the project design.
2. See Section 6.3.8, Street Buffers of the UDO.
3. See Section 6.3.9, Project Boundary Buffers of the UDO. Buffer opacity is based upon the adjacent Zoning District and whether the adjacent parcel is vacant or developed. Alternatives for reductions in buffer depths are available in some instances.
4. See Section 6.12.10, Vehicular Use Area Landscaping of the UDO for more information.

Commentary: Credit for existing vegetation is possible. See Section 6.1.4 for more information.

**1.** Plant material in buffer areas may be counted on a one-to-one basis toward the requirements for other required landscaping areas (e.g. vehicle use area landscaping and screening) when located appropriately to serve both functions. See illustrations below for details.




0.8 Opacity Left Boundary Buffer (Alternative 3)
Rear Property Zoned RR (Vacant)
0.6 Opacity Rear Boundary Buffer (Alternative 2)
Left Property Zoned RR (Developed)
Landscaped Island (LI) (LI + St Buffer) (Dual Credit)
15' Local Street Buffer
<150'
Local Street
250'
Landscaped Island
Subject Property Zoned C-LD
Landscaped Island
250'
20' Thoroughfare/ Collector Street Buffer (Option 3)
Major Thoroughfare

## 6.3 Required Buffers

### 6.3.1. Buffer Defined

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

### 6.3.2. Types of Required Buffers

There are two types of required buffers that may occur on any given development site, as follows.

**A.** Street buffers; and

*Commentary: Generally, a street buffer is located along the street(s) that border a development. The buffer requires a modest amount of landscaping, enhancing the "public" environment.*

**B.** Project boundary buffers.

*Commentary: Generally, a project boundary buffer is located around the sides and rear of a development. This buffer ensures an appropriate transition between uses.*

*A buffer located around the perimeter of a nonresidential use is intended to protect adjoining land uses from noise, heat, dust, lights, and aesthetic impacts from more intense land uses.*

### 6.3.3. Location

**A.** Buffers shall be located within the outer perimeter of a lot or parcel, parallel to and extending to the lot or parcel boundary line. Buffers shall not be located on any portion of an existing, dedicated or reserved public or private street or right-of-way.

**B.** Buffers may be located and constructed within any required yard.

### 6.3.4. Permitted Use of Buffer Area

**A.** A buffer may be used for passive recreation and picnic facilities; and it may contain pedestrian, bike, or equestrian trails, provided that:

1. Minimal existing plant material is eliminated;
2. The total depth of the buffer is maintained; and
3. All other requirements of these regulations are met.

**B.** Other appurtenances which require high visibility and easy access, such as fire hydrants, public and emergency telephones, mail boxes, and school bus or other bus shelters or benches, are also permitted in a buffer. No screening of such appurtenances is required.

**C.** A required buffer is encouraged to retain areas of native habitat and may incorporate water resources including stormwater detention/retention facilities designed as a natural-appearing amenity. However a minimum 10-foot contiguous width of the buffer shall be preserved as a planting area without stormwater facilities.

**D.** Ingress and egress to the proposed use, and utility lines and appurtenances, may cross the buffer provided they minimize the amount of buffer taken.

**E.** The buffer area may be included as part of the calculation of any required open space.

**F.** Identification signs may be located within a buffer as specifically permitted in the Sign Ordinance. The landscape buffer shall be designed to address visibility of permitted ground signs.

**G.** Lighting may be located within a buffer as specifically permitted in Section 6.9, Outdoor Lighting.

**H.** Other activities and development required by this Ordinance or expressly authorized by the Planning Director.

### 6.3.5. Prohibited use of Buffer Area

A buffer area shall not be used for any building or use, accessory building or use, parking or loading area, storage area, or other principal or accessory uses except as specifically permitted in this Ordinance.

### 6.3.6. Planting in Easements

**A.** Where required plantings are located in easements, the property owner shall be responsible for replacement of such required vegetation if maintenance or other utility requirements require their removal.

**B.** No trees shall be planted in wet retention ponds, drainage maintenance easement, or any utility maintenance easements.

**C.** Shrubs may be planted within easements, provided they are only within the outer three feet of the easement. No new trees may be planted in an easement.

**D.** Existing trees may remain in dry retention ponds provided that the natural grade is undisturbed to the tree line, they are a species adapted to seasonal flooding and the pond is adequately maintained.

### 6.3.7. Determination of Buffer Requirements

To determine the type of buffer required between two adjoining lots or parcels, or between a lot or parcel and a street, the following procedure shall be followed:

**A.** Street Buffers
Determine the appropriate street buffer based on Section 6.3.8.

**B.** Project Boundary Buffers
Identify the zoning districts of the subject parcel and all adjoining properties. Determine the buffer opacity class required on each boundary (or segment thereof) of the subject parcel. Refer to the minimum project boundary buffer table in Section 6.3.9.

COMMENTARY: *Landscape plans should depict the basis for meeting planting requirements in 100 foot intervals.*

### 6.3.8. Street Buffers

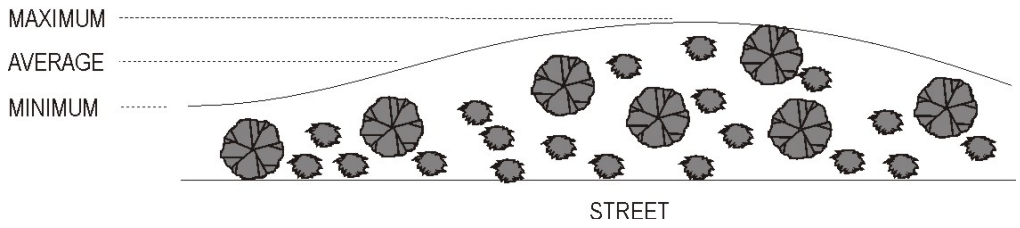
Street buffers shall be required and existing vegetation should be used to satisfy these planting requirements where possible (see Section 6.1.4, Existing Vegetation). No vegetation or fence shall interfere with a required clear sight triangle at a driveway or intersection (See Section 6.15). Berms constructed in accordance with Section 6.3.10.C, Berms with Vegetation, are encouraged as a component of any street buffer and the Planning Director may allow up to 25% reduction in the required buffer depth with a berm.

**A.** Measurements

1. Street buffers shall be measured along a perpendicular line from the future right-of-way line determined during site and development plan review. Buffer depth averaging may be used in conformance with paragraph 5, below.
2. Required driveways may penetrate required street buffers.
3. Driveway widths (measured at the inside edge of the buffer) shall not be counted in the calculation of the plant material required.

4. Vehicular access easements shall not be treated as a street, but shall be buffered as a project boundary buffer outside the easement area. The buffer may be provided on either side of the easement.

5. While the buffer depth is normally calculated as parallel to the property line, design variations are allowed and are calculated on the average depth of the buffer per 100 feet of linear width measured along the property line. Minimum depth of buffer in any case shall not be less than 50% the required depth of the buffer chosen. Maximum depth shall not be more than 150% the required depth of the buffer chosen.




**B.** Collector or Thoroughfare Street Buffers

All development located along either a collector or thoroughfare street shall be required to provide one of the following buffers along the entire street frontage.

1. One canopy tree per 100 linear feet of property frontage, located within a twenty-foot landscape buffer; OR
2. Two understory trees per 100 linear feet of property frontage, located within a twenty-foot landscape buffer; OR
3. Under utility lines only, two understory trees per 100 linear feet of property frontage, located within a 20-foot landscape buffer. No trees under utility lines shall have a natural height over 25 feet.

**C.** Local Street Buffers

With the exception of one- or two-family dwellings on a single lot or parcel, all development across a local street from a Residential district or use shall require a buffer with a minimum opacity of .2 (see Section 6.3.9.A.2, Measurements) and a depth of 15 feet.

### 6.3.9. Project Boundary Buffers

*Commentary: Project Boundary Buffers ensure a landscaped transition between different types of uses and/or zoning districts. At first glance, the following method may seem complicated. In reality, this is a fairly easy approach to implement. A few simple steps will provide the total amount of plants that are required to be in a buffer as well as the buffer depth.*

*This approach also addresses the following criticisms that are raised when the County requires buffers and landscaping.*

*1. What about unusual site circumstances? The table provides a number of alternative approaches to achieving the requirements.*

*2. Why do I have to put all the plants in- the lot next to me is vacant? This approach anticipates this type of situation. The initial developer will have a reduced buffer requirement.*

*3. What if I want to put in a narrower buffer? The developer may select Alternative 3, Canopy and Wall or may install a berm. This will allow the developer to reduce the buffer depth while still providing appropriate screening.*

*4. There are already plants there- why do I have to put in new plants? Credit is given for existing plants (that meet a minimum size requirement) on a one-for-one basis.*

## A. Required Project Boundary Buffer Table

### 1. Description

**i.** The buffer standards in the table below address the opacity of the buffer that is required on the property boundary between zoning districts, and in some instances within a zoning district.

**ii.** An opacity of 0.2 screens 20% of an object, and an opacity of 1.0 would fully screen the adjoining development during summer months after five years of growth.

### 2. Measurements

Project boundary buffers shall be measured along a perpendicular line from the lot line.

### 3. How to Read the Buffer Table

**i.** The required opacity of project boundary buffers is represented in the Table below by two numbers (for example, .2/.6).

**ii.** The second number represents the total required buffer opacity between any two properties.

**iii.** Where the proposed project adjoins vacant property, the first number represents the applicant's required buffer opacity.

**iv.** Where the adjoining property is already developed with no buffer, the proposed project is responsible for providing the total required opacity (the second number).

[See Buffer Alternatives Table]

**v.** Where the adjoining property is already developed with a partial buffer, the proposed project is responsible for providing the remaining opacity required.

**vi.** A zero means no project boundary buffer is required.

| | | ZONING DISTRICT of ADJOINING PROPERTY | | | | | |
|---|---|---|---|---|---|---|---|
| | | Rural Low Density Residential | R-7500 , R-6000, and SBR-6000 | MR-3200 and N-C | C-I | C-LD and RU-I | I-G |
| ZONING DISTRICT of SUBJECT PROPERTY | Rural Residential | 0[1]/0[2] | .2/.2 | .4/.6 | .2/.8 | .2/.8 | .2/1.0 |
| | R-7500, R-6000, and SBR-6000 | .2/.2 | 0[1]/0[2] | .2/.4 | .2/.6 | .2/.6 | .2/1.0 |
| | MR-3200 and N-C | .4/.6 | .2/.4 | 0[1]/0[2] | .2/.6 | .2/.6 | .2/1.0 |
| | C-I | .6/.8 | .4/.6 | .4/.6 | 0/0 | .2/.4 | .2/1.0 |
| | C-LD and RU-I | .6/.8 | .4/.6 | .4/.6 | .2/.4 | 0/0[2] | .2/1.0 |
| | I-G | .8/1.0 | .8/1.0 | .6/1.0 | .6/1.0 | .4/.6 | 0/0 |

[1] Non-residential uses locating next to vacant property shall be required to provide a 0.2 buffer.
[2] When locating a non-residential use in a Rural Residential, R-7500, R-6000, SBR-6000, MR-3200, NC, C-LD, or RU-I Zoning District next to an existing residential developed property, a 0.4 buffer shall be required. Non-residential uses locating next to other non-residential uses are not required to provide a buffer.

*COMMENTARY: A .2/.4 requires a 20% opaque buffer for property adjacent to vacant land or a 40% opaque buffer when adjacent to existing development. . A .4/.4 requires a 40 percent opaque buffer property adjacent to either vacant or developed land. A zero means no project boundary buffer is required.*

*EXAMPLE: A new development in the C-I District abutting a developed R-7500 District would be required to provide a buffer with an opacity of .6 (60% opaque) If the adjacent property were vacant, the requirement would be .4 since the adjacent property is vacant.*

### Buffer Alternatives

**4.** The table below shows the required buffer depth (average) and plantings required for a project boundary buffer to satisfy the required opacity. Existing vegetation should be used to satisfy these planting requirements where possible (see Section 6.1.4, Existing Vegetation). Credit may also be given for use of best management practices and exceptional design.

| MINIMUM REQUIRED PROJECT BOUNDARY BUFFER | | | | |
|---|---|---|---|---|
| | Buffer Depth and Plants Required Per 100 Linear Feet | | | |
| Required Opacity[1] | Alternative 1 Plantings | Alternative 2 Plantings | Alternative 3 Plantings + 6-Foot (Height) Fence[2] | Alternative 4 Plantings + 6-Foot (Height) Wall[3] |
| 0.2 | 10 feet<br>1 canopy<br>1 understory<br>7 shrubs | 10 feet<br>1 canopy<br>2 understory<br>3 shrubs | Not available | Not available |
| 0.4 | 20 feet<br>2 canopy<br>4 understory<br>25 shrubs | 20 feet<br>2 canopy<br>6 understory<br>9 shrubs | 15 feet width<br>3 understory<br>3 shrubs | 10 feet width<br>3 understory<br>3 shrubs |
| 0.6 | 30 feet<br>3 canopy<br>6 understory<br>34 shrubs | 30 feet<br>3 canopy<br>8 understory<br>13 shrubs | 20 feet width<br>0 canopy<br>3 understory<br>3 shrubs | 15 feet width<br>0 canopy<br>3 understory<br>3 shrubs |
| 0.8 | 50 feet<br>5 canopy<br>7 understory<br>43 shrubs | 50 feet<br>4 canopy<br>10 understory<br>17 shrubs | 35 feet width<br>0 canopy<br>5 understory<br>7 shrubs | 25 feet width<br>0 canopy<br>5 understory<br>7 shrubs |
| 1.0 | 80 feet<br>5 canopy<br>8 understory<br>49 shrubs | 80 feet<br>4 canopy<br>11 understory<br>19 shrubs | 60 feet width<br>0 canopy<br>5 understory<br>7 shrubs | 40 feet width<br>0 canopy<br>5 understory<br>7 shrubs |

Note:
[1] Required Opacity x 100 = % Required Opacity (e.g., .2 times 100 = 20% Required Opacity).
[2] When Alternative 3 is selected, the fence type must be 100% opaque and comprised of either wooden or vinyl material.
[3] When Alternative 4 is selected, the wall must be designed in conformance with Section 6.3.10.A Walls, and Section 6.3.10, Walls, Berms, and Fences within Buffers.

*Commentary: Suppose you are required to install a buffer with an opacity of 0.6 and you elect to use Alternative 1. Your buffer would have to be 30 feet deep (on average) and you would have to plant 3 canopy tress, 6 understory trees, and 34 shrubs for every 100 feet of buffer length.*

5. In lieu of a project boundary buffer, the Street Buffer applies (See Section 6.3.8) when both a 1) recorded easement for ingress and egress or a right-of-way exists (whether developed or undeveloped) and 2) a zoning district designation of the adjacent parcel(s) is different than that of the subject parcel.
6. When proposed residential units adjoin an existing bona fide farming activity in a Voluntary Agricultural District, the minimum buffer depth shall be 50 feet, with a minimum opacity of 0.2.

**B.** Hardship Relief

The buffer requirement may be modified by the Planning Director upon a finding that a modification would be consistent with the purpose and intent of this Article, with any adopted land use plans, that such modification would not adversely affect the land use compatibility or public interest, and complies with one or more of the following criteria:

1. The affected buffer is parallel to and adjoins an existing utility or drainage easement of at least 50 feet in width;
2. The affected buffer is between uses that are to be developed under a common development plan or series of development plans; or
3. The affected buffer adjoins a property that has a joint use agreement with the parcel under site plan.
4. When buffering the adjoining property would serve no practical purpose due to the nature and/or use of the property, such as undevelopable land (wetlands, etc.), industrial use, public or private utility, etc.

### 6.3.10. Walls, Berms and Fences in Buffers

Where walls, berms or fences are built within any required buffer, they shall meet the following requirements.

**A.** Walls

1. A finished side of the wall shall face off site.
2. All required plantings should be placed along the interior side of the wall (facing the developed area of the subject property).

**B.** Fences

1. A finished side of the fence shall face off site and see Note 2 in Buffer Alternatives Table (Section 6.3.9.A.4) for allowed fence types.
2. Fencing shall be between six to ten feet in height.
3. Fences shall be maintained in a structurally safe and attractive condition and with a finished face located towards the adjoining property.
4. All required plantings should be placed along the interior side of the fence (facing the developed area of the subject property).

**C.** Berm with Vegetation

1. The Planning Director may allow a reduction of up to 25% of the required buffer depth when a berm meeting these requirements is provided.

2. An earthen berm may be used in conjunction with planted vegetation provided that the combined height of the berm and planted vegetation shall be at least six feet and provide approximately 75% opacity within one year of planting.
3. The slope of the berm shall be stabilized with vegetation and no steeper than 3:1. The height of the berm may not exceed six feet, with a level or rounded area on top of the berm. The berm shall be constructed of compacted earth.
4. Prior to issuance of the first certificate of compliance, berms shall be planted to ensure coverage by live plant material within three to five years.
5. When berms are planned to be installed within required buffers, storm drainage plans submitted with an application shall be designed to anticipate a 100-year storm event.

*Commentary: Berms can dramatically alter the drainage patterns in an area, and result in significant flooding both within a development and in areas abutting a development. Therefore, it is is important to understand any potential impacts.*

## 6.4 Screening

### 6.4.1. Applicability

A. The following uses shall be screened as required by this section:

1. Outdoor storage and loading areas.
2. Self-storage warehouses not located in an industrial district.
3. Air handlers and similar mechanical equipment in multifamily or nonresidential development not located on roof tops.
4. Trash handling facilities, including dumpsters and recycling.
5. Solar Collector (Accessory).

B. The features and uses listed above need not be screened from similar features and uses on adjoining lots, except where project boundary buffers would be required pursuant to Section 6.3.9.

C. Screening shall not be required for temporary construction activities undertaken during construction or modification of a bulding, structure, or site.

### 6.4.2. Standards

Features and uses specified above shall provide a visual obstruction from neighboring properties in conformance with the following standards:

A. All Uses

1. When visible from an adjoining residential use or residentially zoned property (including across a street), the screen shall be composed of view-obscuring vegetation (used individually, or in combination with), a wall, semi-opaque fence, or berm designed to obscure views to a height of six feet from the ground, except for mechanical equipment which shall be screened to the height of the equipment plus six inches.
2. When adjoining any other use or zoning district, outdoor storage and mechanical equipment may be screened by chain link fencing with slats inserted to a height of six feet from the ground, except for mechanical equipment which shall be screened to the height of the equipment plus six inches.
3. One upright shrub shall be installed per four linear feet of any screen wall or fence that faces off-site. These plantings shall be placed such that they obscure the screen wall or fence and shall be credited toward any plantings required elsewhere in this Ordinance.

4. Plants must be at least two feet tall at the time of installation and reach the desired height within three to five years of planting. All berms, when provided, must be covered with plant materials within three to five years.

5. All landscaping shall be maintained in accordance with Section 6.1.6, Requirements for Maintaining Planted Areas.

### 6.4.3. Credit for Other Landscaping

Plant material in project boundary buffers may be counted towards the requirements of this section when located to serve both functions.

### 6.4.4. Open Space and Recreation Area

*Commentary: In order to prevent the possibility of ending up with random leftover slivers of land and the inefficient provision of open space, projects not meeting the threshold requirements below are not required to dedicate open space.*

**A.** Applicability

1. All residential projects with more than 10 lots and/or dwelling units shall provide open space and recreation area in cornformance with this Section. All other projects shall be exempt from the requirements of this Section.

*Commentary: This is to capture phased or separate developments that may, when taken in part fall under the thresholds, but taken in whole will meet the threshold.*

**B.** Amounts of Open Space and Recreation Area to be Provided

When required, open space shall be provided in the amounts indicated in the tables below.

| MINIMUM OPEN SPACE REQUIREMENT | | | | |
|---|---|---|---|---|
| | RR | R-7500 | SBR-6000 / R-6000 | MR-3200 |
| Development Type | Percent of Gross Development (Project) Area | | | |
| Conventional | 3 | 5 | 7 | 15 |
| PD | 15 | 20 | 25 | 30 |
| Unless specifically reduced by the Planning Director, at least 15% of the required open space must be in the form of usable recreation area (see Section 6.4.4.C.2.i, below) | | | | |

**C.** Open Space and Recreation Area Standards

1. Open Space Standards

i. All open space shall be unoccupied or predominately unoccupied by buildings or other impervious surfaces. Unoccupied or predominately unoccupied by buildings or other impervious surfaces shall mean that not more than five percent of the area of any required open space shall be occupied by such surfaces. Open space shall be identified on plats as being permanently set aside. Except in the RR district, open space shall be exclusive of any individual lots.

ii. In order to be included in the calculation for required open space, the following minimum dimensions shall be satisfied:

(a) Open space shall have a minimum horizontal dimension of 15 feet.

(b) No individual open space shall have a minimum area of less than 2,000 square feet.

iii. Uses of open space may include the following:

(a) Conservation areas for natural, archeological or historical resources;

**(b)** Ecologically sensitive wetlands such as marsh, Carolina Bays, pocosins and swamps;

**(c)** Bona fide agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts;

**(d)** Walking or bicycle trails, provided they are constructed of pervious paving materials;

**(e)** Water trails;

**(f)** Landscaped stormwater management facilities;

**(g)** Easements for drainage, access, and underground utility lines; and

**(h)** Other conservation-oriented uses compatible with the purposes of these regulations.

**(i)** Up to 100 % of a golf course may be included in the calculations for useable open space.

**iv.** Open space does not include the following:

**(a)** Roads, parking lots and impervious surfaces, except as specifically authorized; and

**(b)** Agricultural and forestry activities not conducted according to accepted best management practices.

**2.** Usable Recreation Area Standards

**i.** At least 15% of the required open space must be in the form of usable recreation area.

**ii.** Usable recreation area shall be useable land devoted to recreation and amenities for the residents of an subdivision. Usable recreation area shall be identified on plats as being permanently set aside.

**iii.** Usable recreation space uses may include, but are not limited to:

**(a)** Walking or bicycling trails; (Note: Additional credit may be allowed for trails that connect with existing or planned greenways).

**(b)** Water trails;

**(c)** Passive recreation areas, including pocket parks;

**(d)** Ball fields and playgrounds;

**(e)** Tot lots; and

**(f)** Clubhouses, swimming pools, tennis courts and other similar facilities used in common and made available to the residents of the entire subdivision.

**(g)** Up to 75% of a golf course that is used in common and made available to the residents of the entire subdivision.

**iv.** In cases where the determination is unclear (e.g. water trails) the Planning Director may make a determination on what area may be counted towards usable recreation area.

**v.** Usable recreation space shall be situated so as to provide perpetual recreation benefit to the overall development.

*Commentary: Un-usable recreation areas are spaces that are unsuitable for recreational uses such as wetlands, areas with very steep slopes, and sensitive natural habitat and other unsuitable areas.*

**D.** Legal Instrument for Permanent Protection

**1.** The open and recreation space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed filed with the Brunswick County Register of Deeds.

**2.** The instrument for permanent protection shall include clear restrictions on the use of the open space and recreation area. These restrictions shall include all restrictions contained in this Section, as well as any further restrictions the applicant chooses to place on the use of the open and recreation space. Where appropriate, the instrument shall allow for stream or habitat restoration within the easement area.

### 6.4.5. Areas to be Reserved

The following shall be included within the common area of the subdivision, regardless of whether reservation of these areas would exceed the minimum open space dedication requirements.

**A.** Floodways (AEFW) as designated on the most recently adopted FEMA FIRM maps for Brunswick County;

**B.** 30 foot undisturbed stream buffer areas as designated on the most recently adopted CAMA land use plan;

**C.** Jurisdictional wetlands under federal law (Section 404) that meet the definition applied by the U.S. Army Corps of Engineers.

**D.** Greenways, waterways, parkland, and other public use areas shown on the most recently adopted County-Wide Greenways Master Plan. Copies of the most recent Plan may be obtained from the Planning Department. The following standards shall apply to lands so reserved:

*Commentary: The Brunswick Tomorrow Plan and the Greenways Master Plan envision an interconnected network of land and waterway trails and parks across the County. These should provide safe access for both users of the system and emergency responders.*

**1.** Greenways, waterways, and trails reserved in conformance with the County-wide Greenways Master Plan shall be situated to best implement the intent of the Greenways Master Plan.

**2.** Greenways, waterways, parkland, and other public use areas shown on the most recently adopted County-Wide Greenways Master Plan shall be made accessible to the general public.

**3.** Where a greenway, waterway, park, or other public use area can not be connected to an existing public use area providing reasonable public access within one mile (measured along a trail or waterway), the provision of public access shall be required.

## 6.5 Historic Resources

The rich history of Brunswick County contributes to the cultural diversity of the community. The County has complied an inventory of historic resources including significant architectural features. Protection and promotion, where appropriate, of these resources enhances the cultural experience of residents and visitors in the community.

Developers, project managers, design professionals and others should consult the inventory of Historic Resources available on the Brunswick County Geographic Information System in conjunction with project planning. Planning staff will include review of the Historic Resources inventory in the review of projects two acres or more in size. Best efforts should be utilized to protect and promote the presence of Historic Resources in the design of site development plans. The Planning Director is authorized to make reasonable adjustments to applicable requirements such as setbacks, buffers, open space, landscaping, etc. in the review and approval of project plans that successfully incorporate historic resources into project design.

## 6.6 Suitability of Land

**6.6.1.** Land which has been determined by the County staff on the basis of engineering or other expert surveys, to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed, shall not be platted for that purpose, unless and until the subdivider has taken the necessary measures to correct said conditions.

**6.6.2.** Areas that have been used for disposal of solid waste shall not be subdivided.

**6.6.3.** Development proposals shall be consistent with the need to minimize flood damage and provide adequate drainage to reduce exposure to flood hazards.

### 6.6.4. Wetlands

*Commentary: If a Water Quality Protection Overlay is located in a proposed subdivision, specific requirements apply. See Section 4.8.8.*

Ecologically sensitive lands, such as marsh, Carolina Bays, pocosins and swamps, when in the ownership of the owner/applicant, should be preserved whenever possible for the public interest.

## 6.7 APPEARANCE

### 6.7.1. Large Scale Commercial

**A.** General Purpose and Intent

**B.** The purpose of this Section is to supplement development standards elsewhere in these zoning regulations with specific criteria that apply to the design of certain commercial buildings and projects,

**C.** The County's goal is to create and maintain a positive ambiance and community image and identity by providing for architectural and site design treatments that will enhance the visual appearance of certain commercial development and the quality of life.

**D.** The applicable commercial development depends on high visibility from public streets. In turn, design of certain commercial buildings and sites determines much of the image and attractiveness of the streetscapes and character of the community. Massive, duplicative or generic projects that do not contribute to, or integrate with, the community in a positive manner can be detrimental to a community's image and sense of place.

**E.** This Section incorporates a basic level of architectural design which, in conjunction with site design, landscaping, lighting and sign treatments located elsewhere in this Ordinance, is intended to result in a comprehensive scheme for building design and site development. However, this Section is not intended to require any specific style of architecture.

**F.** This Section is also intended to:

1. Promote high standards in architectural design and the construction of creative, innovative, aesthetically pleasing structures;
2. Encourage landowners, designers and developers to look closely at local conditions and the development site, and produce new development that enhances and complements both the built and natural environment;
3. Ensure that development and building design is sensitive to the specific site, consistent with the existing and proposed character of the area, including residential and nonresidential uses in the surrounding area, and does not detract from the positive elements existing neighborhood characteristics.

### 6.7.2. Large Scale Commercial Defined

Large scale commercial developments are considered to be any structure or group of structures that share common walls that have an enclosed gross floor area of 75,000 square feet or more.

### 6.7.3. Applicability

The requirements of this section shall apply in the following circumstances:

**A.** Where compliance with these standards is explicitly required in other portions of this Ordinance.

**B.** Construction of any new use classified as Commercial or Office (see Section 5.1, Use Interpretation).

**C.** Construction of any new use classified as Industrial when located within 100 feet of a public roadway.

**D.** Expansion or modification of an existing commercial or office use that increases the total enclosed floor area by at least 50% or 5,000 square feet, whichever is greater.

### 6.7.4. Standards

*Commentary: Compliance with the requirements for items such as parking, landscaping, screening, and other components of this Ordinance is still required.*

**A.** Building Materials

Predominant exterior building materials shall be high quality material. These include, without limitation: brick, natural decay resistant quality exterior wood siding, rock, stone or tinted and textured concrete masonry units, and transparent glass windows and doors. Facade colors shall be neutral or earth tone colors. Building trim and accent areas may feature brighter colors, including primary colors, but these colors may not comprise more than 15% of any building facade.

**B.** Requirements for Building Massing and Articulation

1. The design shall help integrate the development with its surroundings by breaking down the apparent mass and scale of the building on all sides.
2. No more than 75,000 gross square feet of the structure shall be designed as a distinct mass. Preferably, two or more building masses shall be expressed.
3. The primary (front) facade shall be designed to comply with the requirements of Section 6.8, Building Façade Design.
4. All facades visible from a public roadway shall be given equal design significance. There shall be no blank, featureless walls, including rear walls. The design shall present a continuity of style on all facades visible from the public roadway, except where separated by a party wall located on a lot line.
5. Outparcels shall be designed and integrated with the main project.

**C.** Integration into the Street Network

Internal and new streets shall connect to existing streets or be designed to facilitate future connections to the maximum extent possible.

**D.** Review Required

Compliance with the large-scale commercial requirements shall be demonstrated through submittal of architectural drawings at the time of site development plan review or where no site development plan is required, submittal of architectural drawings directly to the Planning Director. Drawings shall include, but not be limited to, a floor plan, roof plan and all exterior building elevations, and any other information deemed necessary to demonstrate compliance with this Section.

**E.** Criteria for Approval

The Planning Director shall apply the following criteria in making a determination of compliance with these large-scale commercial requirements.

1. The petition is complete and the information contained within the petition is sufficient and correct enough to allow adequate review and final action.
2. The petition illustrates compliance with the large-scale commercial requirements of this Section.
3. The design demonstrates unique, site-sensitive architecture.
4. The design is compatible with surrounding properties.

### 6.7.5. Alternative Compliance

Alternative compliance may be obtained provided the design satisfies the intent of this section. In such cases, the Planning Director shall have the authority to approve the following:

**A.** Materials of construction not listed, provided the materials used are implemented in a manner that enhances the surrounding area;

**B.** Increase the maximum size of a single retail structure as a distinct mass by up to 10%, provided the structure is designed in a manner that enhances the surrounding area.

## 6.8 Building Façade

### 6.8.1. Intent

In order to present an attractive 'face' for Brunswick County, buildings along Thoroughfares should enhance the image of the County. The emphasis should be on architectural detail and human-scale design.

### 6.8.2. Applicability

The requirements of this section shall apply in the following circumstances:

**A.** Construction of any new use classified as Commercial or Office (see Section 5.1, Use Interpretation) and located adjacent to a Thoroughfare.

**B.** Construction of any new use classified as Industrial when located within 100 feet of a Thoroughfare (See Section 6.8.3 for Exemptions).

**C.** Expansion or modification of an existing Commercial or Office use that increases the total enclosed floor area by at least 50% or 5,000 square feet, whichever is greater.

**D.** Where compliance with these standards is explicitly required in other portions of this Ordinance.

### 6.8.3. Exempt

The following shall be exempt from the requirements of this Section:

**A.** Construction of any use classified as Industrial located within a designated Brunswick County Industrial Park shall be required to have a front facing building façade only.

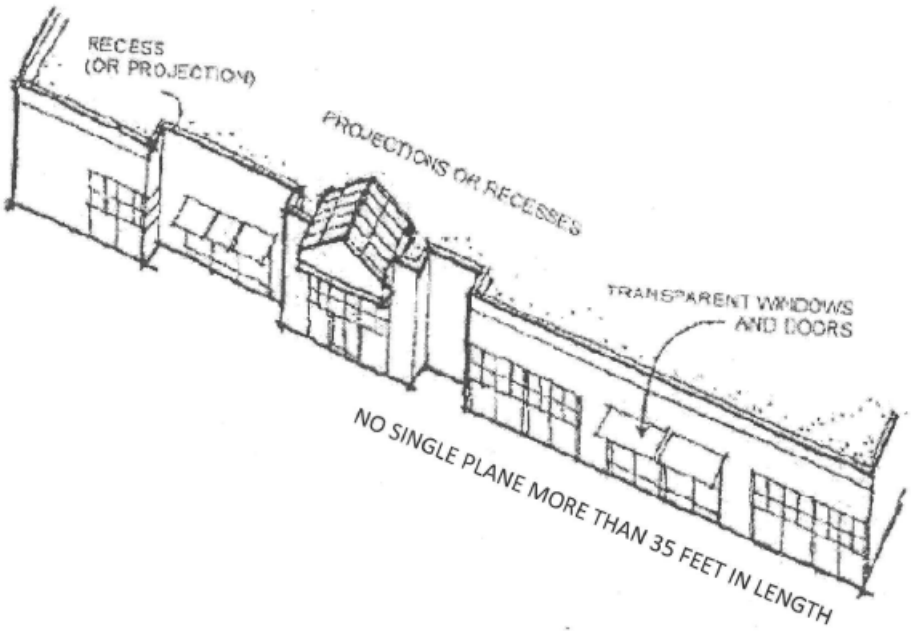
**B.** Communication towers shall be exempt from these requirements.

### 6.8.4. Standards

**A.** All street-facing facades shall be constructed such that no more than 35 feet of the street facing façade extends unbroken in a horizontal plane (see diagram below) and shall be constructed such that 50% of the total area is comprised of the following:

**1.** One or more of a combination of concrete aggregate, stucco, brick, stone, glass, wood or faced concrete block. Artificial materials which closely resemble these materials shall also be allowed; or

**2.** Where construction is comprised of all metal, the use of pitched roofs and/or roof overhangs shall be incorporated in the overall design. Contrasting colors in combination with projections and/or recesses (articulation), windows, columns, canopies or other architectural detail to provide visual interest may be used in the 50% calculation and the 35 foot break requirement.




**B.** A minimum of 25% of the first floor of the street facade of a business or mercantile use must be transparent.

**C.** The use of pitched roofs and roof overhangs shall be required within 1500 feet of a Planned Development (as measured from either side of the subject property). Recommended roofing materials include slate shingles, asphalt and fiberglass shingles, metal standing seam or tiles. Partial (occupying less than three sides) mansard roofs are not allowed.

### 6.8.5. Alternative Compliance

Alternative compliance may be obtained provided the design satisfies the intent of this section. In such cases, the Planning Director in conjunction with the Building Inspector, shall have the authority to approve the following:

1. Reduced transparency requirements; or
2. Materials of construction not listed, provided the materials used are implemented in a manner that enhances the surrounding area.

## 6.9 Outdoor Lighting

### 6.9.1. Purpose and Intent

Nonresidential and multifamily buildings and projects, including outparcels, shall be designed to provide safe, convenient, and efficient lighting for pedestrians and vehicles. Lighting shall be designed in a consistent and coordinated manner for the entire site. The lighting and lighting fixtures shall be integrated and designed so as to enhance the visual impact of the project on the community and/or should be designed to blend into the surrounding landscape. Lighting design and installation shall ensure that lighting accomplishes on-site lighting needs without intrusion on adjoining properties.

### 6.9.2. Applicability

The requirements of this Section shall apply to:

**A.** All nonresidential or multifamily development;

**B.** Lighting provided in conjunction with new subdivisions or planned developments;

**C.** Modification of an existing lighted area where the lamp color will change or where the number of light fixtures or foot-candles (fc) are increased; and

**D.** Expansion of areas that are increasing in size and in doing so will exceed the illumination levels in Section 6.9.6.

### 6.9.3. Exempt

**A.** The following activities are exempt from the requirements of this Section.

**1.** Outdoor lights used for a temporary event; permitted through a Temporary Use Permit.

**2.** Outdoor lights used exclusively for recreational activities, concerts, plays or other outdoor events that are open to the public, provided that the event or function meets all other applicable Ordinance requirements. Such lighting shall be located at least 50 feet from any adjoining residential district or use.

**3.** Fixtures may be replaced with like fixtures that meet requirements of Section 6.9.5.A.

**4.** Maintenance and repairs (excluding replacement of fixtures, modifications or expansions as defined in Section 6.9.5.A) with like parts such as lamps, photo controls, lens and ballast may be performed.

**5.** Nonconforming Outdoor Lighting damaged by fire or other causes consistent with the following requirements:

**(a)** In the event of damage by fire or other casues to an extent exceeding 75% of its value, reconstruction of a nonconforming structure shall be permitted only in compliance with the dimensional provisions of this Ordinance.

**(b)** In the event of damage by fire or other causes to an extent of between 25% and 75% of its value, reconstruction of a nonconforming structure shall be permitted with the issuance of a variance by the Board of Adjustment.

**(c)** In the event of damage by fire or other causes to an extent of below 25% of its value, reconstruction of a nonconforming structure shall be permitted provided it is:

i. In the same location and up to the same dimensions as originally existed; or

**ii.** In compliance with the current dimensional requirements.

**B.** Outdoor lighting exempt from the Section shall only be illuminated while the activity takes place and during high traffic periods immediately before and after the event.

### 6.9.4. Lighting Plan

A site lighting plan shall be required as part of the application review for all areas proposed for illumination that exceed 40,000 square feet in area. Projects with multiple areas proposed to be illuminated (such as separate parking lots) shall submit a site lighting plan if the sum of the multiple areas exceeds 40,000 square feet.

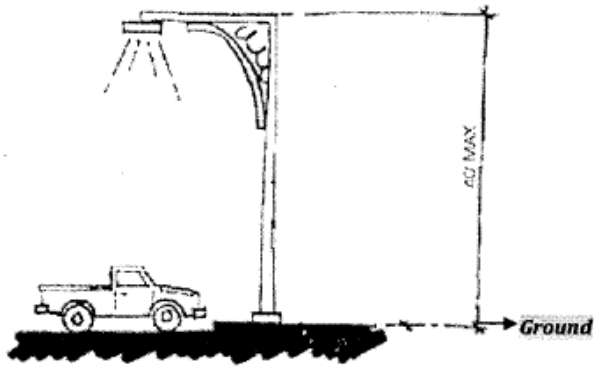
### 6.9.5. Site Lighting Design Requirements

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

**A.** Fixture (Luminaire)

**1.** The light source shall be completely concealed behind an opaque surface and recessed within an opaque housing and shall not be visible from any street right-of-way or adjoining properties. Overhead lighting fixtures shall be designed to prevent light from emitting upwards towards the sky.

**2.** Under canopy lighting fixtures should be completely recessed within the canopy.




**B.** Fixture Height

**1.** Lighting fixtures may not exceed 40 feet in height (as measured from the ground to the top of the pole) and illumination levels shall comply with Section 6.9.6.

**2.** The Planning Director may allow fixtures above this height to provide internal lighting for stadiums, arenas, and similar facilities.

**C.** Light Source (Lamp)

**1.** The light emitted by incandescent, metal halide, or color corrected high-pressure sodium is preferred. Light Emitting Diodes (LEDs) and fiber optics where the color emitted is similar to the preferred types is encouraged. Non color corrected high pressure sodium lamps are prohibited.

**2.** The same light source type must be used for the same or similar types of lighting on any one site throughout any development.

**D.** Mounting

Fixtures shall be mounted in such a manner that the cone of light is contained on-site and maximum illumination levels off-site does not exceed those found in Section 6.9.6 and not conflict with excessive illumination requirements found in Section.

**E.** Limit Lighting to Periods of Activity

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

### 6.9.6. Illumination Levels

**A.** To ensure uniform light distribution, all site lighting shall be designed so that the level of illumination as measured in foot-candles (fc) at any one point meets the standards in the table below with minimum and maximum levels measured on the pavement within the lighted area and average level (the overall generalized ambient light level), measured as a not-to-exceed value calculated using only the area of the site intended to receive illumination. The Planning Director may make reasonable adjustments to accommodate the specific lighting needs of the interior areas of projects; however, the measurements for the Maximum Illumination Levels pertaining to the project boundaries as outlined in the table below under item B, shall not be exceeded.

| LIGHT LEVEL (foot-candles) | | | |
|---|---|---|---|
| Type of Lighting | Minimum | Average | Maximum |
| Architectural Lighting | 0.0 | 1.0 – 1.5 | 5.0 |
| Canopy Area Lighting | 2.0 | 10.0 – 20.0 | 20.0 |
| Multifamily Parking Lot | 0.2 | 1.0 – 1.5 | 8.0 |
| Nonresidential and Multifamily Entrances | 1.0 | 2.5 - 5.0 | 15.0 |
| Nonresidential Parking Lot | 0.2 | 1.5 – 2.0 | 10.0 |
| Storage Area (security lighting) | 0.2 | 1.0 – 1.5 | 10.0 |
| Vehicle Sales and Display | 0.2 | 3.0 | 15.0 |
| Walkways, Landscape or Decorative Lighting | 0.2 | 1 – 1.5 | 5.0 |

**B.** All outdoor lighting shall be designed and located such that maximum illumination measured in foot-candles comply with those in the following table:

| MAXIMUM ILLUMINATION LEVELS (foot-candles) | |
|---|---|
| Lighting Measured at: | Maximum Illumination (foot-candles) |
| Street | 5.0 |
| Property Line Next to Residential Use or Residential District | 0.2 |
| Property Line Next to Commercial Use or Commercial District | 0.5 |

### 6.9.7. Excessive Illumination

**A.** Lighting within any lot that unnecessarily illuminates and substantially interferes with the use or enjoyment of any other property is prohibited. Lighting unnecessarily illuminates another lot if it exceeds the requirements of this Section.

**B.** Lighting shall not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers on such streets.

**C.** Fixtures used to accent architectural features, landscaping or art shall be located, aimed or shielded to minimize light spill into the night sky.

**D.** Blinking or flashing lights shall be prohibited unless the lights are required as a safety feature (e.g. beacons on towers) or shall be permitted as part of a sign in accordance with Article 8, Signs.

### 6.9.8. Nonconforming Lighting

Lighting fixtures existing as of May 1, 2007 may remain, and shall be considered nonconforming structures. Modifications, replacement or expansions, shall conform to the standards of this Ordinance.

## 6.10 Fences and Walls

### 6.10.1. Height

The maximum height of a fence or wall shall be as shown in the table below, unless a higher fence or wall is required by other provisions of this Ordinance.

| | FRONT YARD | ALL OTHER YARDS | WITH ADMINISTRATIVE ADJUSTMENT |
|---|---|---|---|
| Residential Districts | | | |
| RR, R-7500 | 6 | 6 | 8 |
| R-6000, SBR-6000, MR-3200 | 4 | 6 | 8 |
| Commercial Districts | | | |
| N-C | 4 | 8 | 10 |
| C-LD, C-I | 6 | 8 | 10 |
| Industrial Districts | | | |
| All Industrial Districts | 8[1] | 8 | 10+ |
| Conservation Protection (CP) District | 8 | 8 | 10 |
| Note:<br>Fences and walls over 50 feet from the right-of-way are subject to the "All Other Yards" standards | | | |

**A.** Fences or walls within required yards fronting on a public street shall comply with the front yard height standard. The Planning Director may approve an increase in height to the maximum indicated in the column "With Administrative Adjustment".

### 6.10.2. General

**A.** No fence or wall shall impede the visual locating of 911 emergency street addresses.

**B.** No fence or wall shall block access from doors or windows. Fences must have a clearance of at least two feet (from building walls, except where fences project from or to a building wall.

**C.** Fences or walls shall not alter or impede the natural flow of water in any stream, creek, drainage swale, or ditch.

**D.** A finished side shall face off site.

**E.** No portion of a wall or fence constructed after May 1, 2007 may encroach on an adjoining property line.

**F.** Pedestrian connections through fences and walls that connect to adjoining neighborhoods or other uses are encouraged.

**G.** Fences and walls should be designed and constructed to prevent damage to the fence or wall and nearby structures during hurricane events.

**H.** Additional wall or fence requirements applicable to a particular activity or use may be specified elsewhere in this Ordinance. Except where specifically modified (such as a specific height requirement), this Section shall take priority.

### 6.10.3. Placement

**A.** Fences or walls may not be located within the required site triangle (see Section 6.15).

**B.** When located in between the structure and a street, the fence or wall may be placed anywhere between the edge of the structure and the street right-of-way or easement line.

**C.** Along all other boundaries, the fence may be placed anywhere between the edge of the structure and the property line, generally at a distance that allows pedestrian access within the property.

**D.** Fences may be located within a required easement, subject to any additional restrictions imposed by the easement agreement. However, the property owner shall remain solely liable for any repair or replacement if any portion of the fence is damaged during maintenance or construction activities within the easement by the easement owner or their agent.

**E.** Walls may not be placed within a required easement unless specifically allowed by the easement agreement.

### 6.10.4. Fences

**A.** The following types of fences are permitted in all zoning districts:

1. Ornamental iron;
2. Vinyl or similar material;
3. Chain-link or woven wire (although the use of chain link fences in yards fronting on public streets is strongly discouraged); and
4. Wood or similar material.

**B.** In addition to the fences permitted by A., above, the following types of fences are permitted in the RR zoning district:

1. Fences constructed primarily of barbed or razor wire, when specifically for the purpose of enclosing livestock. On fences topped with barbed wire, the bottom strand must be at least six feet above grade with vertical supports slanting inward away from the property line;
2. Fences carrying electrical current, when specifically for the purpose of enclosing livestock;

**C.** The following types of fences are prohibited in all zoning districts:

1. Fences constructed primarily of barbed or razor wire, when not for the purpose of enclosing livestock.
2. Fences carrying electrical current, when not for the purpose of enclosing livestock;
3. Fences constructed in whole or in part of readily flammable material such as paper, cloth or canvas;
4. Fences topped with barbed wire or metal spikes except those serving an institution requiring a security fence for public safety purposes;

### 6.10.5. Walls

**A.** Walls shall be constructed of one or a combination of the following materials: stucco over concrete block, exposed aggregate concrete, brick, stone, or architectural block in a structurally safe and attractive condition.

**B.** Alternative walls may be permitted with the approval of the Planning Director if such alternative walls provide a similar level of opacity to that of the listed materials and are in keeping with the architecture of the development. No walls of exposed, painted-only, plain concrete cinder block shall be permitted.

**C.** No wall shall be located within any required drainage, utility or similar easement.

### 6.10.6. Retaining Walls

Retaining walls up to four feet in height may be located within required yards.

### 6.10.7. Maintenance

Any fence or wall which, through neglect, lack of repair, type or manner of construction, method of placement or otherwise, constitutes a hazard or endangers any person, animal or property is hereby deemed a nuisance. If such conditions exist, the Planning Director shall require the owner or

occupant of the property upon which the fence or wall is located to repair, replace or demolish the fence causing the nuisance.

## 6.11 Vehicular

### 6.11.1. Street Classification

**A.** In all new subdivisions, streets that are dedicated to public use shall be classified as provided in this Section.

1. The classification shall be based upon the projected volume of traffic to be carried by the street, stated in terms of the number of trips per day;
2. The number of dwelling units to be served by the street may be used as a useful indicator of the number of trips but is not conclusive;
3. Whenever a subdivision street continues an existing street that formerly terminated outside the subdivision or it is expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision.

**B.** The classification of streets shall be as follows:

1. Alley. A vehicular way used for providing service access along rear or side property lines of lots which are also served by one of the other listed street types. Alleys are not intended to accommodate through traffic.
2. Minor. A street whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than nine dwelling units or expected to or does handle up to 75 trips per day.
3. Local. A street whose sole function is to provide access to abutting properties. It serves or is designed to serve at least 10 but no more than 25 dwelling units or expected to or does handle between 75 and 200 trips per day.
4. Cul-de-sac. A street that terminates in a vehicular turnaround.
5. Subcollector. A street whose principal function is to provide access to abutting properties but is also designed to be used or is used to connect minor and local streets with collector or arterial streets. Including residences indirectly served through connecting streets, it serves or is designed to serve at least 26 but not more than 100 dwelling units and is expected to or does handle between 200 and 800 trips per day.
6. Collector. A street whose principal function is to carry traffic between minor, local, and subcollector streets and arterial streets but that may also provide direct access to abutting properties. It serves or is designed to serve, directly or indirectly, more than 100 dwelling units and is designed to be used or is used to carry more than 800 trips per day.
7. Arterial. A major street in the county's street system that serves as an avenue for the circulation of traffic into, out, or around the county and carries high volumes of traffic.
8. Marginal Access Street. A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.
9. Thoroughfare. A street serving the principal network for high volumes of traffic or high speed traffic as shown on the County Transportation Plan. This street type consists of at least two travel lanes in each direction. A thoroughfare shall be designated where the anticipated average daily volume exceeds 5,000 vehicles. Residences should not front on a major thoroughfare.

### 6.11.2. General Standards

**A.** Road widening and right-of-way dedication shall be consistent with the recommendations of the adopted County or NCDOT Transportation Plan.

**B.** The proposed street layout in new development shall be coordinated with the existing street system with connections made at all future connections. Where no full connection can be made as a result of the topography of the site being developed, the developer may install a cul-de-sac bulb or other turnaround facility.

**C.** Creative design of circulation routes and trafficways is encouraged. A base characteristic in Planned Developments is that the internal circulation routes or streets do not follow fixed linear geometric lines as do most streets. Instead, circulation routes are curvilinear and of meandering character, to preserve tree and landscape features. Slower-paced traffic movements, private restrictions for extremely low speed limits.

**D.** Where a tract of land to be subdivided adjoins a principal arterial street, the subdivider may be required to provide a marginal access street parallel to the arterial street or reverse frontage on a minor street for the lots to be developed adjacent to the arterial. Where reverse frontage is established, private driveways shall be prevented from having direct access to the principal arterial.

**E.** Where, in the opinion of the Planning Director, or Planning Board, it is necessary to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turn-around provided.

**F.** All public streets shall be built to the standards of this Ordinance and all other applicable standards of the County and the NCDOT.

**G.** Streets which are not eligible to be put on the State Highway System because there are too few lots or residences shall, nevertheless, be constructed in accordance with the standards in this Ordinance or the standards necessary to be put on the State Highway System, so as to be eligible to be put on the system at a later date. A written road maintenance agreement with provisions for maintenance of the street until it is put on the State system shall be included in the final plat (see paragraph H, below).

**H.** All public streets shown on the final plat shall be designated in accordance with NCGS 136-102.6 and designation as public shall be conclusively presumed an offer of dedication to the public. Where streets are dedicated to the public but not accepted into the State system, before lots are sold, a statement explaining the status of the street shall be included with the final plat.

**I.** All roads that are not maintained by NCDOT (including those approved for dedication but not yet incorporated into the state road system) shall be dedicated to a property owners association, and comply with the following, prior to approval of the final plat:

1. The association shall be responsible for the maintenance and upkeep of the street or road.
2. The property owners association shall be established before the lots are sold.
3. Membership in the association shall be mandatory for each lot buyer and all successive buyers.
4. Any sums levied by the association that remain unpaid shall become a lien on the individual owner's property which shall be subordinate to tax and mortgagee liens.
5. Owners of each lot shall have voting rights in the association.
6. The following information shall also be provided:
   - **i.** The name and address of the association.
   - **ii.** The manner in which directors of the association are to be selected.
   - **iii.** The post office address of the initial registered office.

iv. The name of the city and county in which the registered office is located.

v. The number of directors constituting the initial board of directors.

### 6.11.3. Street Connectivity Requirements

An interconnected street system is necessary in order to promote orderly and safe development by ensuring that streets function in an interdependent manner, provide alternative paths of evacuation in the event of a natural or man-made disaster, and provide adequate access for emergency and service vehicles.

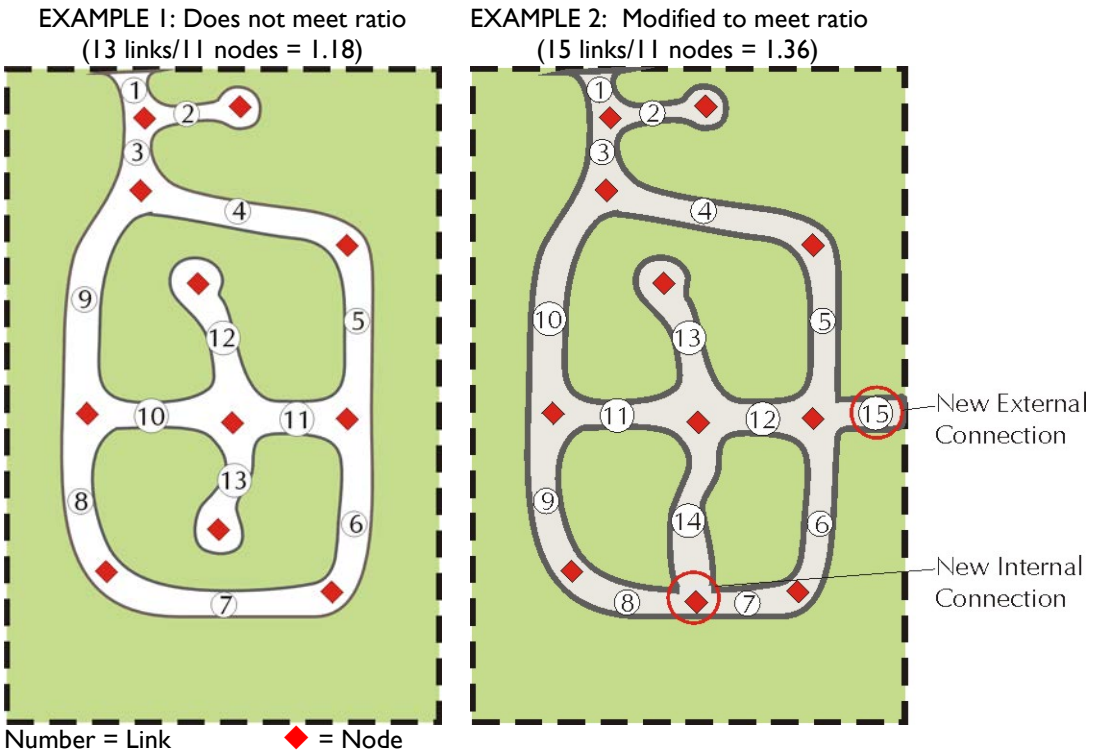
**A.** Connectivity Defined

Connectivity shall be defined by the ratio of links to nodes in any subdivision.

1. The connectivity ratio shall be the number of street links divided by the number of nodes or end links, including cul-de-sac heads.
2. A link shall be any portion of a street, other than an alley, defined by a node at either end. Future connections to adjoining property shall be considered links. For the purpose of determining the number of links in a development, boulevards, median-divided roadways, and divided entrances shall be treated the same as conventional two-way roadways.
3. A node shall be the terminus of a street or the intersection of two or more streets.
   i. Any curve or bend of a street that exceeds 75 degrees shall receive credit as a node. Any curve or bend of a street that does not exceed 75 degrees shall not be considered a node.
   ii. The Planning Director may allow a divided entrance to count as two separate links provided the median dividing the entrance extends at minimum to the first internal intersection of the subdivision.

**B.** Required Ratio

1. Street Network
   i. The street network for any subdivision with internal roads or access to any public road shall achieve a connectivity ratio of not less than 1.3 in all tiers except the Rural Low Density Residential Zoning Districts, measured within the subdivision.
   ii. Within the Rural Low Density Residential Zoning Districts, the street network for any subdivision with internal roads or access to any public road shall achieve a connectivity ratio of not less than 1.15, measured within the subdivision.
2. Street links and nodes along a marginal access street providing access to a proposed subdivision shall not be considered in computing the connectivity ratio.
3. Future connections that cannot be constructed pursuant to Sec. 6.11.3.E, Future Connections, shall be considered as being present as a link at the ratio of one link per side as provided in Sec. 6.11.3.E, Future Connections, for purposes of determining if the required ratio has been met.




**C.** Multiple Points of External Access may be Required

**1.** External access to residential development shall be provided as indicated below. In determining the number of access points that shall be required, the cumulative impacts of prior developments on the roads shall be considered.

**i.** For residential developments with 90 or fewer lots (or equivalent dwelling units), at least one point of access to the roadway network shall be provided.

**ii.** For residential developments with between 91 and 120 lots (or equivalent dwelling units), at least two points of access to the roadway network shall be provided.

**iii.** For residential developments with more than 120 lots (or equivalent dwelling units), at least three points of access to the roadway shall be provided.

**iv.** For residential developments with more than 300 lots (or equivalent dwelling units), the Planning Board may specify that more than three points of access shall be provided.

**v.** Required points of access may provide access restrictions in the form of an electronically-controlled gate that may be opened by emergency responders via siren activation or other approved method. During times of emergency evacuation (such as a natural disaster), gates may be required to be opened to provide alternative evacuation routes.

**2.** The Planning Director may allow a divided entrance to count as two separate links provided the median dividing the entrance extends at minimum to the first internal intersection of the subdivision.

**3.** The Planning Board may approve variations in the requirements of this section when additional access points cannot be provided due to the following circumstances:

**i.** If the only additional access points available would require crossing floodplains, steep slopes, or other similar natural features; or,

ii. When the existing development pattern precludes additional access points and fewer units than would otherwise be allowed would be out of character with the surrounding development.

**D.** Connections to Adjoining Properties

1. Street connections or future connections to adjoining properties may be required. See Section 6.11.3.E, Future Connections, for standards.

2. Connections may provide access restrictions in the form of an electronically-controlled gate that may be opened by emergency responders via siren activation or other approved method. During times of emergency evacuation (such as a natural disaster), gates may be required to be opened to provide alternative evacuation routes.

**E.** Future Connections

1. Unless exempted below, future connections are required on each side (as defined by each of the cardinal directions) of a development as follows:

   i. Rural Low Density Residential Zoning Districts

   At least one future connection for every 2,800 linear feet on any single side of the proposed development.

   ii. All other Zoning Districts

   At least one future connection for every 1,400 linear feet on any single side of the proposed development.

2. Exemptions

   i. Future connections are not required adjoining existing development that has not made any accommodation for such connections or to adjoining sites that are permanently protected from development through conservation easements or ownership that precludes development.

   ii. Future connections are not required if the only point of access would require crossing floodplains, wetlands, or other similar natural features.

**F.** Reserve Strips Controlling Access

The reservation of private property strips of too narrow a depth to permit development as a means of controlling access to public ways shall not be permitted.

### 6.11.4. Nonresidential Streets

The subdivider of a nonresidential subdivision shall provide streets in accordance with F-4 of the North Carolina Roads, Minimum Construction Standards, July 1, 1985, or current standards, and the standards in this Ordinance, whichever are stricter.

### 6.11.5. Design Standards

**A.** General

The design of all public streets and roads within the jurisdiction of this Ordinance shall be in accordance with the accepted policies of the N.C. Department of Transportation, Division of Highways, as taken or modified from the American Association of State Highway Officials (AASHO) Manuals; the N.C. Department of Transportation Division of Highway's Subdivision Roads Minimum Construction Standards, July 1, 1985, or current standards; and County design standards.

In all new planned developments and subdivisions, the proposed street layout shall be coordinated with the existing street system with connections made at all future connectors. Where the development is bound by two or more NCDOT on-system roads, at minimum, one access to each

road shall be provided. Siren activated gate systems shall be required for all unattended gates.

Adequately constructed and maintained bike and/or hiking trails shall be counted toward the open space requirement. Bicycle lanes and multi-use pathways that extend the minimum right-of-way width shall be designed in accordance with the North Carolina Bicycle Facilities Planning and Design Guidelines Manual.

Pedestrian-oriented communities are encouraged to enhance the quantity of pedestrian activity and to improve the quality of the pedestrian experience.

COMMENTARY: *Alternate street construction designs such as pervious pavement or other Low Impact Design (LID) methods may be approved if certification by a design engineer is provided showing the proposed street construction will meet or exceed NCDOT's construction standards for strength and durability for subdivision roads.*

### B. Minimum Right-of-Way and Pavement

Right-of-Way widths may not be less than the table below except when approved through the Planned Development process or in those cases where right-of-way requirements have been specifically set out in the thoroughfare plan. Additionally, right-of-way may be required to accommodate wider roads or utilities.

A minimum paved street width of 20 feet shall be required for all internal two-way roadways. One-way roadways shall require a minimum paved street width of 14 feet.

#### i. Private Streets

**Private Street Standards**

| Development Type | Minimum Right of Way or Easement Width[2] | Minimum Road Width | Road Construction Standard[2] | Road Maintenance Responsibility |
|---|---|---|---|---|
| Minor Subdivision ≤ 5[1] Lots | 45' | N/A | N/A | N/A |
| Minor Subdivision 6-10 Lots | 45' | 14' One-Way<br>20' Two-Way | 6" ABC Stone | POA/RMA[3] |
| Major Subdivision (11+ Lots)[1] | 45' | 14' One-Way<br>20' Two-Way | Must Meet or Exceed NCDOT Subdivision Roads Minimum Construction Standards[4] | POA |
| Planned Development | 35' | 14' One-Way<br>20' Two-Way | Must Meet or Exceed NCDOT Subdivision Roads Minimum Construction Standards[4] | POA |

[1] The number of lots that are existing, created, or combination thereof.

[2] In some instances, minimum Right-of-Way or Easement width of public and private streets may be required

to exceed forty-five feet (45') based on street function, number of lots served and other factor(s) specific to the proposed development.

[3] Roads shall be dedicated to a Property Owners Association (POA) or have a Road Maintenance Agreement (RMA) in place prior to further subdivision activity. See Section 6.11.2.H.

[4] Major Subdivisions and Planned Developments are only required to meet minimum design guidelines for thickness of base and surface course per the most recent NC Department of Transportation Subdivision Roads Minimum Construction Standards.

**ii.** Public Streets

Public Streets shall be designed and constructed in accordance with the North Carolina Department of Transportation Subdivision Roads Minimum Construction Standards. See the 2010 or more recent version of NCDOT Division of Highway's Subdivision Roads Minimum Construction Standards For Subdivision Roads for design standards. In some instances, minimum Right-of-Way or Easement width of public and private streets may be required to exceed forty-five feet (45') based on street function, number of lots served and other factor(s) specific to the proposed development.

*Commentary: All roads designed to meet NC Department of Transportation Subdivision Roads Minimum Construction Standards will require a certification by a design engineer to the Engineering and Planning Departments that all roadways and all on-site drainage are designed in accordance with minimum NCDOT standards as required by the UDO. Upon completion of the required improvements in the development, the design engineer also will be required to certify that all road and on-site drainage have been constructed in conformance with the minimum NCDOT standards.*

Commentary: A certification on the preliminary and all final plats must be submitted by a design engineer to the Engineering and Planning Departments that all roadways and all on-site drainage are designed in accordance with minimum NCDOT standards as required by the UDO. Upon completion of the required improvements in the development, the design engineer also will be required to certify that all road and on-site drainage have been constructed in conformance with the minimum NCDOT standards and the approved plans.

### C. Intersections

1. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at an angle less than 60 degrees.
2. Offset intersections are to be avoided unless an exception is granted by NCDOT. Intersections which cannot be aligned should be separated by a minimum length of 200 feet between survey centerlines.
3. Intersections with arterials, collectors, and thoroughfares, shall be at least 1,000 feet from center line to center line. Greater separation distances may be required by the N.C. Department of Transportation.

### D. Turning Lanes

Any subdivisions on U.S. and NCDOT highways whose master plan shows over 100 lots shall be required to provide turning lanes into the subdivision.

### E. Alleys

1. Alleys are required to serve lots used for commercial and industrial purposes or where lots are less than 50 feet wide. This requirement may be waived where other definite and assured provision is made for service access.
2. The width of an alley shall be at least 18 feet but may be increased based on the proposed use.

**3.** Dead-end alleys should be avoided, but if unavoidable shall be provided with adequate turn-around facilities at the dead-end.

## F. Cul-de-sacs, Hammerheads, and other Terminal Access Streets

### 1. General

**i.** Cul-de-sacs streets may not exceed 800 feet in length unless necessitated by topography or property accessibility. Measurement shall be along the centerline of the street from the center of the cul-de-sac to the centerline of the intersecting street.

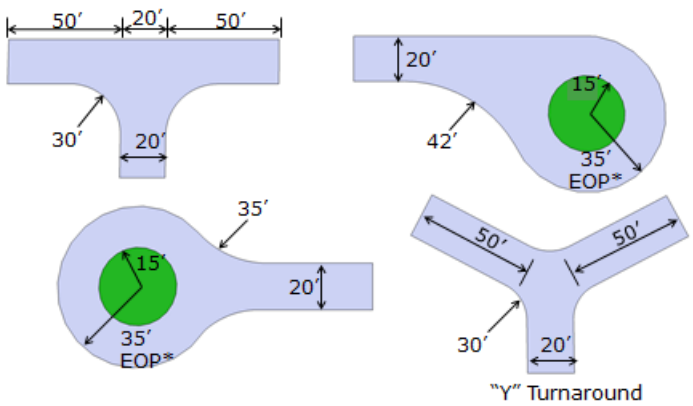
**ii.** The distance from the edge of pavement on the turnaround to the right-of-way line may not be less than the distance from the edge of pavement to right-of-way line on the street approaching the cul-de-sac.

**iii.** Cul-de-sacs may not be used to avoid connection with an existing street or to avoid the extension of a street, unless exception is granted by the Planning Board.

### 2. Multiple Types of Terminal Access Streets

In order to provide design flexibility, terminal access streets may provide turning and maneuvering area at the terminus of the street in compliance with the following graphic (following page):

**Cul-De-Sac With 35 Foot Radius (NCDOT)**




* EOP = Edge of Pavement

**Note: If drivable curbing is proposed (i.e. ribbon, valley curbing) then the curbing may be included in the 35′ radius.**

## G. Future Connections

**1.** Unless exempted below, future connections are required on each side (as defined by each of the cardinal directions) of a development as follows:

**i.** Rural Low Density Residential Zoning Districts

At least one future connection for every 2,800 linear feet on any single side of the proposed development.

**ii.** All other Zoning Districts

At least one future connection for every 1,400 linear feet on any single side of the proposed development.

**2.** Exemptions

**i.** Future connections are not required adjoining existing development that has not made any accommodation for such connections or to adjoining sites that are permanently protected from development through conservation easements or ownership that precludes development.

**ii.** Future connections are not required if the only point of access would require crossing floodplains, wetlands, or other similar natural features.

**H.** Reserve Strips Controlling Access

The reservation of private property strips of too narrow a depth to permit development as a means of controlling access to public ways shall not be permitted.

### 6.11.6. Street Names

Street names shall not duplicate nor closely approximate existing street names within the County. Extensions of existing, named streets shall bear the existing street name. A complete list of previously used names shall be maintained by the GIS Division with the County Tax Department.

### 6.11.7. Street Signs and Markers

**A.** Standard street name signs shall be installed at one corner of all street intersections, including private streets. The size, design, materials, location, and installation of the signs shall be in accordance with NCDOT standards, as applicable. Planned Developments may be allowed to use ornamental street signs in conformance with Section 8.7.17, Traffic Control Signs on Private Property.

**B.** Signs denoting the beginning and ending of public maintenance shall also be erected and maintained on private streets.

**C.** Signs denoting the right-of-way boundaries of dedicated or reserved, unopened streets and future connections shall be erected and maintained according to County standards.

### 6.11.8. Street Lighting

Installation of street lights within developments is encouraged but is optional. When street lights are installed, they must be in accordance with the provisions of Section 6.9.7, Excessive Illumination and the minimum spacing and other standards of the appropriate utility company.

## 6.12 Off-Street Parking and Loading

### 6.12.1. Statement of Intent

**A.** Vehicles require adequate space in safe operating and parking conditions for all land uses, public and private. Yet Brunswick County has a unique and sensitive environment whereby space for vehicle parking and loading should have the least necessary impervious surface, should not drain directly into the waters of the county, and should be adequately designed for either on-site absorption of or disposal of such vehicular wastes such as oils.

**B.** Brunswick County is dependent upon its tourists and seasonal visitors for sustenance of the economy. In keeping with a tourist economy is the need for presentation of a harmonious image. Landscape features to buffer large areas for parking and loading are required for such economic protection of the county, and for relief from heat build-up of large surface areas.

**C.** Exception Design in parking lot landscaping, stormwater management, lighting, circulation, directional elements, etc. may be eligible for credit toward buffer, landscaping or other requirements.

### 6.12.2. Applicability

**A.** No Building Permit, Certificate of Zoning Compliance, or Certificate of Occupancy shall be issued for uses of land, structures, and buildings, either initially or for a change in use or expansion of an existing use, unless the off-street parking and loading requirements of this Article are satisfied.

**B.** Applicants proposing to construct large-scale parking facilities may be required to obtain a Transportation Facility Permit from the North Carolina Division of Air Quality prior to initiation of construction in conformance with *15A NCAC 02D .0800*. Consult with the Planning Director for more information.

*Commentary: Generally- a large scale parking facility is a surface parking lot with at least 1,500 spaces, a parking deck with at least 750 spaces, or a combination of surface and structured parking that has at least 1,000 spaces. See 15A NCAC 02D .0805: Parking Facilities for specific applicability standards.*

### 6.12.3. Activities Exempt

*Commentary: In order to accommodate renovation and investment in commercial properties or very small scale construction of single family homes, ordinances often provide an exemption from parking requirements for certain activities.*

**A.** A change in use or expansion of an existing use meeting either of the following criteria shall be exempt from the requirements of this Article:

**1.** Expansions of less than 1,500 square feet or 10% of the total enclosed floor area (whichever is greater); or

**2.** The new use has the same parking requirement or a lesser requirement than the previous one.

**B.** Restriping of a parking area or other vehicular use area which does not result in reconfiguration of the parking spaces shall be exempt from the requirements of this Article.

**C.** Construction or modification of an individual single family or two-family residence by the owner shall be exempt from the requirements of this Article.

*Commentary: Construction of an entire subdivision, however, is not exempt.*

### 6.12.4. Plans Required

Applications for permits and/or certificates shall include information as to location and dimension of off-street parking, and means of ingress and egress to such space, a copy of the Sedimentation and Erosion Control Plan prepared and filed under N.C. Statute for same, and a showing of shrubbery areas, trees to be saved or added, berms, proposed fences or walls, proposed surface materials, proposed lighting, and written assurance the N.C. Statute on handicapped parking will be satisfied.

### 6.12.5. Design Standards

#### A. General Requirements

**1.** Parking areas shall be designed to allow unobstructed movement into and out of each parking space without interfering with fixed objects such as lighting fixtures, dumpsters, signage, or vehicles.

**2.** Each parking space within the parking area must be delineated by striping, curbs (each space signed or appropriately marked), wheel stops or other similar alternative devices. Railroad ties and landscape timbers are not considered acceptable alternative devices.

**3.** All parking areas shall be designed to provide for internal circulation such that each parking space is accessible to all other parking spaces without necessitating the use of a public street or alley.

4. Cross access drives between adjoining uses and properties shall be encouraged.
5. Off street parking or loading areas may not be located within any required buffer (see Section 6.3).
6. Modifications to off-street parking & loading to allow stormwater best management practices consistent with an approved stormwater plan may be considered.

**B.** Paving

1. Where an existing tree is adjacent to a parking area, paver bricks, tree grates, or other pervious surface shall be used within the dripline of the tree.
2. Unless alternative surfaces are specified elsewhere in this document, or are approved by the Planning Director, in consultation with the Director of Engineering Services, all required parking and loading spaces, except for those associated with single-family dwellings, shall be surfaced with asphalt bituminous, concrete or dustless material and shall be maintained in a smooth, well-graded condition.

*Commentary: Approved alternative surfaces are gravel, slate, and recycled asphalt.*

3. Within the Rural Low Density Residential districts, required off-street parking and loading spaces may be covered with an all-weather surface designed to support anticipated loads. Loose material surfaces shall be contained with a permanent edging. The surface shall be maintained so that traffic may move safely in and out of the parking area.
4. Alternative Parking Surfaces
   - **i.** Pervious pavers or concrete, stabilized grass lawn, or other pervious parking surfaces may be permitted for specific uses as set forth below, provided they are approved by the Planning Director, in consultation with the Director of Engineering Services. Where provided, such alternative parking surfaces shall be maintained in a smooth, well-graded condition. If parking demand is such that the grass or lawn is caused to be damaged or destroyed to the extent that it ceases to grow, then paving of the area in accordance with this section may be required.
   - **ii.** All driveways, access aisles and parking spaces (excluding handicapped) may be surfaced with grass lawn or other pervious parking surface for the following:
     - **(a)** Uses which require parking on an average of less than five days per week during a month;
     - **(b)** Parks, playgrounds, ballfields, football and baseball stadiums, fairgrounds, and other similar outdoor recreation areas; and
     - **(c)** Surplus parking areas above the required number of parking spaces (see Section 6.12.6, Required Parking).

**C.** Lighting

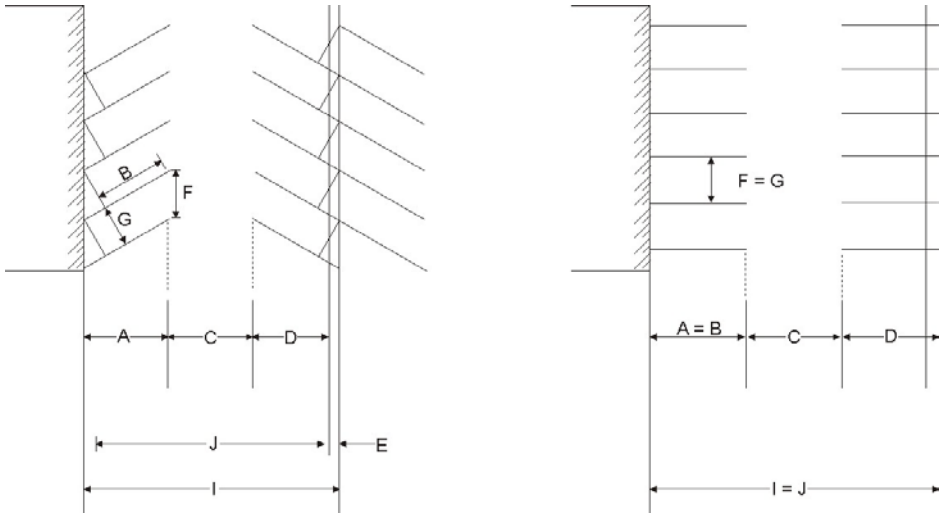
Any lighting shall be internally oriented and shall be installed in conformance with Section 6.9, Outdoor Lighting.

**D.** Signage

On-premises instructional signs may be provided in conformance with Section 8.7.5.

**E.** Dimensional Requirements

1. New or altered off-street parking areas shall conform to the following dimensions:




| Label | Dimension | Angle 45 | 60 | 75 | 90 |
|---|---|---|---|---|---|
| A | Stall Depth to Wall | 17 | 18.5 | 19 | 18 |
| B | Stall Depth Parallel to Vehicle | 18 | 18 | 18 | 18 |
| C | Aisle Width | 12 | 16 | 22 | 25 |
| D | Stall Depth to Interlock | 15 | 17 | 18 | 18 |
| E | Stall Depth Reduction due to Interlock | 2 | 1.5 | 1 | 0 |
| F | Stall Width (Parallel to Aisle) | 12.7 | 10.4 | 9.3 | 9 |
| G | Stall Width Perpendicular to Vehicle | 9 | 9 | 9 | 9 |
| I | Module Width Wall to Wall | 46 | 54 | 60 | 61 |
| J | Module Width Interlock to Interlock | 42 | 51 | 58 | 61 |

**2.** For bumper overhang deduct 1.5 feet from stall depth to wall or 3 feet from module width wall to wall for 45° and 60° parking. Deduct 2 feet from stall depth to wall or 4 feet from module width to wall for 75° and 90° parking.

**3.** Where natural and/or man-made obstacles, obstructions or other features such as but not limited to landscaping, support columns or grade difference exist, the Planning Director may approve a reduction in stall width, stall length and/or module width. In all instances where a reduction is requested, attention to emergency vehicle access must be considered and incorporated into the parking lot design.

**4.** Parking spaces designed to be located parallel to a curb or roadway shall be 23 feet long and nine feet wide.

**5.** Parking in driveways and aisles shall not be permitted unless it is determined by the Planning Director, in consultation with the Fire Marshal that emergency access shall not be impaired.

**6.** Parking and loading areas shall provide sufficient maneuvering area to accommodate emergency services vehicles and solid waste vehicles. A minimum turning radius of 40 feet shall be required between internal aisles, driveways, and other vehicular use areas. This radius may be reduced if the Planning Director, in consultation with other county officials, determines that the resulting dimension does not impair the intent of this requirement.

## F. Parking Decks and Parking Garages

Required parking and loading spaces need not be at ground level. Decks and garages shall be treated either as part of the principal structure and subject to all requirements over such structures,

or as principal uses by themselves, meeting all requirements for principal structures and uses when permitted.

**G.** Design Standards for Handicapped Accessible Parking

All off-street handicapped accessible parking spaces shall be designed in compliance with Chapter 11 of the North Carolina Building Code in conjunction with ICC A117.1 current version (see Appendix B for additional information).

**1.** The North Carolina Accessibility Code.

**2.** All off-street handicapped accessible parking spaces shall be located in the closest parking area to a public entrance to the building but no more than 250 feet from such entrance.

**3.** All off-street handicapped accessible parking spaces shall be designated by a sign or other means specified by State requirements.

**4.** All off-street handicapped accessible parking spaces must be surfaced with concrete or asphalt.

## 6.12.6. Required Parking

**A.** Minimum

**1.** Off-street parking spaces shall be provided for all uses listed below in the amounts specified below. Uses not listed shall be reviewed by the Planning Director, for a determination of the required spaces. Buildings with multiple uses shall calculate parking based on the square footage of each use in the building.

**2.** Where a building is constructed without a specific use identified, such as a "flexible-use" building that may be occupied by multiple uses, parking requirements shall be satisfied as follows:

**i.** Adequate space shall be reserved either on-site or through an approved alternative parking plan (See Section 6.12.7) to accommodate the requirements for the use with the highest parking requirements permitted in the zoning district. This "reserve area" need not be paved, but shall be indicated on all required plans and shall be counted toward the impervious cover calculations for a development when located in an area where impervious parking and loading is required.

**ii.** The actual number of spaces required to be paved shall be one space per 300 square feet of enclosed floor area. This requirement may be modified by the Planning Director.

**3.** Calculation of spaces shall be in whole units only. If a calculation results with a fraction, that fraction shall be rounded up to the next whole number. Unless otherwise specified, enclosed floor area shall be deemed to be gross enclosed floor area.

| Use Category | Use | Spaces Required |
|---|---|---|
| Agricultural | | |
| Agricultural | All Agricultural uses | 1 per site + 1 per 1,000 SF enclosed floor area |
| Residential | | |
| Household Living | All household living, except as listed below | 2 per dwelling unit (accessory dwellings shall be considered a separate dwelling unit) |
| | Family Care Home | 1 per 4 licensed beds |
| | Upper Story Residential | 1.5 per dwelling unit |
| Group Living | All Group Living, except as listed below | 1 per 3 beds |
| | Boarding House | 1 per bedroom |
| Tourist Homes | Tourist homes and other temporary residences available for short-term rental (10 days or less) | 2 per bedroom |
| Home Occupation | All home occupation, except as listed below | 1 + residence requirements |

| Use Category | Use | Spaces Required |
|---|---|---|
| | Doctor or Dentist office, beauty salon | 3 + residence requirements |
| Public and Civic | | |
| Community Service | Fraternal Club or Lodge | 1 per 100 SF floor area |
| | Auditorium, Civic or Expo Center | 1 per 200 SF floor area (minimum 20) |
| | Day Care Facilities | 1 per employee + 1 per 10 attendees |
| | Day Care Home | 1 + residence requirements + off-street drop-off area (min. 1 drop-off space). |
| Educational Facilities | Educational facilities, except as listed below | 6 per classroom + 1 per 300 SF administrative office + dormitory (group living) requirements |
| | Elementary or Junior High schools | 2 per classroom + 1 per administrative office |
| Emergency Shelter | All Emergency Shelter | 1 per 500 SF floor area |
| Government Facilities | Correctional Facility | 1 per 300 SF office + 1 per 5 beds |
| | Government Offices and Buildings | 1 per 400 SF floor area |
| Medical Facilities | All Medical Facilities, except as listed below | 1 per 250 SF floor area |
| | Hospitals | 1 per 2 beds + 1 per doctor and nurse + 1 per 2 employees on largest shift |
| Parks and Open Areas | Parks and Open Areas, except as listed below | As determined by the Planning Director in consultation with the Parks and Recreation Director |
| | Cemeteries, mausoleums, columbaria, memorial gardens | 1 per 20 SF in the chapel or assembly area |
| Passenger Terminal | All Passenger Terminals | 1 per 200 SF waiting floor area + 1 per 2 employees |
| Place of Worship | All Places of Worship | 1 per 20 SF of seating area in the assembly area (day care, schools, and other uses calculated separately) |
| Utilities | All Utilities, except as listed below | 1 per 1,000 SF enclosed floor area |
| | TV/HDTV/AM/FM Broadcast Antennae | 1 per 500 SF enclosed floor area |
| Commercial Uses | | |
| Campground | All campground uses | 2 at each campsite + 1 per 500 SF enclosed area |
| Funeral Home | All Funeral Homes | 1 per 20 SF in the chapel or assembly area + 1 per funeral vehicle |

| | | |
|---|---|---|
| Indoor Recreation | All Indoor Recreation, except as listed below | 1 per 250 SF enclosed floor area |
| | Adult & Sexually Oriented Business | 1 per 100 SF enclosed floor area |
| Outdoor Recreation | Outdoor Recreation, except as listed below | 1 per 500 SF of enclosed floor area + 1 per 1,000 SF of outdoor use area |
| | Golf Courses (see "restaurants" for additional parking requirements associated with eating facilities) | 4 per hole + 1 per 500 SF enclosed floor area |
| Overnight Accommodation | All Overnight Accommodation, except as listed below (see "Tourist Homes" for short-term rentals) | 1.15 per room + 1 per 100 SF Conference and banquet and restaurant |
| | Bed and Breakfast | 1 per guest room + 2 per owner/manager |
| Planned Development | Planned Groups of Structures | Generally, minimum required for the individual uses, although this may be modified by the Planning Board during approval. |
| | Planned Development/Mixed Use Development | |

| | | |
|---|---|---|
| Retail Sales and Service | All Retail Sales and Service, except as listed below | 1 per 200 SF floor area for the first 50,000 SF of gross leaseable Area and 1 per 250 SF of leaseable area after that |
| | Flea Markets | 1 per 300 SF vendor area |
| | Kennel<br>Veterinary Establishment, Animal Hospital | 1 per 250 SF enclosed floor area |
| | Performing Arts Studio | 1 per 400 SF enclosed floor area |
| | Personal Service Establishments | 1 per 500 SF enclosed floor area |
| | Restaurants | 1 per 100 SF floor area (including outdoor eating areas) and 1 per 300 SF for kitchen. NOTE: public areas and storage excluded. |
| Self-Service Storage Facility | Self-Service/Mini Storage Facility | Min. 5 or 1 per 100 storage units, whichever is greater |
| Vehicle Sales and Service | All Vehicle Sales and Service, except as listed below | 3 per service bay |
| | Car Wash | 1.5 per wash bay + required stacking spaces |
| | Vehicle and Heavy Equipment Sales and Rentals, Mobile and Modular Home Sales and Service | 1 per 500 SF enclosed floor area |
| Water Dependent Commercial Uses | Boat repair and manufacture as a principal use | 1 per 1,000 SF enclosed floor area |
| | Commercial Boating Facilities | 1.5 per slip + 1 per 500 SF enclosed floor area |
| | Commercial marinas and docks | |
| | Seafood processing and canning | 1 per 1,000 SF enclosed floor area |
| | Storage of boats (dry or wet) | 0.25 per slip |
| Office | | |
| Office Uses | All office uses | 1 per 300 SF enclosed floor area |
| | Banks and Financial Institutions | 1 per 250 SF enclosed floor area |
| Industrial | | |
| Heavy Industrial | All Heavy Industrial, except as listed below | 1 per 1,000 SF enclosed floor area |
| | Junkyard | 1 per 10,000 SF yard area |
| Light Industrial | All light industrial | 1 per 1,000 SF enclosed floor area |
| Resource Extraction | All Resource Extraction, except as listed below | 1 per 2 employees, minimum 3 |
| | Mining Operations, Class I | As required by the Planning Director |
| | Mining Operations, Class II | |
| Warehouse and Storage | All Warehousing and Storage | 1 per 5,000 SF of floor area |
| Waste Related Services | All Waste Related Services | 1 per 500 SF enclosed floor area + 1 per 5,000 SF outside storage area |
| Wholesale Sales and Service | All Wholesale Sales and Service | 1 per 1,000 SF floor area |

## B. Maximum Parking Permitted

1. No use shall provide more than 150% of the required parking shown in the table above unless any parking above the 150% threshold is pervious or is provided through use of structured parking.
2. Where a project is intended to be developed in phases, the Planning Director may approve development of a parking area intended to serve current and future development.

## C. Modifications

The Planning Board may reduce the required number of spaces by up to 20% if for reasons of topography, mixes of uses, ride sharing programs, availability of transit, or other conditions specific to the site, provided the reduction in the required number of parking spaces satisfies the intent of this Section.

## 6.12.7. Alternative Parking Plans

### A. General

Innovative approaches which reduce the amount of impervious cover within Brunswick County are encouraged when the public interest is served and protected. The Planning Director or Planning Board, as specified, may reduce the minimum amount of off-street parking required (beyond that permitted by Sec. 6.12.6.C, Modifications) where developer-submitted parking data, prepared and sealed by a registered engineer with transportation expertise, illustrates that the standards of this section do not accurately apply to the specific development. The data submitted for an alternative parking plan shall include, at a minimum, the size and type of the proposed development, the mix of uses, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads of all uses. The following factors may also be considered.

### B. Factors Considered in Alternative Parking Plans

#### 1. Public Parking

Up to 35% of the required off-street parking spaces may be waived by the Planning Director if publicly-controlled-parking is located within a 500 foot walking distance along public walkways from the main entrance of the proposed use and the Planning Director also determines that adequate parking spaces are available within the publicly-controlled parking area to accommodate the anticipated use. Reductions below 35% of the required off-street parking spaces may be approved by the Planning Board.

#### 2. Off-Site and Cooperative Parking

**i.** Cooperative provision of required parking space and other innovative parking arrangements which protect and serve the public interest are encouraged.

**ii.** The Planning Director may approve the location of up to 50% of required off-street parking spaces on a separate lot from that on which the principal use is located if the off-site parking complies with all of the following standards. This factor shall not be used to satisfy the off-street parking requirements for convenience stores or similar convenience-oriented uses or for handicapped accessible parking.

**iii.** Location

No off-site parking space shall be located more than 500 feet from the primary entrance of the use served (measured along public walkways). Off-site parking spaces shall not be separated from the use served by a highway, unless a grade-separated pedestrian walkway is provided, or traffic control or remote parking shuttle bus service is provided. Off-site parking shall be located in a district where commercial parking is a permitted principal use.

**iv.** Agreement for Off-Site and Cooperative Parking

If an off-site parking area is not under the same ownership as the principal use served, a written agreement between the record owners shall be required. The owner of the off-site parking area shall enter into a written agreement in a form acceptable to the County Attorney, (with enforcement running to the record owners of the area and the County) providing that the land comprising the parking area shall never be disposed of except in conjunction with the sale of the building which the parking area serves so long as the facilities are required; and that such agreement shall bind heirs, successors, and assigns.

#### 3. Valet Parking

The Planning Board may approve valet parking as a means of satisfying otherwise applicable off-street parking requirements where all of the following standards have been met.

**i.** Adequate assurance of the continued operation of the valet parking, such as a contractual agreement for valet services or the tenant's affidavit agreeing to provide such services shall be provided;

**ii.** An equivalent number of valet spaces shall be available to replace the required parking spaces. Such valet spaces do not require individual striping, and may take into account the tandem or mass parking of vehicles.

## 6.12.8. Vehicle Stacking Areas

### A. Vehicle Stacking Areas

The vehicle stacking standards of this subsection shall apply unless otherwise expressly approved by the Planning Director. Additional stacking spaces may be required where trip generation rates suggest that additional spaces will be needed.

### B. Minimum Number of Spaces

Off-street stacking spaces shall be provided as follows:

| Activity Type | Minimum Stacking Spaces | Measured From: |
|---|---|---|
| Automated teller machine (drive-up) | 3 | Teller |
| Bank teller lane | 4 | Teller or Window |
| Car wash bay, full-service | 6 | Bay |
| Car wash bay, self-service | 3 | Bay |
| Dry cleaning/laundry drive-through | 3 | Cleaner/Laundry Window |
| Gasoline pump island | 2 | Pump Island |
| Gatehouse, staffed | 4 | Gatehouse |
| Gate, unstaffed | 2 | Gate |
| Pharmacy pickup | 3 | Pharmacy Window |
| Restaurant drive-through | 6 | Order Box |
| Restaurant drive-through | 4 | Between Order Box and Pick-Up Window |
| Valet parking | 3 | Valet Stand |
| Other | Determined by Planning Director in consideration of an approved study prepared by a registered engineer with expertise in Transportation Engineering. | |

### C. Design and Layout of Stacking Spaces

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

#### 1. Size

Stacking spaces shall be a minimum of eight feet in width by 25 feet in length.

#### 2. Location

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

#### 3. Design

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

#### 4. Landscaping and Screening Requirements

In order to protect adjoining properties from noise and visual impacts, vehicle stacking areas shall be screened from adjoining residential property in accordance with the screening requirements of Section 6.4, Screening, and Section 6.12.10, Vehicular Use Area Landscaping.

## 6.12.9. Loading Areas

### A. Location

1. No loading spaces shall be located within 30 feet of street intersections or in any required front, side, or rear yard.
2. A minimum setback of 50 feet shall be required where loading docks face a residential district or a structure with first-floor residential uses, unless the loading area is completely screened from view with an eight foot high masonry wall in accordance with the requirements of Section 6.10, Fences and Walls.
3. Loading areas shall be located to provide the most convenient access to the use being served. Generally, loading areas should be within 50 feet of the building.

### B. Surfacing

Generally, all open off-street loading areas shall be paved with an all-weather material such as concrete or asphalt, designed to carry the heaviest vehicle loads that can commonly be expected. Consideration should be given to the weight of fire and sanitation equipment as well as delivery vehicles.

### C. Design

1. Loading berths for office uses shall be a minimum of 12 feet wide by 35 feet long with a height clearance of 14 feet.
2. All other loading berths shall be a minimum of 12 feet wide and 55 feet long with a height clearance of 14 feet.

### D. Utilization

Space allocated to any off-street loading space, accessory drives, or aisles, shall not be used to satisfy the space requirements for any off-street parking or trash handling facilities.

### E. Ingress and Egress

Each required off-street loading space shall be provided with a means of unobstructed ingress and egress to an alley or onto a public street wide enough to accommodate expected vehicles. Where such ingress and egress is made into a public street, it shall be through driveways or openings which meet required standards. Permanent wheel stops or curbing shall be provided to prevent any vehicle using the loading area from encroachment on the required front yards, side yards, or adjoining property.

### F. Number of Spaces Required

1. Loading spaces shall be required for uses which normally handle large quantities of goods, including but not limited to industrial plants, wholesale establishments, warehouses, freight terminals, hospitals and retail establishments.
2. The numbers in the table below shall serve as a guideline for determining the number of loading spaces required.

| Gross Floor Area of Building | Number of Spaces |
|---|---|
| 0 - 5,000 | 0 |
| 5,001 - 39,999 | 1 |
| 40,000 - 99,999 | 2 |
| 100,000 - 159,999 | 3 |
| 160,000 - 239,999 | 4 |
| 240,000 and over | 5 |

3. The Planning Director may require one or more additional loading areas if the magnitude of the use would anticipate the need for more loading or standing space.
4. Similarly, the Planning Director may reduce the number of required spaces if it can be demonstrated that the nature of the use is such that the suggested number is not warranted.

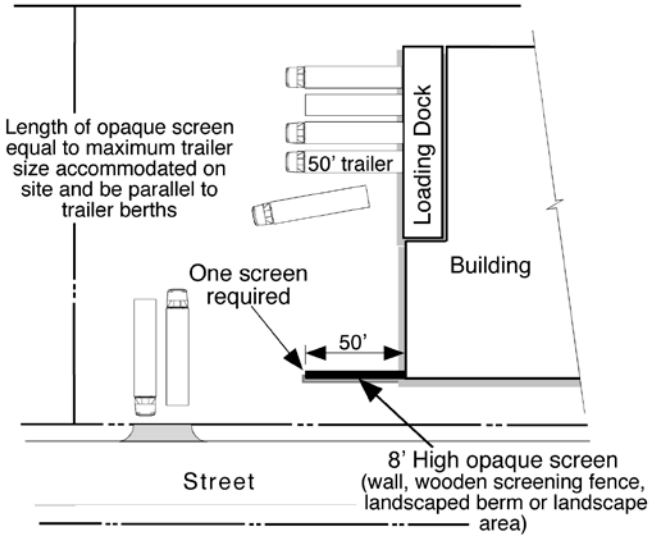
**G. Off-Street Loading Requirements**

1. Off-street loading spaces may be either inside or outside the building and on the same or adjoining lots.
2. The loading spaces shall be of sufficient size and number to allow normal loading and unloading operations appropriate to the property to be served.
3. In no case shall the loading space hinder the movement of traffic or pedestrians. The loading spaces shall be indicated on site plans submitted for approval.
4. Loading areas shall be signed to indicate "No Idling."
5. Any loading area located adjoining to a residential district shall not receive deliveries between the hours of 11 p.m. and 7 a.m.

**H. No Repair and/or Service**

No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any district.

**I. Landscaping and Screening Requirements**




Loading areas shall be screened from public streets and adjoining residential uses and Residential Districts in accordance with the screening requirements of Section___, Screening, and Section___, Vehicular Use Area Landscaping. The screen shall be at least as long as the longest trailer to be accommodated by the area (approximately 50 feet) and a minimum of eight feet in height. The Planning Director may reduce or waive this requirement if it can be determined that other elements would provide adequate screening. These elements may include, but are not limited to, existing site features or landscaping installed to satisfy other requirements.

**J. Signage**

On-premises instructional signs may be provided in conformance with Section 8.7.5.

## 6.12.10. Vehicular Use Area Landscaping

**A. Intent**

Landscaping of vehicle use areas is intended to buffer adjoining uses from parking areas and minimize large unbroken areas of parking.

**B. Applicability**

With the exception of vehicular use areas located in an Industrial District and vehicle sales areas, the following standards shall apply to all development. These requirements shall be in addition to any required project boundary buffers or street buffers (See 6.3).

### C. General

1. The use of existing trees and vegetation to meet the requirements of this Section is strongly encouraged.
2. Wherever off-street facilities are provided for parking or any other vehicular uses as provided in this Section, such off-street facilities shall be landscaped in accordance with the landscaping requirements set forth in these zoning regulations; except that single- and two-family residential uses on individually platted lots, and multi-level parking structures shall be exempt from such requirements.
3. All landscaped areas shall be protected from vehicular encroachment by curbs, wheel stops or other similar devices. Openings may be built into the curbs to allow surface drainage to enter the landscape islands.

Commentary: Other similar devices for landscaped island protection may be considered and approved by the Planning Director. However, railroad ties and landscape timbers are not considered acceptable alternative devices.

4. With the approval of the Planning Director, grass, gravel, or other permeable surface parking areas may be used.
5. The use of alternative forms of rigid curbing may be considered with approval of the Planning Director.

### D. Protection of Heritage Trees

Trees considered Heritage Trees shall be protected and preserved in conformance with Section 6.1.4.B, Heritage Trees.

### E. Landscaping Required

#### 1. Planting Material Standards

See Section 6.1.2.A, Design of Landscaping and Buffers for standards relating to plant types and sizes, and installation and maintenance requirements.

#### 2. Landscaping Required Prior to Occupancy Permit

Completion of landscape improvements in off-street vehicular facilities is required prior to issuing any final certificate of occupancy for construction subject to this Section. In cases where planting is delayed until the appropriate planting season the applicant may pursue the following actions:

i. A temporary certificate of occupancy may be issued by the Zoning Administrator. However, no temporary certificate may be issued for a period in excess of six months, unless extended by the Zoning Administrator; and

ii. The applicant must post a financial guarantee or letter of credit equal to 125% of the value of the required improvements.

#### 3. Required Interior Landscaping

Each off-street facility for parking or any other vehicular uses shall be constructed so that interior portions of off-street vehicular facilities not utilized specifically as a parking space or maneuvering or other vehicular use area shall not be paved, but shall be landscaped in accordance with this Section.

i. Each off-street parking facility with 20 spaces or more shall provide one landscaped island for each twenty 20 spaces or fraction thereof.

ii. For off-site parking facilities with 20 or more parking spaces at least one landscaped island must be located within 150 feet of every parking space.

**iii.** Each island shall consist of not less than 144 square feet of unpaved area and have a minimum internal dimension of at least eight feet measured in all directions. Each island shall be planted with a tree at least five feet in height (see Appendix A for a listing of approved trees). The remaining area within a landscaped island shall be surfaced with shrubs, ground cover, grass, or other landscape material (excluding rock).

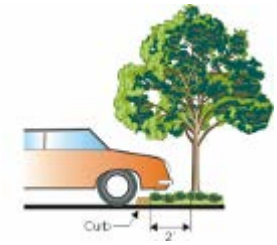
**iv.** Landscaped islands shall be located to divide and break up the expanse of paving and at strategic points to guide traffic flow and direction.

**v.** Islands shall be located in such a way to promote the harmonious integration of the parking area into the natural environment.

**vi.** Avoid running utility lines and pipes under landscape islands and medians. Utility lines necessary for the operation and maintenance of the parking area (such as irrigation lines, power lines for parking area lighting, and water lines for fire hydrants) are exempt.

**4.** Vehicle Encroachment into Required Landscaped Islands

**i.** The front of a vehicle may encroach upon any interior landscaped island or walkway when said area is at least four and one-half feet in depth per abutting parking space and protected by curbing. Two feet of such interior landscaped island or walkway may be part of the required depth of each abutting parking space. No tree or shrub more than two feet in height shall be planted within two feet of the edge of the landscape island.




**ii.** Curbs shall be installed to prevent vehicles from overhanging on or into adjoining property, or landscaped areas. Where vehicles will overhang over medians or islands, shrubs and trees shall be planted a minimum of two feet from back of the curb. Where alternative parking surfaces are provided the Zoning Administrator may allow wheel stops in place of curbs.

**iii.** The front of a vehicle may not encroach within any project boundary or street buffer area.

**iv.** If no curb is provided, parking bumpers shall be provided to achieve the same effect.

**5.** Relocation of Required Landscaping

In some vehicular use areas, the strict application of this subsection would seriously limit the function of the area, such as vehicle storage/display areas and grass parking areas. In such areas, the Zoning Administrator may approve the relocation of the square footage of required landscape islands and medians, along with the required trees to the perimeter of the parking area.

**F.** Maintenance

Required landscaping shall be maintained pursuant to the requirements of Section 6.1.6, Requirements for Maintaining Buffers and Landscaping.

## 6.13 Access

### 6.13.1. General

**A.** Every lot shall have (direct or indirect) access to a public or private street. Access must provide a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use.

**B.** Improvements to provide required access must be installed and approved by the County or, where applicable, NCDOT, prior to final plat or final master plan approval. No certificate of occupanay will be issued prior to the installation of the required access improvements, except for construction of model units as provided in Section 9.4.

**C.** In general, the minimum required width is equal to a 20-foot-wide public access easement, although this may be reduced by the Planning Director if access sufficient to satisfy paragraph A. above is provided. Additional width access easements may also be required to accommodate driveways or roadways serving large developments.

**D.** Cross access connections between adjoining uses may be required (see Section 6.13.5).

### 6.13.2. Driveway Permit Required

An NCDOT driveway permit may be required for driveways serving any new use or change from an existing that accesses a state maintained road. Consult the Planning Department for more information.

### 6.13.3. Driveway Design

**A.** In general, driveways shall meet minimum NCDOT driveway standards.

**B.** All driveways shall conform to the site triangle requirements of Section 6.15.

**C.** Parking in driveways shall not be permitted unless it is determined by the Planning Director, in consultation with the Fire Marshall that emergency access shall not be impaired.

*Commentary: Chapter 7, Section J. "Control Dimensions" of the North Carolina Department of Transportation (NCDOT) Policy on Street and Driveway Access to North Carolina Highways dated July 2003 states "A driveway with two-way operations shall have a minimum 20 foot and a maximum 36 foot width. A driveway with one-way operation shall have a minimum 12 foot and a maximum 24 foot width."*

### 6.13.4. Access to Major Thoroughfare Restricted

**A.** With the exception of bona fide farming activities, all uses located adjacent to a Major Thoroughfare identified on the NCDOT Major Thoroughfare Plan for Brunswick County shall require a driveway permit from NCDOT prior to the issuance of a building permit by Brunswick County.

**B.** When a subdivision involving platting of a new street (or streets) borders on or contains an existing or proposed thoroughfare street, lots may not have direct driveway access to the thoroughfare.

*Commentary: Possible solution for dealing with restricted access to major thoroughfares below when combined with the connectivity requirements.*

**C.** When a lot or development borders on or contains an existing or proposed thoroughfare as delineated by a County or NCDOT Transportation Plan access to the thoroughfare may be limited by one or more of the following means:

**1.** A separation of 400 feet is required from the nearest centerline of any other proposed or existing driveway access along the same side of the thoroughfare. Reduced separation may be authorized only by review and recommendation of the Zoning Administrator and NCDOT.

**2.** Lots shall be subdivided so as to provide access onto a frontage road or reverse frontage road. The centerline of the frontage or reverse frontage road where it intersects the thoroughfare shall be no closer than 800 feet to the centerline of the nearest proposed or existing driveway access or road.

**3.** Driveway access closure may be required for any change in use of a lot based upon review and recommendation of the Zoning Administrator and NCDOT.

**4.** Notwithstanding any other provisions of this Section, access provisions may be reduced when:

**i.** The effect of such application would be to deprive the lot of reasonable access; or

ii. The size of the tract being subdivided, or lack of frontage on the thoroughfare makes the alternatives above not feasible.

### 6.13.5. Cross-Access Corridors

**A. Description**

In order to reduce the traffic burden created by vehicles traveling short distances on the public roadway, cross-access corridors are driveways constructed between adjoining properties to provide an alternative passageway to access adjoining developments without entering and exiting the roadway. These cross-access corridors are intended to link parking areas on neighboring developments.

**B. Applicability**

1. Cross-access corridors(s) shall be required for all nonresidential sites within a related project (as evidenced by a common development plan or site plan); even if the properties are subdivided.
2. Cross-access corridor(s) are encouraged for all other developments.
3. Cross-access corridors(s) are not required from or to adjoining sites which have more than 75% of the total land area in residential development.

*Commentary: This means that single family developments are not required to provide cross-access corridors.*

4. The Planning Director may modify or even waive the requirements of this section through the Administrative Adjustment process (see Section 9.6) if it can be proven that strict compliance would be impracticable due to unique site conditions such as environmental concerns, extreme slopes, or similar circumstances.

**C. Standards**

1. Cross-access corridor(s), where utilized, shall be designed to provide unified circulation and access between sites.
2. The minimum paved width for a cross-access corridor(s) is 20 feet.
3. Cross-access corridor(s) must be set back at least 20 feet from any public roadway.
4. If a site is developed adjoining to an undeveloped piece of property, it shall be designed so that its parking, access and circulation are easily tied together to create a unified system at a later date. If the building site abuts an existing developed property, it shall tie into the abutting parking, access and circulation to create a unified system. To accomplish this, the Planning Director may allow the applicant to:
   - i. construct a cross-access corridor future connection to the property line to allow for future connection; or
   - ii. dedicate an easement of sufficient width to accommodate a future cross-access corridor and post fiscal surety in a form acceptable to the County of sufficient amount to construct the portion of the connection on the applicant's property.

**D. Maintenance and Operation**

1. Where a cross access corridor is developed, the owners/developers of the affected properties shall provide for mutually coordinated parking, access and circulation systems, and shall provide design features as necessary to make it visually obvious that abutting properties shall be tied together to create a unified system.

   In order to maintain a clear passage for emergency and non-emergency travel, no parking shall be allowed in a cross-access corridor. Signs indicating "No Parking at Any Time" shall be erected along both sides of the corridor.

## 6.14 Emergency Management Standards

**6.14.1.** The following provisions shall apply to all development where noted:

**A.** Structures exceeding 30 feet or three stories in height shall provide at least three means of fire apparatus access.

**B.** Structures or portions of structures exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.

**C.** Structures having a gross enclosed floor area of over 62,000 square feet shall be provided with two separate and approved fire apparatus access roads. However, when equipped throughout with an approved automatic sprinkler system, projects may be allowed to have a gross floor area of up to 124,000 square feet and provide access through one approved access road.

**D.** Fire apparatus access roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of building more than 30 feet in height.

**E.** At least one of the required access routes shall be located at least 15 feet, but no more than 30 feet from the structure and shall be parallel to one entire side of the building.

**6.14.2.** The following codes relating to emergency management services shall be adopted and made applicable to all development activities:

**A.** North Carolina State Fire Code, 2002 Edition, "Table B105.1 Minimum Required Fire Flow and Flow Duration for Buildings" as amended.

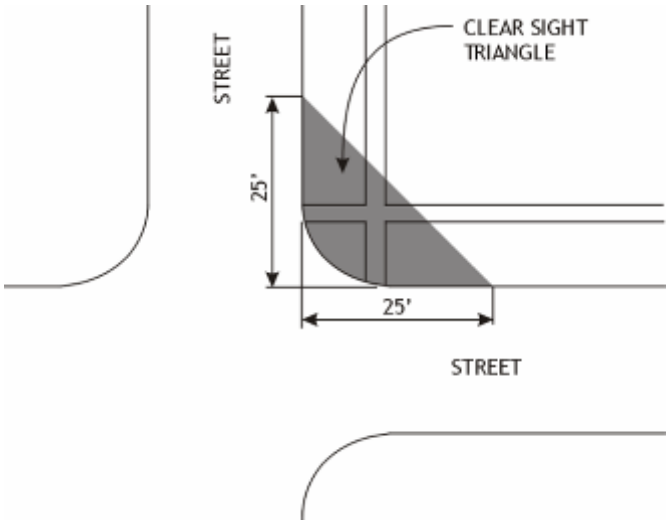
**B.** North Carolina State Fire Code, 2002 Edition, "Table C105.1 Number and Distribution of Fire Hydrants" as amended.

**C.** North Carolina State Fire Code, 2002 Edition, "Appendix D, Fire Apparatus Access Roads" as amended.

## 6.15 Sight Triangles

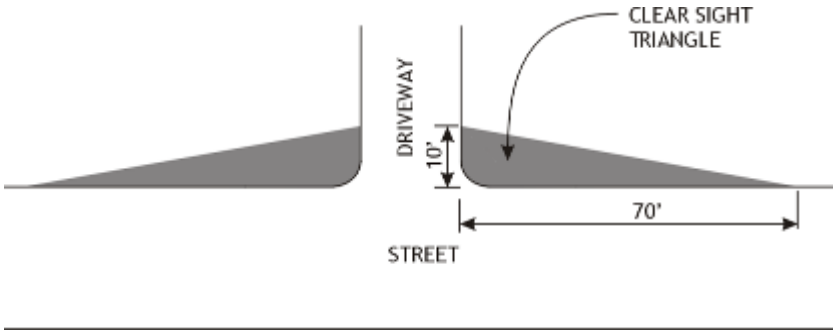
### 6.15.1. Corner Lots

On any corner lot, a sight triangle shall be established. The sight triangle shall be formed by extending lines from the intersections of two streets to points 25 feet from the corner of the intersecting streets and then connecting the two points.



### 6.15.2. Driveways

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




### 6.15.3. Design Standards

Within the sight triangle, no materials which would impede traffic visibility shall be allowed. Structures, fences and plant materials that extend into the sight triangle between two and one half feet and eight feet in height, as measured from the grade of the street or drive, shall not be allowed. In certain circumstances, increased site triangle distances may be required to conform to NCDOT requirements (see the NCDOT publication "Policy on Street and Driveway Access to North Carolina Highways").

## 6.16 Traffic Impact Analysis (TIA)

### 6.16.1. Applicability

**A.** A Traffic Impact Analysis may be required to be submitted in conjunction with an application for a

1. Preliminary Plat of a Major Subdivision (Section 3.4);
2. Major Site Plan (Section 3.2.1.C);
3. Special Use Permit (Section 3.5); or
4. Planned Development (Section 3.3.3)

**B.** Unless exempted in paragraph Section 6.16.2 below, a Traffic Impact Analysis may be required for all residential projects, which can be anticipated to generate at least 100 vehicle trips at peak hour or 1,000 vehicle trips per day based on the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual.

**C.** Commercial projects may be required to submit a Traffic Impact Analysis if the project can be anticipated to generate at least 100 vehicle trips at peak hour or 1,000 vehicle trips per day based on the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual.

### 6.16.2. Exemptions

The following projects shall not be required to submit a Traffic Impact Analysis:

**A.** Developments approved prior to May 1, 2007 that have maintained valid preliminary plats, major site plans or special use permits.

**B.** Development of any site on which the additional traffic at peak hour represents an increase of less than 100 additional peak hour trips from the traffic generated by the previous development, where the redevelopment is initiated within 12 months of the completion of demolition of the previous project.

### 6.16.3. Pre-Application Conference

**A.** All applicants submitting a Traffic Impact Analysis shall schedule a pre-application conference with the Planning Director, in accordance with Section 3.3.3.B.3.

**B.** The Planning Director shall determine the type and scope of the study during the pre-application conference, which may also involve representatives from other agencies or departments including NCDOT.

### 6.16.4. Application Requirements

A Traffic Impact Analysis shall be submitted in accordance with Section 6.16.4, Application Requirements and may include some or all of the requirements listed below.

**A.** Type of Study
A letter report, full Traffic Impact Analysis report, or special report (such as a sight distance survey).

**B.** Definition of Impact Area
Identification of the points of access and key streets and intersections to be affected by development of the subject tract. Traffic recorder and turning movement assessment locations may also have to be determined. A scoping meeting to be held jointly with the applicant, Planning staff, and NCDOT may be scheduled to determine project impact area.

**C.** Period of Analysis
The period of analysis should be for both the morning and afternoon peak hour.

**D.** Analysis Scenarios
Scenarios for analysis should include existing conditions, and opening year with and without development, and may include five or ten years after opening with or without development.

**E.** Assumptions
Trip generation and distribution assumptions including trip generation categories, diversion assumptions and distribution assumptions. Assumed rate of growth in background traffic, and developments in the area that have been approved or are under review may also be required.

**F.** Duration of Study
The duration of traffic studies (the time period for which they are considered a valid basis for approvals) for large projects, particularly Planned Unit Developments, will be evaluated on a case-by-case basis as part of the application review process.

**G.** Existing Condition Survey

**1.** Street System Description

The street system should be described, including geometric features, lane usage, traffic control, signage, sight distances, and adjoining uses and curb cuts.

**2.** Traffic Volumes

Existing peak hour traffic volumes should be provided for the impact area. Data should be adjusted for daily and seasonal variations. Turning movement counts for peak hour may also be required for critical intersections.

**3.** Capacity Analysis

Existing capacity of signalized and unsignalized intersections.

4. Other Details

Other details may be required at the discretion of the Planning Director depending upon the type and scale of the project. These may include, but are not limited to, queue length analysis, pedestrian counts, accident data, traffic speeds (both 50th and 85th percentile), and stopping distances.

**H.** Future without Development

Capacity analysis should be based on the Highway Capacity Manual or other methodology approved in advance by the Planning Director.

**I.** Future with Development

1. Projections of peak hour traffic generation should be made using the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual, unless the Planning Director determines that locally-derived data will provide more accurate forecasts. Data from similar facilities may be used where the information is not available from Institute of Transportation Engineers.
2. Special analysis may be required to determine the need for signalization, minimum safe sight distances, gap analysis, turning radius requirements, queue length analysis, turning lane length analysis, curb cut locations or similar requirements.

### 6.16.5. Mitigation Plan

Where the analysis indicates that the project will create deficiencies in the impact area, improvements shall be recommended, along with projected cost estimates. The design of improvements shall be in accordance with the North Carolina Department of Transportation (NCDOT). Where a mitigation plan is not adequate to address the traffic impacts of the project, it may serve as a basis for denial of a Planned Development, preliminary plat, major site plan or special use permit.

### 6.16.6. Consultants

*Commentary: The consultant retained by the County is not a substitute for the consultant the applicant is required to hire to perform the Traffic Impact Analysis.*

The Planning Director may require that an independent consultant be hired by the County to perform the required studies, or to review all or part of a study prepared by the applicant's consultant. The Planning Director is authorized to administer the contract for any such consultant.

**A.** The County shall determine the scope of services to be performed by the independent consultant and receive a cost estimate of such services.

**B.** The applicant shall provide an amount equal to the estimate to the County, who shall deposit the amount in an escrow or other special account set up for this purpose. Any funds not used shall be returned to the applicant in a timely manner, without interest.

**C.** The County may require additional funds for independent review where a decision-making body expands the scope of the required review; the applicant substantially amends the application; additional meetings involving the consultant are requested by the applicant; or the consultant's appearance is requested at public or affected agency meetings beyond those anticipated in the original scope of services.

### 6.16.7. Period of Validity

A Traffic Impact Analysis shall be valid for a specific site for no more than ten years, so long as no significant modifications to the development approved for the site are made.

## 6.17 INFRASTRUCTURE

### 6.17.1. Dedication and Improvements

**A.** In the development of any property for which site plan approval is required, the applicant shall be required to dedicate any additional right-of-way necessary to the width required by the State for streets adjoining the property, to install curbs and gutters and pave all streets adjoining the property to NCDOT standards, and to install sidewalks in accordance with and requirements of Article 8.

**B.** The applicant shall bear the costs of the installation of all on-site improvements as required by this Ordinance, including provision for surface drainage, pavement, landscaping, and utilities.

**C.** For all residential developments approved after May 1, 2007, recreation and open space dedication, shall be required.

### 6.17.2. Inspections of Required Improvements

Inspections during the installation of site improvements shall be made by the entity responsible for such improvements as required to certify compliance with approved site plans. No improvements shall be accepted for maintenance by the County unless and until the requirements regarding public improvements have been met.

### 6.17.3. Roads

The design of all public streets and roads within the jurisdiction of this Ordinance shall be in accordance with Section 6.11 of the Article, the accepted policies of the N.C. Department of Transportation, Division of Highways, as taken or modified from the American Association of State Highway Officials (AASHO) Manuals; the N.C. Department of Transportation Division of Highway's Subdivision Roads Minimum Construction Standards, July 1, 1985, or current standards; and County design standards.

Commentary: A certification on the subdivision preliminary and all final plats as well as PD Preliminary and Final Master Plans must be submitted by a design engineer to the Engineering and Planning Departments that all roadways and all on-site drainage are designed in accordance with minimum NCDOT standards as required by the UDO. Upon completion of the required improvements in the development, the design engineer also will be required to certify that all road and on-site drainage have been constructed in conformance with the approved construction plans.

### 6.17.4. Water and Sewer

Provision of water and sewer to each structure (residential or nonresidential) shall be in accordance with the latest version of the Brunswick County Utiliti Policy and the latest version of the Brunswick County Sewer Use Ordinance.

**A.** Reclaimed Water

Brunswick County has invested considerable effort and financial resources toward the use of reclaimed water as an alternative for irrigation and other non-potable water uses. Reclaimed water is highly treated wastewater that can be used for irrigation and other uses permitted by NCDENR. Developers are strongly encouraged to make use of this environmentally responsible and cost effective resource. To this end, the following provisions apply to areas of the County served with reclaimed water distribution lines (served areas):

1. Water fees will be waived for reclaimed water users that administer the associated permit requirements.
2. New golf courses within served areas are required to utilize reclaimed water for non-potable water needs.
3. The County will consider cost sharing to extend mains to existing golf courses within served areas or to existing or new courses outside of served areas.
4. Developments utilizing reclaimed water to irrigate common areas of 10 acres or more are eligible for discounted potable water rates.
5. Developments installing reclaimed water distribution systems are eligible for discounts on meter and box costs. The County will consider cost sharing on the installation of the distribution system, depending on the water volume.

**B.** Utilities

1. All affected utility companies shall be provided with copies of the plat by the subdivider and be expected to work with the developer in designing the utilities plan for the subdivision.
2. All subdivision proposals which have public utilities and facilities such as sewer, gas, electrical and water systems shall have such systems located and constructed to minimize flood damage.
3. Provisions of all utilitiy servicesk, including but not limited to: gas, water, sewer, electric, cable, and telephone, shall be underground.

### 6.17.5. Stormwater

**A.** Development proposals are subject to the Brunswick County Floodplain Management Ordinance, the Brunswick County Stormwater Management Ordinance and the related permit requirements by the State of North Carolina Department of Environment and Natural Resources as well as related federal regulations.

**B.** Development proposals shall be consistent with the need to minimize flood damage and provide adequate drainage to reduce exposure to flood hazards.

### 6.17.6. Easements

**A.** Utility and drainage easements shall be approved by the Director of Engineering Services.

**B.** Drainage easements shall be provided and shall be at least 20 feet wide. Drainage easements should be centered on rear or side lot lines where possible.

**C.** A ten foot wide non-County utility easement shall be provided, and shall be located outside of the street right of way. A utility easement may be located within a required setback.

**D.** Where a subdivision is traversed by a water course, drainageway, drainage tile, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

**E.** Adequate easements and rights-of-way for ingress and egress for maintenance shall be provided.

## 6.18 Miscellaneous

### 6.18.1. Utility, Dumpster, Recycling and Trash Handling

**A.** Applicability

This section shall apply to all nonresidential development, multifamily development, and all campgrounds and mobile home parks.

### 6.18.2. Location

All utilities (including heating or air conditioning units and other mechanical equipment) dumpsters and trash handling facilities shall be located on the same lot as the use served unless shared facilities are approved by the Planning Board. No such facilities shall be located in a required front yard.

### 6.18.3. Screening

All utilities (including heating or air conditioning units and other mechanical equipment) dumpsters and trash handling facilities shall be screened in conformance with Section 6.4.

### 6.18.4. Access

All required dumpster, recycling and trash handling facilities shall be designed with appropriate means of access to a street or alley in a manner that will least interfere with traffic movement, and will most facilitate the service of the facilities.

### 6.18.5. Utilization

Space allocated to any off-street dumpster, and trash handling facilities shall not be used to satisfy the space requirements for off-street parking or loading facilities, nor shall any parking or loading spaces be used to satisfy the space requirements for any dumpster or trash handling facility.

### 6.18.6. Performance

All food-related businesses shall provide water quality treatment to mitigate runoff from trash handling facilities.

## 6.19 Name Duplication

The name of the subdivider shall not duplicate nor closely approximate the name of an existing subdivision within Brunswick County.

## 6.20 Addressing

Reference GIS

## 6.21 Performance Standards

All uses shall comply with all federal and state and county standards and requirements for performance, including noise, vibration, odor, toxic or noxious materials, heat and glare, and electromagnetic interference.

### 6.21.1. Performance Standards Regulating Noise

Noise emanating from a site may not exceed reasonable levels on adjoining lands or waters.

## 6.22 Outdoor Display and Storage

### 6.22.1. Applicability

**A.** Outdoor display and storage shall be permitted in any nonresidential district only through the Administrative Adjustment process in Section 9.6. A binding site plan illustrating the extent of the permitted area for outdoor display shall be required.

**B.** The requirements of this Section do not supersede or replace any previously issued special exception for outdoor display or storage.

### 6.22.2. Site Plan

All outdoor display and storage areas shall be clearly indicated on the site plan for the property.

### 6.22.3. Exempt

The following activities and uses shall be exempt from the requirements of this Section:

**A.** Vehicles for sale, lease or rent as part of a properly permitted use (including boats and manufactured housing);

**B.** Plant material at a Plant Nursery or Plant Nursery with Landscape Supply;

**C.** Waste generated on-site and deposited in ordinary refuse containers; and

**D.** Properly permitted temporary uses (however, the Planning Director may impose certain restrictions as a condition of Temporary Use Permit approval).

### 6.22.4. Outdoor Display

**A.** The outdoor location of soft drink or similar vending machines shall be considered outdoor display where the location is visible from neighboring residential development.

**B.** Acceptance of remittance outdoors (including cash registers or similar devices) shall not be permitted, except for activities permitted through a temporary use permit.

**C.** Menu boards associated with a drive-through that are visible from a public roadway or neighboring residential development shall be considered outdoor display.

### 6.22.5. Outdoor Storage

**A.** Located Outside of Right-of-Way

**1.** Where permitted by this Ordinance, all outdoor storage shall be located at least 15 feet from the public right-of-way and any abutting residential use or residentially-zoned district.

**2.** Outdoor storage may not be located in the required site triangle (see Section 6.15).

**B.** Storage Not Permitted in Required Street or Side Yards

**1.** Unless expressly permitted by this Ordinance, no outdoor storage shall be allowed in required front yards or otherwise forward of the front building line.

**2.** Outdoor storage may be located to the side or rear of a building, provided it is outside of the required side and rear yard area.

**C.** Storage not Permitted in Required Buffer

Unless specifically permitted by this ordinance, no outdoor storage shall be allowed in a required buffer.

**D.** Screening Required

All outdoor storage visible from a public roadway shall be screened in conformance with Section 6.4, Screening.

# ARTICLE 7. FLOOD DAMAGE PREVENTION

## 7.1 FLOOD DAMAGE PREVENTION ORDINANCE (JUNE 2, 2006)

### 7.1.1. Statutory Authorization

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3 and 4 of Article 18 of Chapter 153A; and Part 121, Article 6 of Chapter 153A of the North Carolina General Statutes, delegated to local governmental the responsibility units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

Therefore, the Board of Commissioners of Brunswick County, North Carolina, does ordain as follows:

**A.** Findings of Fact

1. The flood prone areas within the jurisdiction of Brunswick County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

**B.** 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:

1. restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
2. require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
3. control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
4. control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
5. prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or which may increase flood hazards to other lands.

**C.** Objectives

The objectives of this ordinance are:

1. to protect human life and health;
2. to minimize expenditure of public money for costly flood control projects;
3. to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. to minimize prolonged business losses and interruptions;
5. 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;
6. to help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
7. to ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

## 7.1.2. Definitions

For the purposes of this Section (Flood Damage Prevention), words and phrases are defined as follows. Unless specifically defined below, 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.

Accessory Structure (Appurtenant Structure): 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): an extension or increase in the floor area or height of a building or structure.

Appeal: a request for a review of the floodplain administrator's interpretation of any provision of this ordinance.

Area of Shallow Flooding: 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: any area of the building having its floor subgrade (below ground level) on all sides.

Base Flood: the flood having a one (1) percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE): 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".

Breakaway Wall: a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Building: see "Structure"

CAMA: – North Carolina's Coastal Area Management Act. This act, along with the Dredge and Fill Law and the federal Coastal Zone Management Act, is managed through North Carolina Department of Environment and Natural Resources' (NCDENR's) Division of Coastal Management (DCM).

CBRS: Coastal Barrier Resources System.

Chemical Storage Facility: a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

Coastal Barrier Resources System (CBRS): consists of undeveloped portions of coastal and adjoining areas established by the Coastal Barrier Resources Act (CoBRA) of 1982, the Coastal Barrier Improvement Act (CBIA) of 1990, and subsequent revisions, and includes areas owned by federal or state governments or private conservation organizations identified as Otherwise Protected Areas (OPA).

Coastal High Hazard Area: a Special Flood Hazard Area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM, or other adopted flood map as determined in Article 3, Section B of this ordinance, as Zone VE.

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, or storage of equipment or materials.

Disposal:, 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: 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: 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 Mobile Home Park or Mobile Home Subdivision: a mobile home park or subdivision for which the construction of facilities for servicing the lots on which the mobile 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: 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 Insurance: the insurance coverage provided under the National Flood Insurance Program.

Flood Insurance Rate Map (FIRM): 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): 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).

Flood Prone Area: see "Floodplain"

Floodplain: any land area susceptible to being inundated by water from any source.

Floodplain Administrator: the individual appointed to administer and enforce the floodplain management regulations.

Floodplain Development Permit: 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: 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: 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: 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: 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: 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: 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".

Functionally Dependent Facility: 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: as defined in NCGS 130, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

Highest Adjacent Grade (HAG): the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

Historic Structure: any structure that is:

(1) 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;

(2) 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;

(3) individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or

(4) 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 in 1980.

Lowest Adjacent Grade (LAG): the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

Lowest Floor: the 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.

Mobile Home: 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 "mobile home" does not include a "recreational vehicle".

Mobile Home Park or Subdivision: a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale.

Market Value: 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: 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 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: 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: 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.

OPA: an Otherwise Protected Area.

Post-FIRM: 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: 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.

Primary Frontal Dune: a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and over-topping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

Principally Above Ground: that at least 51% of the actual cash value of the structure is above ground.

Public Safety and/or Nuisance: 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): a vehicle, which is:

(1) built on a single chassis;

(2) 400 square feet or less when measured at the largest horizontal projection;

(3) designed to be self-propelled or permanently towable by a light duty truck; and

(4) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

Reference Level: the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone A1-30, AE, A, A99 or AO. The reference level is the bottom of the lowest horizontal structural member of the lowest floor for structures within Special Flood Hazard Areas designated as zone VE.

Regulatory Flood Protection Elevation: 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 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 adjacent grade.

Remedy a Violation: 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: relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Salvage Yard: 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: as defined in NCGS 130A-290(a)(35), any facility involved in the disposal of solid waste.

Solid Waste Disposal Site: 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): the land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year, as determined in Article 3, Section B 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 mobile 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: a walled and roofed building, a mobile home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

Substantial Damage: 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 Improvement: 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:

(1) 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,

(2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Variance: a grant of relief from the requirements of this ordinance.

Violation: 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 Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation (WSE): the height, in relation to mean sea level of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Watercourse: 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.

### 7.1.3. General Provisions

#### A. Applicability

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs) if applicable, of all municipalities and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

**B.** Basis for Establishing the Special Flood Hazard Areas

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 the unincorporated area of Brunswick County dated June 2, 2006, which are adopted by reference and declared to be a part of this ordinance and letter of map changes.

**C.** Establishment of Floodplain 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 1.1.1.A

**D.** 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.

**E.** 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.

**F.** Interpretation

In the interpretation and application of this ordinance, all provisions shall be:

1. considered as minimum requirements;
2. liberally construed in favor of the governing body; and
3. deemed neither to limit nor repeal any other powers granted under State statutes.

**G.** 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 Brunswick County 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.

**H.** 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 constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $500.00 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Brunswick County unincorporated area from taking such other lawful action as is necessary to prevent or remedy any violation.

### 7.1.4. Administration

**A.** Designation of Floodplain Administrator

The Director of Building Inspections, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this ordinance or his designee.

**B.** Floodplain Development Application, Permit and Certification Requirements

1. Application Requirements

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:

**i.** A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

- **(a)** 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;
- **(b)** the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Section 7.1.3.B, or a statement that the entire lot is within the Special Flood Hazard Area;
- **(c)** flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 7.1.3.B;
- **(d)** the boundary of the floodway(s) or non-encroachment area(s) as determined in Section 7.1.3.B;
- **(e)** the Base Flood Elevation (BFE) where provided as set forth in Section 7.1.3.B; Section 7.1.4.C (11 and 12); or Section 7.1.5.D;
- **(f)** the old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
- **(g)** the boundary and designation date of the Coastal Barrier Resource System (CBRS) area or Otherwise Protected Areas (OPA), if applicable.

**ii.** Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:

- **(a)** Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
- **(b)** Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be flood-proofed; and
- **(c)** Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;

**iii.** 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.

**iv.** 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:

- **(a)** 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);
- **(b)** Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with Section 7.1.5.B.4.iii , when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30;
- **(c)** The following, in Coastal High Hazard Areas, in accordance with Section 7.1.5.B.4.iv and Section 7.1.5.G:
  - **(1)** V-Zone Certification with accompanying plans and specifications verifying the engineered structure and any breakaway wall designs;
  - **(2)** Plans for open wood latticework or insect screening, if applicable;

**(3)** Plans for non-structural fill, if applicable. If non-structural fill is proposed, it must be demonstrated through coastal engineering analysis that the proposed fill would not result in any increase in the Base Flood Elevation or otherwise cause adverse impacts by wave ramping and deflection on to the subject structure or adjacent properties.

**v.** Usage details of any enclosed areas below the regulatory flood protection elevation.

**vi.** 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;

**vii.** Copies of all other Local, State and Federal permits required prior to floodplain development permit issuance (Wetlands, Endangered Species, Erosion and Sedimentation Control, CAMA, Riparian Buffers, Mining, etc.)

**viii.** Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure Sections 7.1.5.B (6 and 7) are met.

**ix.** 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.

### 2. Permit Requirements

The Floodplain Development Permit shall include, but not be limited to:

**i.** A description of the development to be permitted under the floodplain development permit.

**ii.** The Special Flood Hazard Area determination for the proposed development per available data specified in Section 7.1.3.B.

**iii.** The regulatory flood protection elevation required for the reference level and all attendant utilities.

**iv.** The regulatory flood protection elevation required for the protection of all public utilities.

**v.** All certification submittal requirements with timelines.

**vi.** A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.

**vii.** The flood openings requirements, if in Zones A, AO, AE or A1-30.

**viii.** Limitations of use of the enclosures below the lowest floor (if applicable). (i.e., Parking, Building Access and Limited Storage only).

**ix.** A statement, if in Zone VE, that there shall be no alteration of sand dunes which would increase potential flood damage.

**x.** A statement, if in Zone VE,, that there shall be no fill used for structural support.

### 3. Certification Requirements

**i.** Elevation Certificates

**(a)** An Elevation Certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of the elevation of the reference level, in relation to mean sea level. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

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.

**ii.** 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.

**iii.** If a mobile 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 7.1.5.B.3.

**iv.** 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.

**v.** Certification Exemptions

The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:

**(a)** Recreational Vehicles meeting requirements of Section 7.1.5.B.6.i;

**(b)** Temporary Structures meeting requirements of Section 7.1.5.B.7; and

**(c)** Accessory Structures less than 150 square feet meeting requirements of, Section 7.1.5.B.8.

**vi.** A V-Zone Certification with accompanying design plans and specifications is required prior to issuance of a Floodplain Development permit within coastal high hazard areas. It shall be the duty of the permit applicant to submit to the floodplain administrator said certification to ensure the design standards of this ordinance are met. A registered professional engineer or architect shall develop or review the structural design, plans, and specifications for construction and certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of this ordinance. This certification is not a substitute for an Elevation Certificate.

## C. Duties and Responsibilities of the Floodplain Administrator

The Floodplain Administrator shall perform, but not be limited to, the following duties:

1. Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
2. Advise permittee that additional Federal or State permits (Wetlands, Endangered Species, Erosion and Sedimentation Control, CAMA, 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.
3. Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
5. Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Section 7.1.5.E are met.
6. 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 7.1.4.B.3.
7. 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 7.1.4.B.3.
8. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with Section 7.1.4.B.3.
9. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Section 7.1.4.B.3 and Section 7.1.5.B.2.
10. 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.
11. When Base Flood Elevation (BFE) data has not been provided in accordance with Section 7.1.3.B, 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 7.1.5.D.2.ii, in order to administer the provisions of this ordinance.
12. When Base Flood Elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with Section 7.1.3.B, 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.
13. 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.
14. Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection.

15. Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
16. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this 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 constitutes a misdemeanor.
17. Revoke floodplain development permits as required. The floodplain administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, 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.
18. 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.
19. Follow through with corrective procedures of Section 7.1.4.D.
20. Review, provide input, and make recommendations for variance requests.
21. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with Section 7.1.3.B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
22. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

### D. Corrective Procedures

#### 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.

#### 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 certified or registered mail to the owner's last known address or by personal service, stating:

i. that the building or property is in violation of the Flood Damage Prevention Ordinance;
ii. that a hearing will be held before the floodplain administrator at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,

iii. 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.

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 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.

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 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 hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

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, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

E. Variance Procedures

1. The Zoning Board of Adjustment, as established by the County of Brunswick, hereinafter referred to as the “appeal board”, shall hear and decide requests for variances from the requirements of this ordinance.

2. Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.

3. Variances may be issued for:

i. 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.

ii. functionally dependant facilities if determined to meet the definition as stated in Section 7.1.2, provided provisions of Sections 7.1.4.E.9 ii, iii, and v have been satisfied, and such facilities are protected by methods that minimize flood damages.

iii. any other type of development, provided it meets the requirements stated in this section.

4. In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Section, and:

i. the danger that materials may be swept onto other lands to the injury of others;

ii. the danger to life and property due to flooding or erosion damage;

iii. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

iv. the importance of the services provided by the proposed facility to the community;

v. the necessity to the facility of a waterfront location as defined under Section 7.1.2 of this ordinance as a functionally dependant facility, where applicable;

vi. the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

vii. the compatibility of the proposed use with existing and anticipated development;

viii. the relationship of the proposed use to the CAMA Plan any other adopted County land use documents and floodplain management program for that area;

ix. the safety of access to the property in times of flood for ordinary and emergency vehicles;

x. 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

xi. 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.

5. A written report addressing each of the above factors shall be submitted with the application for a variance.

6. Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

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 up to $25 per $100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

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.

9. Conditions for Variances

i. Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.

ii. 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.

iii. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

iv. Variances shall only be issued prior to development permit approval.

v. 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.

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.
    - i. The use serves a critical need in the community.
    - ii. No feasible location exists for the use outside the Special Flood Hazard Area.
    - iii. The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation.
    - iv. The use complies with all other applicable Federal, State and local laws.
    - v. Brunswick County has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least 30 calendar days prior to granting the variance.

### 7.1.5. Provisions for Flood Hazard Reduction

#### A. General Standards

In all Special Flood Hazard Areas the following provisions are required:

1. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
3. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
4. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. 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.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
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.
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.

**10.** New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Section 7.1.4.E.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 7.1.4.B.3.

**11.** All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.

**12.** All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

**13.** All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

**14.** All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

## B. Specific Standards

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Section 7.1.3.B, or Sections 7.1.4.C (11 & 12), the following provisions, in addition to Section 7.1.5.A, are required:

### 1. Residential Construction

New construction and substantial improvement of any residential structure (including mobile homes) shall have the reference level, including basement, elevated two feet above base flood elevation, as defined in Article 2 of this ordinance.

### 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 7.1.2. 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 7.1.5.H.3. 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 7.1.4.B.3, along with the operational and maintenance plans.

### 3. Mobile Homes

**i.** New or replacement mobile homes shall be elevated so that the reference level of the mobile home is two feet above base flood elevation, as defined in Section 7.1.2.

**ii.** Mobile 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 edition of the State of North Carolina Regulations for Mobile Homes, adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15 or a certified engineered foundation. Additionally, when the elevation would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by

**iii.** reinforced piers or engineered foundation. When the elevation of the chassis is above 36 inches in height, an engineering certification is required.

**iv.** All enclosures or skirting below the lowest floor shall meet the requirements of Sections 7.1.5.B.4 i, ii, and iii.

**v.** An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged mobile 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.

### 4. Elevated Buildings

Fully enclosed areas of new construction and substantially improved structures, which are below the lowest floor:

**i.** 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 partioned into separate rooms, except to enclose storage areas;

**ii.** shall be constructed entirely of flood resistant materials, up to the regulatory flood protection elevation;

**iii.** shall include, in Zones A, AO, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

**(a)** A minimum of two flood openings on different sides of each enclosed area subject to flooding;

**(b)** The total net area of all flood openings must be at least one square inch for each square foot of enclosed area subject to flooding;

**(c)** If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

**(d)** The bottom of all required flood openings shall be no higher than one foot above the adjacent grade;

**(e)** Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and

**(f)** Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

**iv.** shall allow, in Coastal High Hazard Areas (Zones VE and V1-30), breakaway walls, open wood latticework or insect screening, provided it is not part of the structural support of the building and is designed so as to breakaway, under abnormally high tides or wave action, without causing damage to the structural integrity of the building, provided the following design specifications are met:

**(a)** Material shall consist of open wood latticework or insect screening; or

**(b)** Breakaway walls shall meet the following design specifications:

**(1)** Design safe loading resistance of each wall shall be not less than 10 nor more than 20 pounds per square foot; or

**(2)** Breakaway walls that exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by State or local codes) shall be certified by a registered professional engineer or architect that the breakaway wall will collapse from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). The water loading values used shall be those associated with the base flood. The wind loading values used shall be those required by the North Carolina State Building Code.

### 5. Additions/Improvements

**i.** Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

**(a)** not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.

**(b)** a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

**ii.** 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.

**iii.** Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

**(a)** not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.

**(b)** a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

**iv.** Where an independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.

### 6. Recreational Vehicles

Recreational vehicles shall either:

**i.** 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

**ii.** meet all the requirements for new construction.

### 7. Temporary Non-Residential Structure

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:

**i.** a specified time period for which the temporary use will be permitted. Time specified should not exceed three months, renewable up to one year;

**ii.** the name, address, and phone number of the individual responsible for the removal of the temporary structure;

**iii.** 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);

**iv.** a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

**v.** designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

**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:

**i.** Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);

**ii.** Accessory structures shall not be temperature-controlled;

**iii.** Accessory structures shall be designed to have low flood damage potential;

**iv.** Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

**v.** Accessory structures shall be firmly anchored in accordance with Section 7.1.5.A.1;

**vi.** All service facilities such as electrical shall be installed in accordance with Section 7.1.5.A.1; and

**vii.** Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with Section 7.1.5.B.4.iii.

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 7.1.4.B.3.

**C.** Reserved

**D.** Standards for Floodplains without Established Base Flood Elevations

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Section 7.1.3.B, where no Base Flood Elevation (BFE) data is available, the following provisions, in addition to Sections 7.1.5.A and 7.1.5.B, shall apply:

**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.

**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:

**i.** 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

**ii.** provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Sections 7.1.4.C (11 and 12).

**iii.** All subdivision, mobile home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five acres or has more than 50 lots/mobile home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference per Section 7.1.3.B to be utilized in implementation.

**iv.** 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 7.1.2.

### E. 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:

**1.** Standards outlined in Sections 7.1.5.A and 7.1.5.B; and

**2.** Until a regulatory floodway or non-encroachement 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.

### F. Floodways and Non-Encroachment Areas

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Section 7.1.3.B. 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 7.1.5.A and 7.1.5.B, shall apply to all development within such areas:

**1.** No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:

**i.** 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

**ii.** a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.

**2.** If Section 7.1.5.F.1 is satisfied, all development shall comply with all applicable flood hazard reduction provisions.

**3.** No mobile homes shall be permitted, except replacement mobile homes in an existing mobile home park or subdivision, provided the following provisions are met:

**i.** the anchoring and the elevation standards of Section 7.1.5.B.3; and

**ii.** the no encroachment standard of Section 7.1.5.F.1.

## G. Coastal High Hazard Areas (Zones VE)

Coastal High Hazard Areas are Special Flood Hazard Areas established in Section 7.1.3.B, and designated as Zones VE. These areas have special flood hazards associated with high velocity waters from storm surges or seismic activity and, therefore, in addition to meeting all requirements of this ordinance with the exception of floodway and non-encroachment area provisions (Section 7.1.5.F), the following provisions shall apply:

1. All new construction and substancial improvement shall:
   - i. be located landward of the reach of mean high tide;
   - ii. be located landward of the first line of stable natural vegetation; and
   - iii. comply with all applicable CAMA setback requirements.
2. All new construction and substantial improvements shall be elevated so that the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) is no lower than two feet above base flood elevation. Floodproofing shall not be utilized on any structures in Coastal High Hazard Areas to satisfy the regulatory flood protection elevation requirements.
3. All new construction and substantial improvements shall have the space below the lowest floor free of obstruction so as not to impede the flow of flood waters, with the following exceptions:
   - i. Open wood latticework or insect screening may be permitted below the regulatory flood protection elevation for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action and in accordance with Section 7.1.5.B.4.iv(a). Design plans shall be submitted in accordance with Section 7.1.4.B.1.iv(c)(2); or
   - ii. Breakaway walls may be permitted provided they meet the criteria set forth in Section 7.1.5.B.4.ii. Design plans shall be submitted in accordance with Section 7.1.4.B.1.iv(c)(1).
4. All new construction and substantial improvements shall be securely anchored to pile or column foundations. All pilings and columns and the structures attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.
   - i. Water loading values used shall be those associated with the base flood.
   - ii. Wind loading values used shall be those required by the current edition of the North Carolina State Building Code.
5. A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in Section 7.1.4.B and Sections 7.1.5.G (3, 4, and 6) on the current version of the North Carolina "National Flood Insurance Program V-Zone Certification" form.
6. Fill shall not be used for structural support. Limited non-compacted and non-stabilized fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided it is demonstrated through coastal engineering analysis that the proposed fill would not result in any increase in the Base Flood Elevation and not cause any adverse impacts by wave ramping and deflection to the subject structure or adjacent properties.
7. There shall be no alteration of sand dunes which would increase potential flood damage.
8. No mobile homes shall be permitted except in an existing mobile home park or subdivision. A replacement mobile home may be placed on a lot in an existing mobile home park or subdivision provided the anchoring and elevation standards of this Section have been satisfied.
9. Recreational vehicles may be permitted in Coastal High Hazard Areas provided that they meet the Recreational Vehicle criteria of Section 7.1.5.B.6.i and the Temporary Structure provisions of Section 7.1.5.B.7.

### H. Standards for Areas of Shallow Flooding (Zone AO)

Located within the Special Flood Hazard Areas established in Section 7.1.3.B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Section 7.1.5.A, all new construction and substantial improvements shall meet the following requirements:

1. The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two feet, above the highest adjacent grade; or at least two feet above the highest adjacent grade plus a freeboard of two feet if no depth number is specified.
2. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in the paragraph above, 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 7.1.4.B.3 and Section 7.1.5.B.2.
3. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

## 7.1.6. Legal Status Provisions

### A. Effect on Rights and Liabilities under the Existing Flood Damage Prevention Ordinance

This Section in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted April 1, 1985, as amended, and is not the intention to repeal but rather to reenact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit, or proceeding instituted or pending. All provisiosn of the flood damage prevention ordinance of Brunswick County enacted on April 1, 1985, as amended, which are not reenacted herein are repealed.

### B. Effect upon Outstanding Floodplain Development Permits

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the floodplain administrator or his or her authorized agents at the time of passage of this Section; provided, however that whenever construction is not begun under such outstanding permit within a period of six months subsequent to thte date of issuance of the outstanding permit, construction or use shall be in conformance with the provisions of this Section.

# ARTICLE 8. SIGNS

## 8.1 PURPOSE AND INTENT

**8.1.1.** It is the intent of this section to permit signs of a commercial, industrial, and residential nature in districts which have uses with appropriate need for signs and to regulate the size and placement of signs intended to be seen from a public right-of-way or public waters.

**8.1.2.** Signs including outdoor advertising structures are herein regulated for the intent of regulating excess signage, encouraging the positive economic development of the County, preserving and improving tourism views, promoting the safety of the traveling public, protecting existing property values in both residential and non-residential areas, preventing the overcrowding of land and protecting the aesthetics of the County.

**8.1.3.** The regulations are designed to prevent overconcentration, improper placement, and excessive height, bulk number and area of signs. It is recognized that, unlike on-premise identification signs which are (in actuality) a part of a business, off-premise outdoor advertising is a separate and distinct use of the public thoroughfare. Because of these fundamental differences, off-premises outdoor advertising signs are regulated differently from on-premise signs.

## 8.2 PERMITS AND PLANS

### 8.2.1. Sign Permit

**A.** Applicability

**1.** Except as otherwise provided in this Ordinance, a sign permit shall be required to erect, construct, enlarge, move or replace any sign or cause the same to be done, as required by this Article.

**2.** Notwithstanding the above, changing or replacing the permanent copy on an existing lawful sign shall not require a permit, provided the copy change does not change the nature of the sign such as to render the sign in violation of these regulations.

**B.** Application Requirements

**1.** An application for a Sign Permit shall be submitted in accordance with Section 3.1.7, Application Requirements. Additionally, applications for permits shall contain or have attached to it the following information:

**i.** The street number where the sign is to be erected, and the tax parcel number for the zoning lot onto which the sign is to be located;

**ii.** Names, addresses, and telephone numbers of the applicant, owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the licensed contractor erecting or affixing the sign;

**iii.** If the applicant is not the owner of the property on which the sign will be located, a copy of the lease agreement between the property owner and the applicant ;

**iv.** A site or plat plan of the property involved, showing accurate placement of the proposed sign including setbacks, all structures, access easements, and other relevant site information;

**v.** Two blueprints (one original and one copy) or scaled drawings of the plans and specifications of the sign to be erected or affixed. Such plans may include but shall not be limited to details of dimensions, materials, copy, and size of the proposed sign. For wall signs, dimensions of the building wall on which the sign is to be affixed and the location and the size of existing wall signs shall also be included. All signs shall meet the International Building Code with North Carolina Amendments;

**vi.** Applications for permits for outdoor advertising structures, in addition to the above information shall contain a detailed site plan with setbacks and dimensions showing at

least the following: the location of all outdoor advertising structures on the same side of the street, existing structures, driveways, etc.

**vii.** Other information as the Zoning Administrator may require to determine full compliance with this and other applicable codes.

### C. Action by Zoning Administrator

Following completion of the technical reviews by staff, the Zoning Administrator shall approve the sign permit provided the sign meets all requirements of this Ordinance, and all other applicable electrical and International Building Code with North Carolina Amendments requirements.

### D. Revocation and Removal

**1.** Any sign permit issued in accordance with this Ordinance shall automatically become null and void unless the work for which the permit was issued has visibly been started within six months of the date of issue or if the work authorized by it is suspended or abandoned for one year.

**2.** The Zoning Administrator and or Building Inspector shall have the authority to order the painting, repair, alteration or removal of a sign which constitutes a hazard to the health, safety or public welfare by reason of inadequate maintenance, dilapidation, or obsolescence. Notice to the owner shall be by personal service or registered mail, return receipt requested. Upon notification, the owner shall have 60 days to complete repairs. Failure to complete repairs with appropriate time frame may result in the County proceeding with legal actions pursuant to Article 9, Administration and Enforcement.

**3.** Any sign(s) determined to be erected or posted not in accordance with provisions contained in this Article may be subject to immediate removal and enforced pursuant to Article 9, Administration and Enforcement.

**4.** On determining that a violation exists, the owner, applicant or business shall be given written notice of the initial violation and notification that the sign(s) may be held at a designated location for collection by the owner, applicant or business for a period of no more than ten days.

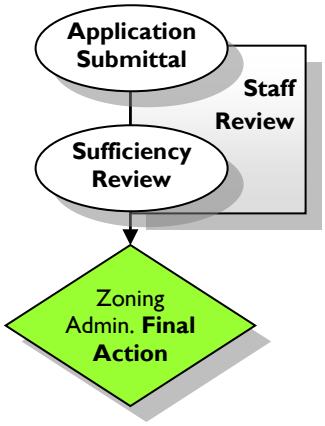
**5.** Any sign(s) determined to be in violation of this Article and not collected by the owner, applicant or business within the ten day period of initial notice of violation, or where it is determined that there are subsequent violations by same owner, applicant or business beyond the initial notification, may be subject to immediate removal and destroyed.

### E. Appeal

Final action on a sign permit may be appealed to the Board of Adjustment in accordance with Section 9.8, Appeal of Administrative Decision.

## 8.2.2. Common Signage Plan

*Commentary: The common signage plan ensures that all signs in a development have a consistent 'look'. This doesn't mean that the County will have any input over the actual message in the sign above the current sign standards.*




### A. Description

A common signage plan is a plan for all signs associated with a project that consists of several buildings or businesses which are related in a single development. The signage plan shall include all signs within the development, including outparcels. Communal signs may be increased up to 148 square feet.

### B. Applicability

#### 1. Planned Unit Development

Planned Unit Development projects wishing to install specialty or ornamental traffic identification signs shall require approval of a common signage plan.

### 2. Nonresidential and Mixed Use Projects

Prior to the issuance of a sign permit for one or more buildings or businesses in the same project, common signage plan approval shall be required, except as follows:

**i.** Internally-oriented signs not visible from the public right-of-way shall not be required to submit an approved common signage plan; and

**ii.** Applications for temporary sign permits shall not be required to submit an approved common signage plan.

## C. Application Requirements

A common signage plan application shall be submitted in accordance with Section 3.1.7, Application Requirements.

## D. Required Plan Elements

The common signage plan shall consist of five elements:

### 1. Location

Identification of sign locations on buildings or property.

### 2. Materials and Illumination

Description of the type of sign and sign materials, including construction materials and proposed lighting if any. This description shall not include the copy, text, or message to be displayed on the sign, but may instead include random alphanumeric characters for illustration purposes.

*Commentary: You have to be careful that you are not making decisions on sign applications based on the content of the sign.*

### 3. Size

**i.** Itemization of sign size or band area at identified locations.

**ii.** Allocation of sign area for multi-tenant structures may favor one tenant or series of tenants over another, provided the property owner identifies the available sign area per tenant.

### 4. Color

**i.** Listing of the colors to be used on each sign.

**ii.** A maximum of three colors plus either black or white are allowed in a single common plan. Any neon lighting for building signage shall be matched to an approved color specified on the signage plan in order to be included as a part of the color scheme.

## E. Action by the Zoning Administrator

**1.** Upon review of the application, the Zoning Administrator shall approve the common signage plan provided the plan meets all the requirements of this section.

**2.** The Zoning Administrator may allow modifications to the lettering style to accommodate state and federally registered trademarks (logos) if the Zoning Administrator feels that the intent of the common signage plan requirements shall be maintained. In allowing the modifications, the Zoning Administrator may limit the logo size. The requirements of a common signage plan shall apply to all businesses within a related project, even if the properties have been subdivided.

**3.** Minor alterations in sign locations resulting from unexpected conditions on the site may be approved by the Zoning Administrator.

## F. Variations

The Zoning Administrator may approve variations in any element or elements of a common signage plan on a case-by-case basis.

**G.** Revisions and Amendments

Revisions or amendments to the common signage plan shall require documentation from all tenants on the property prior to approval.

**H.** Appeal

Final action on a common signage plan may be appealed in accordance with Section 9.8, Appeal of Administrative Decision.

## 8.3 Constrcution and Maintenance Provisions

**8.3.1.** Every sign and its supports, braces, guys, anchors, and electrical equipment shall be maintained in safe condition at all times. All signs shall be kept free from defective or missing parts or peeling paint and shall be able to withstand wind.

**8.3.2.** The immediate premises around a sign shall be kept free from debris. However, no person may damage, destroy, or remove any trees, shrubs or other vegetation located within the right-of-way of any public street or road for the purpose of increasing or enhancing the visibility of any sign.

**8.3.3.** Any sign permitted under this Ordinance must comply with any applicable requirements of the International Building Code with North Carolina Amendments, electric safety code, and other applicable federal, state or county codes.

## 8.4 Definitions

For the purpose of this Article (Signs), the following words and phrases are defined as follows:

Awning: A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building. An awning is not a canopy.

Banner: A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to plastic or fabric of any kind, excluding flags and emblems of political, professional, religious, education, or corporate organizations.

Building Wall: The entire surface area, including windows and doors, of an exterior wall of a building. For the purposes of these regulations, the area of a wall will be calculated for only the first three stories, or 40 feet maximum height of a building, whichever is less.

Business Sign: A sign that directs attention to a business, profession, or industry located on the premises where the sign is displayed; to type of products sold, mobile or assembled; and/or to services or entertainment offered on the premises.

Canopy: A permanent structure other than an awning made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure.

Changeable Copy: Copy that is or can be changed 1) manually in the field, 2) through mechanical means. (e.g., readerboards with changeable letters), or 3) electronically.

Copy: Any words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign display surface area.

Free-Standing: The general term for any sign which is supported from the ground and not attached to a building.

Grade: The height of the top of the curb, or if no curb exists, the height of the edge of the roadway surface.

Ground Mounted Sign: A free-standing sign which extends from the ground or which has a support which places the bottom of the sign less than 2 feet from the ground.

Identification Sign: A sign which displays only the name, address, and/or crest, or insignia, trademark, occupation or profession of an occupant or the name of any building on the premises.

Illuminated Sign: A sign either internally or externally lighted.

Linear Frontage: The length of a property abutting a public right-of-way measured from one side lot line to another.

Logo: A business trademark or symbol.

Noncommercial Copy: A sign message through pictures, illustrations, symbols, and/or words, or any combination thereof, which does not contain any reference to a business or product but displays a substantive message, statement or expression that is protected by the First Amendment to the Constitution of the United States.

Nonconforming Sign: Any sign which was lawfully erected in compliance with applicable code provisions and maintained prior to the May 1, 2007, and which fails to conform to all applicable standards and restrictions of these regulations.

Off-Premises Sign: A sign that directs attention to a business commodity, service, or establishment conducted, sold, or offered at a location other than the premises on which the sign is erected.

On-Premises Sign: A sign that directs attention to a business commodity, service, or establishment conducted, sold, or offered on the premises on which the sign is erected.

Outdoor Advertising Structure: A sign or billboard designed to carry outdoor advertising including all free standing, off-premise signs.

Parapet: That portion of a building wall or false front that extends above the roof line.

Premises: A parcel or lot of real property with a separate and distinct number or designation shown on a recorded plat, record of survey, parcel map, subdivision map, or a parcel legally created or established pursuant to applicable land use regulations. (Outparcels of shopping centers shall be considered on the premises of the shopping center for the purpose of these regulations.)

Public Emergency Message/Public Service Announcement: Public Emergency Messages/Public Service Announcements may include Amber Alert emergency information and information about terrorist attacks, natural disasters, public infrastructure failures and public safety emergencies. Also included may be messages that promote 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. Public Emergency Messages/Public Service Announcements shall be displayed in accordance with protocols developed by the county in conjunction with the issuing agencies and the qualified sign owners.

Roof Line: The highest point of a flat roof and mansard roof and the lowest point of a pitched roof, excluding any cupolas, chimneys or other minor projections.

Sign: Any object, device, or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, or any fraternal, religious or civic organizations; works of art which in no way identify a product; or a scoreboard located on athletic fields.

Sign Structure Or Support: Any structure that supports or is capable of supporting a sign, including decorative cover.

Temporary Sign: A sign which is not permanently installed in the ground or affixed to any structure or building, and which is erected for a period of time as permitted in this Ordinance.

Wall Sign: Any sign directly attached to an exterior wall of a building or dependent upon a building for its support with its exposed face parallel or approximately parallel to the plane of the building or structure on which the sign is affixed. Signs directly painted on walls, canopies signs, and awning signs shall be considered wall signs.

## 8.5 Sign Measurement and Computation

### 8.5.1. Location of Freestanding Signs

**A.** On-premises freestanding signs shall be located at least five feet behind the right-of-way (see Section 8.8.1, Outdoor Advertising Structures and Off-Premises Signs for standards). Commercial and subdivision signs may be located within private rights-of-way or driveways.

**B.** No sign may be permitted in any sight distance triangle (Section 6.13.4).

### 8.5.2. Double-Decking

With the exception of onsite directional signs, stacking signs on top of one another (double-decking) is prohibited.

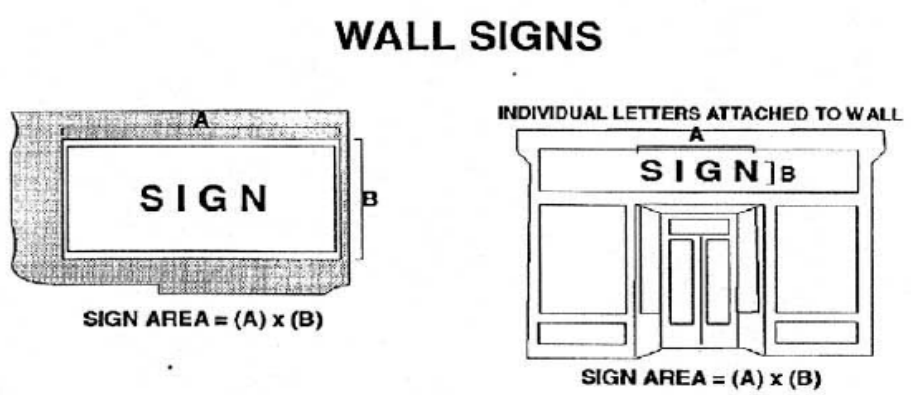
### 8.5.3. Sign Height

The vertical distance measured from the highest point of a sign, including any molding, trim, border, or frame above the roadway surface from which the sign is to be viewed.

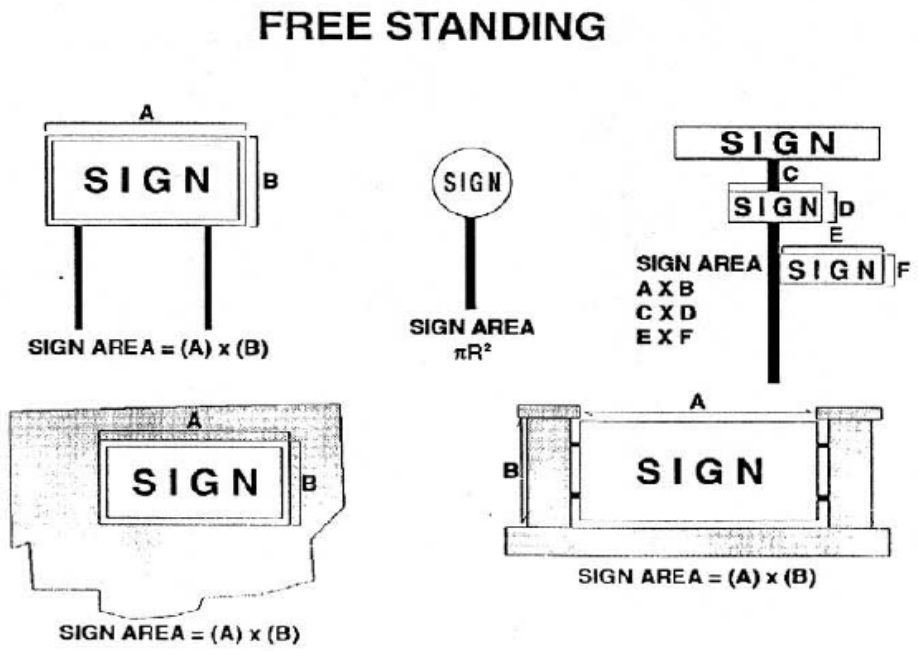
### 8.5.4. Sign Area

The area within a single, continuous perimeter enclosing the extreme limits of characters, lettering, logos, illustrations, or ornamentations, together with any material or color forming an integral part of the display or to differentiate the sign from the background to which it is placed. Structural supports bearing no sign copy are not included in the sign area. If a sign is attached to an entrance wall or fence, only that portion of that wall or fence onto which the sign face or letters are placed is included in the sign area.

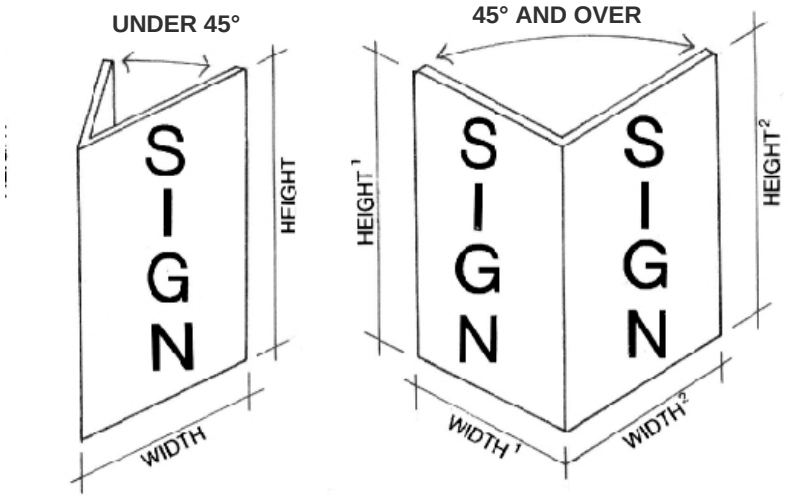
**A.** Area of wall signs is computed as indicated in the graphic below:



**B.** Area of one-sided free standing signs is computed as indicated in the graphic below:



**C.** Signs may be placed back-to-back, side-by-side, or in V-type construction. Side-by-side signs must be structurally tied together and considered as one sign. V-type and back-to-back signs must be considered as two signs if the angle between the faces is 45 degrees or more.




V-TYPE AND BACK TO BACK SIGN UNDER 45°
WIDTH x HEIGHT= SIGN AREA

45° AND OVER
WIDTH¹ x HEIGHT¹ = SIGN AREA
WIDTH² x HEIGHT² = SIGN AREA

## 8.6 Prohibited Signs

The following signs are prohibited in all Zoning Districts:

### 8.6.1. Signs Located within the Site Triangle

Signs may not be located within a required clear site triangle (Section 6.13.4).

### 8.6.2. Signs Obstructing View

Signs may not obstruct the view of pedestrians, bicyclists and or motorists using any street or approaching any street intersection. Signs interfering with the effectiveness of or obscuring any traffic sign, device, or signal shall be prohibited. Any sign located in such a way as to deny a visual access to an existing sign.

### 8.6.3. Moving Signs

Signs, other than government and public educational facility signs, which contain oscillating, fluctuating, flashing or blinking lights, rotating disks, words and other devices not erected by a public authority which may be erroneously construed as government signs or emergency warning signs. An example of this is a sign which contains a picture of a traffic sign plus the word "Stop, "Yield", etc.

### 8.6.4. Signs Obstructing Pedestrian Traffic

Any sign located outdoors which interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder, or opening intended as a means of ingress or egress or providing light or air.

### 8.6.5. Signs Located on a Street or Right-Of-Way

Any sign (other than a government sign) placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface and located in, over, or across any public street or right-of-way.

### 8.6.6. Animated or Motion Signs

Flashing signs, signs with flashing or reflective disks, flashing lights or lights of changing degree of intensity or color or signs with electrically scrolled messages. Government and public educational

facility signs and portions of a sign that display time and/or temperature shall be exempt from this prohibition provided such signs are in conformance with all other applicable requirements.

### 8.6.7. Temporary, Nonpermanent Signs

Temporary, nonpermanent signs, including over-head streamers, are not permitted in any zoning district, unless otherwise specified in these regulations.

### 8.6.8. Portable or Moveable Signs

A sign that is not permanently attached to the ground, a structure, or a building that can easily be moved from one location or another. (For example, a sign on wheels.)

### 8.6.9. Scenic Corridor Off-Premise Signs

Off-premise signs designed to be visible from a road designated as a Scenic Byway by the North Carolina Department of Transportation.

### 8.6.10. Roof Signs

A sign erected or maintained in whole or in part upon or over the roof or parapet of a building; except that signs may be placed on the side of mansard roofs but shall not extend above the roof line.

### 8.6.11. Illegal Activity

Signs that display or advertise an illegal activity in North Carolina.

### 8.6.12. Windblown or Inflated Signs

Fluttering, spinning, windblown or inflated devices including pennants, propeller discs, flags or banners which do not conform with the requirements of this Ordinance.

## 8.7 Signs Allowed in All Districts without a Permit

The following signs may be allowed in all Zoning Districts without a permit:

### 8.7.1. Government Signs

**A.** Description

Any temporary or permanent sign erected and maintained by a federal, state, or local government, or governmental entity that does not display a commercial message.

**B.** Standards

Government signs including graphics usually of a commemorative nature such as obelisks and triumphal arches.

### 8.7.2. Grave Markers

Grave markers which are noncommercial in nature.

### 8.7.3. Flags

**A.** Description

A piece of durable fabric of distinctive design attached to a permanent pole that is used as a symbol or decorative feature.

**B.** Standards

Flags or pennants that do not display a logo, message, statement, or expression relating to commercial interests in conformance with the requirements of Section 4.13.2.C.3, Flags and Flagpoles.

### 8.7.4. Architectural Features of Buildings

Integral decorative or architectural features of buildings and works of art, so long as such features or works do not contain letters, trademarks, or moving parts.

### 8.7.5. On-Premises Instructional Signs

**A.** Description

On-premises instructional signs giving information or direction for the convenience and necessity of the public. Business logo may be included; however, no commercial message is permitted.

**B.** Standards

Such signs shall not exceed six square feet in area or four feet in height. Any commercial message or logo contained in the sign shall not be legible from the public roadway or neighboring properties.

### 8.7.6. Identification Signs for Residential Uses

**A.** Description

On-premises instructional signs giving information or direction for the convenience and necessity of the public. See the Definition in Section 8.4 for further description.

**B.** Standards

When associated with a residential use, identification signs not to exceed four square feet on any lot. (See Section 8.8, Signs Requiring Permits, for signs associated with a commercial use or larger than four square feet in size).

### 8.7.7. Campaign/Political Signs

**A.** Description

A sign without a commercial message that relates to an election or other event.

**B.** Standards

Within seven days of the election (closing of polls), all signs must be removed.

### 8.7.8. On Premise Fuel Price Signs

**A.** Description

Price signs at automobile service stations or other establishments engaged in the retail sales of gasoline or other fuel for automobiles.

**B.** Standards

One such sign is allowed for each side of a lot fronting on a public street, provided it does not exceed 15 square feet in area. Any such sign shall be affixed to a permitted freestanding identification sign, to a canopy support in the vicinity of the gasoline pumps, or flat-mounted against the wall of a building.

### 8.7.9. Gasoline Service Pump Signs

**A.** Description

Signs announcing the location of gasoline pumps at any establishment engaged in the retail sale of gasoline.

**B.** Standards

Such signs shall be located in the vicinity of the pumps and shall not exceed four square feet in area.

### 8.7.10. Temporary Personal Property and Real Estate Signs

**A.** Description

1. Personal Property Sign: Sign advertising specific property for sale, lease, rent or development.
2. Real Estate Sign: Sign used to offer for sale, lease, or rent the premises upon which such sign is placed.

**B.** Standards

1. One sign for each side of a lot fronting on a public street, advertising real estate or personal property "For Sale", "For Rent", "For Lease" or "For Development" not greater than six square feet in area in a Residential District and 32 square feet in area in nonresidential districts may be located on the property being advertised so long as said sign is located behind the street right-of-way line. If the property so advertised lies on a corner lot or double frontage lot, then a second sign may be allowed along the second street.
2. In addition to the on-site real estate sign(s), a maximum of three directional signs, each not exceeding four square feet in area, shall allowed in other locations. The message of said signs shall be limited to the name of the property, and the terms "Lot/Home For Sale", "For Rent", "For Lease", "For Development", etc. All of these signs shall be located off the street right-of-way.
3. All such temporary signs shall be removed within seven days after the property has been sold, rented, leased, etc.
4. No sign allowed under this subsection shall be lighted.

### 8.7.11. [Reserved]

### 8.7.12. Temporary Construction Signs

**A.** Description

A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project.

**B.** Standards

Such signs:

1. May not exceed ten square feet each, which are in conjunction with any residential use. Signs in conjunction with all other uses shall have a maximum area of 50 square feet each.
2. May not be illuminated.
3. May only appear at the construction site.
4. Shall be removed within seven days after final approval or a certificate of occupancy has been issued.

### 8.7.13. Temporary Farm Product Signs

**A.** Description

Seasonal sale of farm products raised on the premises where products are raised as an accessory to an agricultural use.

**B.** Standards

1. One on-premises sign may be allowed. Said sign shall be located off the street right-of-way and at least nine feet away from any side lot line. Such sign may have a maximum area of 32 square feet and may not be illuminated.
2. A maximum of two off-premises signs shall be allowed. Said off-premises signs may have a maximum area of 32 square feet each and may not be illuminated. No such sign may be placed in a right-of-way.

### 8.7.14. Temporary Holiday/Special Events Signs

**A.** Description

Temporary special event signs, holiday decorations or banners for religious, charitable, civic, fraternal or similar nonprofit or not for profit organizations,

**B.** Standards

1. Signs may be erected no sooner than 30 days and shall be removed no later than seven days after the event.
2. Signs may not exceed 32 square feet.
3. Signs may not be illuminated.
4. Signs may not be located in street right-of-way.

### 8.7.15. Other Temporary Banners

**A.** Description

On-premises banners; balloons and other inflatable objects, pennants; and flags for special events and grand openings

**B.** Standards

1. A temporary use permit (see Section 9.4.3 shall be required prior to sign installation.
2. Signs may not be erected for longer than 14 days.
3. Signs may not be located in a street right-of-way.
4. Within any calendar year, any use may be allowed temporary signs of this nature for no greater than three 14-day periods.

### 8.7.16. Yard Sales

One on-premise and three off-premises yard sale signs per yard sale. All such signs shall be removed within 24 hours after the yard sale has been terminated. No such sign shall be greater than four square feet in area. All such signs shall be located off the street right-of-way.

### 8.7.17. Traffic Control Signs on Private Property (Specialty Signs in a PUD)

*Commentary: This is primarily to allow the installation of specialty signs in a PUD.*

**A.** Description

Any public notice or warning required by applicable federal, State or local law, regulation or ordinance.

**B.** Standards

1. Planned Unit Developments may be permitted to install ornamental or specialty traffic control signs on all internal streets that will not be dedicated to NCDOT.
2. Approval of a Common Signage Plan (see Section 8.2.2) is required.
3. The bottom of the sign blade shall be a minimum of eight feet from the ground.
4. The letters and background shall be of contrasting colors.
5. All sign letters shall be capitalized. For streets with a posted speed limit of 25 miles or less, the sign letters shall be a minimum of four inches in height.
6. Highway Gothic C front is preferred, however alternative fonts may be considered during the Common Signage Plan approval process.
7. Street name signs should be reflective or illuminated (not internally lit however) to show the same shape and similar color both day and night.
8. Punction marks should not be used.
9. Signs shall not be located closer than six feet to the back of curb (measured along the ground) and may not interfere with utility easements.
10. Proposed logos should be on the same blade as the street sign and should not be attached separately.

11. The face shall meet North Carolina Department of Transportation standards.

### 8.7.18. Bulletin Boards

**A.** Description

A sign used to announce meetings or programs to be held on the premises of a church, school, auditorium, library, museum, community recreation center, or similar noncommercial places of public assembly. Bulletin boards are permitted in communities at the entrance, amenity centers, cluster mailboxes, etc.; however, such bulletin boards shall not contain messages of a commercial nature.

**B.** Standards

Bulletin boards with a maximum area of 50 square feet.

### 8.7.19. On-Premises Directional Signs

**A.** Description

A sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance", "Exit", "One-Way", or similar directional instruction, but not including any advertising message.

**B.** Standards

Directional Signs (for commercial and public and semi/public uses) provided that:

1. The name or logo of the business or use to which the sign is giving direction may not be included on the sign.
2. The maximum aggregate area shall be six square feet.
3. All such signs shall be located off the road right-of-way.
4. All such signs greater than three feet in height as measured from the grade of the road upon which it fronts shall be located outside the required sight triangle (Section 6.13.4).
5. There shall be no greater than four signs on separate supports at any means of ingress and egress.
6. More than one sign may be placed on the same supports.
7. No two signs hung from separate supports may be located within five feet of each other.

### 8.7.20. Cemetery Sign

One (1) directional/informational sign of six (6) square feet or less, not to exceed 10 feet in height, used as a navigational aid may be located adjacent to each public road accessing a cemetery. The sign copy is limited to the name of the cemetery and a directional arrow only and must be located a minimum of five (5) feet from all property lines. The sign must be located in such a manner that it does not encroach into the sight triangle of an intersection.

## 8.8 Signs Requiring Permits

The following sign types are allowed in conformance with a Sign Permit (see Section 8.2.1) and any applicable standards:

### 8.8.1. Outdoor Advertising Structures and Off-Premises Signs

**A.** Outdoor Advertising Structures

A sign or billboard designed to carry outdoor advertising including all free-standing off-premise signs. On-premise signs existing as of May 1, 2007 that exceed the maximum requirements allowed shall be considered as Outdoor Advertising Structures.

**B.** Existing Outdoor Advertising Structures

Existing outdoor advertising structures shall be considered a legal nonconforming use and shall be allowed to remain, but may not be altered in any way.

**C.** Location Restricted

Permits for new outdoor advertising structures may only be issued in the C-LD and I-G zoning districts.

**D.** Maximum Number of Sign Faces

One per side of sign not to exceed two sign faces.

**E.** Maximum Sign Area

The maximum sign area of an off premises ground sign is limited, depending on location, as follows:

1. On major thoroughfares, the maximum sign area is 378 square feet.
2. On minor thoroughfares, the maximum sign size is 300 square feet.
3. On all other public roads in the County, the maximum sign size is 100 square feet.
4. Off-Premises Wall Signs

   An off-premises wall sign may not exceed 30% of the total surface area of the wall on which the sign is located. Only one off-premises wall sign is allowed on a single wall.

**F.** Height

Signs may not extend more than 35 feet above the roadway surface from which the sign is to be viewed.

**G.** Separation Between Signs

1. On US 17, US74/76 and NC 211, the minimum separation between off-premise signs is 3,000 linear feet.
2. On NC 87, NC 133, NC 130, NC 179, and NC 904, the minimum separation between off-premise signs is 2,000 linear feet.
3. On all other public roads in Brunswick County, the minimum separation requirements between off-premises signs is 1,000 linear feet.

**H.** Distance from Centerline

Free standing signs must be located within 660 feet of the centerline of the adjoining roadway.

**I.** Distance from Property Lines

Signs must be set back a minimum of fifteen feet from any property line.

**J.** Signs in Sight Distance Triangle

No sign may be permitted in any sight distance triangle (Section 6.13.4).

**K.** Distance from Residential Zoning Districts

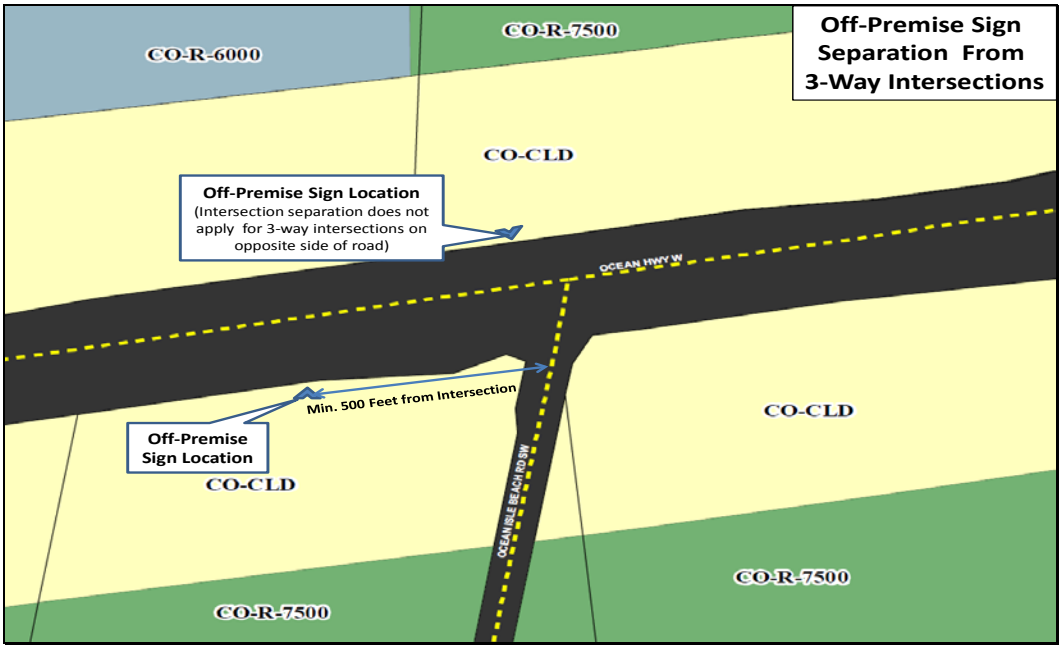
Free-standing signs must be separated from residentially zoned property as follows:

1. 50 feet from any structure located in a residential zoning district;
2. 50 feet from any residential zone adjoining a permitted zone away from the roadway.

**L.** Additional Spacing

Signs must be separated from the features listed below as follows:

1. 500 liner feet from the centerline of an intersection;




2. 500 feet from any bridge over a public waterway;
3. 150 feet from any existing on premise sign on the same side of the road.
4. 250 feet from cemeteries, churches and public parks.

## M. Requirements for Off-Premises Electronic Changeable Copy Signs

1. The copy content of all Electronic Changeable Copy signs shall be in compliance with Section 8.6 (Prohibited Signs).
2. All electronic changeable copy signs shall be installed with light sensitive automatic dimming controls.
3. All electronic changeable copy signs shall be designed and equipped to freeze the sign in one position with no more than the maximum allowable illumination if a malfunction occurs.
4. Signs may not exceed a maximum illumination level of 0.3 foot candles above ambient light, regardless of the method of illumination. The 0.3 foot candles above ambient light shall be measured at a distance from the subject sign equal to the following equation:

$$\sqrt{(Sign\ Area\ in\ sq.ft.\ X\ 100)}$$

*EXAMPLE: A 378 square foot Off-Premise Electronic Changeable Copy sign's maximum illumination level shall be measured at a distance of:*

$$\sqrt{(378ft^2\ X\ 100)} = 194.4\ feet$$

*Therefore the sign could not exceed an illumination level of 0.3 foot candles above ambient light at a distance of 194.4 feet from the sign.*

5. Sign copy changes shall be instantaneous without the use of animation, movement or scrolling and shall not change or alternate displays more frequently than once every 8 seconds.

6. All electronic changeable copy signs shall be located at least 250 feet from any residential zoning district.

7. Prior to permitting, the applicant shall submit a signed letter from the sign manufacturer stating that the sign is equipped with the ability to comply with these regulations. The applicant shall also submit a signed letter from the sign owner or operator stating that they have read the regulations and will not tamper with the manufacturer preset illumination settings.

## 8.8.2. On Premises Signs

### A. General

On-premises signs are permitted subject to the following standards:

| Zoning District | Sign Types Permitted | Number of Signs Permitted | Sign Separation (feet) | Maximum Sign Area (per sign) | Maximum Sign Height (feet) |
|---|---|---|---|---|---|
| RR, R-7500, R-6000, SBR-6000, MR-3200, NC, and CP | Wall | Unlimited | 100 | 64 s.f. [2,3] | 10[4] |
| | Freestanding | 1 | | | |
| C-I, C-LD, I-RU, and I-G | Wall | Unlimited | 100 | 30% of wall area [2, 3] | 35[1,4] |
| | Freestanding | 1[5] | | 96 s.f.[3,5] | |

Notes:
[1] Wall signs may not extend above the parapet of the building or 35 feet, whichever is less.
[2] The maximum wall sign area per principal use may not exceed 100 square feet or 30% of the building wall area, whichever is less.
[3] Movie theaters may have changeable copy wall signs (i.e. readerboards) that exceed the maximum sign area by 100%.
[4] See items 8.8.1.I, Distance from Property Lines and 8.8.1.J, Signs in Sight Triangle.
[5] Drive-through menu boards are permitted subject to site plan approval.
[6] Parcels having multiple road frontages may have one (1) additional freestanding sign, not to exceed a total of two (2) freestanding signs per parcel, with only one (1) sign allowed to front each road. The second sign is limited to a maximum of sixty-four (64) square feet in area and ten (10) feet in height.

### B. Additional Requirements for On-Premises Wall Signs

1. Wall signs may not project more than six inches from the building wall, canopy or supporting structure.
2. A wall sign or its supporting structures may not cover any window or part of a window.
3. Wall signs may not extend over a right-of-way or public easement.

### C. Requirements for On-Premises Electronic Changeable Copy Signs

1. Electronic Changeable Copy signs shall be freestanding only.
2. The copy content of all Electronic Changeable Copy signs shall be in compliance with Section 10.6 (Prohibited Signs).
3. All Electronic Changeable Copy signs shall be installed with light sensitive automatic dimming controls.
4. All digital changeable copy signs shall be designed and equipped to freeze the sign in one position with no more than the maximum allowable illumination if a malfunction occurs.
5. Signs may not exceed a maximum illumination level of 0.3 foot candles above ambient light, regardless of the method of illumination. The 0.3 foot candles above ambient light shall be measured at a distance from the subject sign equal to the following equation:

$$\sqrt{(Sign\ Area\ in\ sq.ft.\ X\ 100)}$$

*EXAMPLE: A 96 square foot On-Premise Electronic Changeable Copy sign's maximum illumination level shall be measured at a distance of:*

$$\sqrt{(96ft^2\ X\ 100)} = 97.9\ feet$$

*Therefore the sign could not excced an illumination level of 0.3 foot candles above ambient light at a distance of 97.9 feet from the sign.*

**6.** Sign copy changes shall not change displays more frequently that once every 8 seconds. Public Emergency Messages/Public Service Announcements may change displays as frequently as once every 5 seconds only if the entirety of the sign face is comprised of the Public Emergency Message/Public Service Announcement and no commercial message is displayed.

**7.** Prior to permitting, the applicant shall submit a signed letter from the sign manufacturer stating that the sign is equipped with the ability to comply with these regulations. The applicant shall also submit a signed letter from the sign owner or operator stating that they have read the regulations and will not tamper with the manufacturer preset illumination settings.

### 8.8.3. Subdivision, Mobile Home Park, and Campground Identifications Signs

**A.** Description

On-premises instructional signs identifying a permanent subdivision, mobile home park, or campground for the convenience and necessity of the public. See Section 8.4 for further description.

**B.** Standards

No more than two signs shall be permitted per entrance road and the combined square footage of the signs may not exceed 64 square feet total per entrance road.

# ARTICLE 9. ADMINISTRATION AND ENFORECMENT

This Article outlines procedures for the administration and implementation of this ordinance and is organized as follows:

1. Notice and Public Hearings
2. Neighborhood Meeting
3. Development Permit Requirements
4. Other Permits and Certificates
5. Determination of Vested Rights
6. Administrative Adjustments
7. Written Interpretation
8. Appeal of Administrative Decision
9. Abatement of Nuisance Caused by Mobile Homes
10. Enforcement & Penalties
11. Enforcement Procedures

## 9.1 NOTICE AND PUBLIC HEARINGS

### A. Summary of Notice and Public Hearing Required

Notice and public hearings shall be required for applications for approval as shown in the table below.

| | NOTICE REQUIRED | | | PUBLIC HEARING REQUIRED | | | |
|---|---|---|---|---|---|---|---|
| | | | | Board of Adjustment | Planning Board | Board of County Commissioners | |
| | Published | Mailed | Posted | BOA | PB | BOCC | |
| Text Amendment | ✓ | | | | ✓ | ✓ | Section 3.7 |
| Rezoning | ✓ | ✓ | ✓ | | ✓ | ✓ | Section 3.8 |
| Variance | | ✓ | ✓ | ✓ | ✓ | | Section 3.6 |
| Subdivision- Preliminary Plat | | ✓ | | | ✓ | | Section 3.4.11 |
| Site Plan- Major | | | ✓ | ✓ | | | Section 3.15.B |
| Site Plan- Multifamily Developments | | | ✓ | | | | Section 3.15.A.3 |
| Planned Development Review | | ✓ | ✓ | | ✓ | | Section 3.3.3 |
| Zoning Vested Right | | | | ✓ | ✓ | | Section 9.5 |
| Special Use Permit | | ✓ | ✓ | ✓ | ✓ | | Section 3.5 |
| Appeal of Administrative Decision | | | | ✓ | | | Section 9.8 |
| Nonconforming Use Certificate | | ✓ | ✓ | | | | |

### B. Public Notice Requirements

#### 1. Published Notice

For public hearings by the Board of Commissioners, a distinctive advertisement shall be placed by the County in a local newspaper of general circulation once a week for two successive weeks,

the first notice being published not less than ten days nor more than 25 days before the date fixed for the public hearing. For public hearings by the Planning Board, a distinctive advertisement shall be placed by the County in a local newspaper of general circulation once before the date fixed for the public hearing.

**2.** Posted Notice (Sign)

Where posted notice is required, a sign shall be posted by the Planning Director not less than ten days prior to the public hearing at which the application shall be reviewed. The sign shall be posted on the property or at a point visible from the nearest public street.

**3.** Mailed Notice

**i.** Where mailed notice is required, the County shall notify by both first class mail all property owners on the subject property and adjoining properties. In rezoning cases where properties have been added to a rezoning application by the County (in addition to properties in the original application), owners of the added properties must be notified by both certified mail and first class mail.

**ii.** The notice shall be mailed at least 10 but not more than 25 days prior the date of the public hearing.

**iii.** Mailed notice under this section shall not be required if a rezoning directly affects more than 50 properties owned by a total of at least 50 different property owners, and the County elects to use the following expanded published notice requirements:

**(a)** A distinctive advertisement may be placed once a week for four successive calendar weeks in a local newspaper of general circulation. The advertisement shall not be less than one-half of a newspaper page in size.

**(b)** In addition to the published notice, the Planning Director shall post a sign in accordance with the posted notice requirements of this Section.

**(c)** Mailed notice shall be provided by first class mail to property owners who reside outside of the newspaper's circulation area.

**iv.** If the action would result in changes to the zoning map, text amendment, or would change or affect the permitted uses of land located five miles or less from the perimeter boundary of a military base, written notice of the proposed changes shall be provided to the commander of the military base by certified mail, return receipt requested. Notice shall be provided at least 10 days, but not more than 25 days prior to the date of the public hearing (NCGS 160A-323).

**4.** Content of Notice

The notice listed above shall contain the following specific information.

**i.** Published or Mailed Notice

A published or mailed notice shall provide at least the following:

**(a)** Parcel Identification Number(s);

**(b)** The address of the subject property (if available);

**(c)** The general location of the land that is the subject of the application, which may include, a location map;

**(d)** A description of the action requested;

**(e)** Where a zoning map amendment is proposed, the current and proposed districts;

**(f)** The time, date and location of the public hearing;

**(g)** A phone number to contact the County; and

**(h)** A statement that interested parties may appear at the public hearing.

**ii.** Posted Notice

Required posted notices shall indicate the following:

**(a)** A case number;

**(b)** Type of action; and

**(c)** A phone number to contact the County.

**C.** Constructive Notice

Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a *bona fide* attempt has been made to comply with applicable notice requirements.

### 9.1.2. Decisions

Unless specifically provided elsewhere, all decisions on land use changes, including rezoning, shall require an affirmative vote. Tie votes shall be considered denials of any requested change.

### 9.1.3. Notice of Decision

After a decision is made, a copy of the decision shall be sent to the applicant within reasonable time and filed in the Planning Department, where it shall be available for public review during regular office hours.

## 9.2 Neighborhood Meeting

*Commentary: The neighborhood meeting is an opportunity for an applicant to inform the community on the proposed project and hear comments. At these meetings, the community has an opportunity to review the proposal and may offer suggestions. Community suggestions are not binding but the meeting can result in a better final project.*

*While the meeting is not a requirement for new projects, it is good planning practice and it is our experience that most in the development community are already holding meetings like this. These guidelines are intended to provide a framework for applicants who are not familiar with the process.*

*A neighborhood meeting is required for all modifications to an approved or existing Planned Development or Major Subdivision.*

*An example of the benefit of these meetings is the preservation of a pedestrian trail to a nearby school. Although children had been using the path for years, it didn't show up on any property maps or aerial photos and the developer wasn't aware of it. The developer agreed to preserve the trail and the community actually advocated for the project at the public hearing because the project improved child safety. Other examples of when a neighborhood meeting would be required are when open space is proposed to be converted to another land use such as single family residential or when a single family residential use is proposed to be converted to a multi-family residential use.*

**A.** After the pre-application conference, the applicant is encouraged to hold a neighborhood meeting prior to submitting an application for any of the following approvals:

**1.** Rezoning (Section 3.8);

**2.** Planned Development review (Section 3.3.3); and

**3.** Special Use Permit (Section 3.5).

**B.** A neighborhood meeting is required (MANDATORY) for Conditional Zoning, all modifications to an existing Planned Development or an existing Major Subdivision, except in situations where the Planning Director is authorized to approve the modification administratively.

*Commentary: Examples of situations where a neighborhood meeting is required include a change in land use from open space to single-family or single-family to multi-family.*

**C.** The purpose of the neighborhood meeting is to inform the neighborhood of the nature of the proposed land use and development features, explain the plan (if any), and receive comments. Comments from the neighborhood are not binding on the applicant. However, the applicant may elect to revise elements of the project to incorporate suggestions.

**D.** When a neighborhood meeting is required, a neighborhood meeting verification form shall be obtained from the Planning Department prior to holding said meeting.

**E.** At the meeting, the applicant should present a concept plan and provide a narrative description of the proposed project. This meeting may be conducted in multiple formats, including:

1. A single presentation or workshop before the attendees;
2. An open house where individuals may receive information on the proposal and offer comments. If this option is used, the open house should be available multiple days including at least one weekend day; or
3. Other format deemed appropriate with consultation of the Planning Director.

**F.** When a neighborhood meeting is held, the meeting must occur at least ten days prior to the first public hearing where the application is to be considered.

**G.** When a neighborhood meeting is held, the applicant should provide notice in conformance with the following:

1. Mailed
   - i. Notice shall be delivered by first class mail to owners of all adjoining properties; and
   - ii. Notice shall be delivered by first class mail to the president and/or secretary of the property owner's association.
2. Posted

   Notice shall be provided by posting a sign on the site at least ten days prior to the date of the neighborhood meeting. When posted, signs shall satisfy the following criteria:
   - i. The sign must be six square feet in size and the bottom of sign must be at least four feet off the ground.
   - ii. The sign must include the title 'PRE-APPLICATION NEIGHBORHOOD MEETING' at the top of the sign.
   - iii. The sign should include a brief narrative of the project proposal/ request.
   - iv. The sign should include the time, date, and place of the neighborhood meeting (if applicable).
   - v. The sign should include a statement on where concerned citizens can contact the applicant for more information, including phone number and/or e-mail address.
   - vi. The applicant must remove the sign within 24 hours after the neighborhood meeting.
   - vii. No sign may be placed within the right-of-way or within 50 feet of any street intersection.
   - viii. No sign may be placed or mounted on utility, traffic or other similar structures.

**H.** When a neighborhood meeting is required, a completed neighborhood meeting verification form must be submitted along with all other required application materials.

## 9.3 Development Permit Requirements

### A. Applicability

1. No excavation shall be commenced, no wall, structure, premises, or land used, building or part thereof shall be built, constructed or altered, nor shall any building be moved, nor shall any sign be erected or structurally altered (unless exempted), until application has been made and the property permit has been obtained. When the Zoning Administrator, with the technical assistance of other County departments or upon direction by the Brunswick County Planning Board or Board of Adjustment, has determined that the proposed land use may be permitted under the provisions of this Code, a permit for the proposed use shall be issued.

2. It shall be unlawful to change the type of use of land, or to change the type of use or type of occupancy of any building, or to extend any use or any lot on which there is a nonconforming use, until the Zoning Administrator has issued a development permit for such intended use, including a determination that the proposed use, in all respects, conforms to the provisions of this Ordinance.

### B. Development Permit Automatic with Site Plan, Special use, or PD Approval

Any activity for which a Site Plan approval (Section 3.2), Special Use Permit (Section 3.5), or Planned Development approval (Section 3.3.3) has been issued shall be considered to have met the requirements of this section automatically.

### C. Timing of Application

In all cases where a building permit is required, application for a development permit shall be made coincidentially whith the application for a building permit. In all other cases, application shall be made before initiating any of the activities that trigger compliance with this Section.

### D. Application Requirements

All applications for a development permit shall be submitted in accordance with Section 9.3, Application Requirements.

### E. Action by Zoning Administrator

1. If the proposed excavation, construction, moving, alteration or use of land, as set forth in an application for a development permit, is in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue a development permit, provided that all of the following conditions shall apply:

   i. Issuance of a development permit shall in no case be construed as waiving any provisions of this Ordinance;

   ii. The Zoning Administrator shall not grant any exceptions to the actual meaning of any clause, standards, or regulation contained in this Ordinance to any person making application to excavate, construct, move, alter or use buildings, structures or land;

   iii. The Zoning Administrator shall issue a permit when the imposed conditions of this Ordinance are complied with by the applicant regardless of whether the use of the permit would violate contractual or other arrangements (including, but not by way of limitation, restrictive covenants) among private parties; and

   iv. The development permit shall include a determination that plans, specifications and the intended use of such structure and land do, in all respects, conform to the provisions of this Ordinance. Prior to the issuance of a development permit, the Zoning Administrator shall consult with other applicable departments, as necessary.

2. If the proposed excavation, construction, moving, alteration or use of land, as set forth in an application for a development permit, is not in conformity with the provisions of this Ordinance, the Zoning Administrator shall not issue a development permit. If an application for a development permit is disapproved, the Zoning Administrator shall state in writing the cause of such disapproval and provide written notice to the applicant.

**F.** Expiration

Once a development permit has been issued, all activities pursuant to such permit shall be commenced within 12 months. If the proposed excavation, construction, moving, alteration or use of land, as set forth in an application for a development permit, is discontinued for a period of 12 months or more, the development permit shall lapse and be of no further force and effect.

**G.** Appeal

Final action on a development permit may be appealed to the Board of Adjustment in accordance with Section 9.8, Appeal of Administrative Decision.

## 9.4 Other Permits and Certificates

Other permits or certificates beyond those included in this Section may be required. Consult with the Planning Director.

### 9.4.1. (Final) Certificate of Occupancy/Compliance

No certificate of occupancy or compliance shall be issued by the Building Inspector until:

1. Division of Coastal Management approval and Division of Water Quality approval have been obtained.
2. Applicable standards of this Ordinance have been met.
3. Alternatively, the Building Inspector may issue a certificate of occupancy or compliance provided written assurances are provided to the Building Inspector that applicable standards of this Ordinance will be met within a reasonable period of time. Assurances shall include posting of a surety financial guarantee or submission of a notarized letter of credit for the value of the incomplete improvements required.
4. However, the issuance of a Certificate of Occupancy shall in no case by construed as waiving any provisions of this Ordinance.

### 9.4.2. Temporary Compliance Permit/Temporary Certificate of Occupancy

**A.** Applicability

A Temporary Zoning Compliance Permit and a Temporary Certificate of Occupancy may be issued prior to actual amendment to the Zoning Ordinance where all oth the following criteria have been met:

1. A condition is discovered either through the application process, petition, or field observations, which prevents strict compliance with the Zoning Ordinance and issuance of a Certificate of Occupancy and the condition was not caused or brought about by an individual action of an owner or owners seeking amendment;
2. The condition which would prevent strict compliance with this Ordinance applies to a number of similarly situated lots, not just to one lot;
3. Either the owner or owners petition for change or the Zoning Administrator initiate the necessary change to this Ordinance to correct the condition; and

4. The petition for change in the opinion of the Zoning Administrator is likely to be allowed.

   If the Zoning Administrator determines the above criteria have been met, a Temporary Certificate of Compliance and when necessary a Temporary Certificate of Occupancy may be issued. The Zoning Administrator shall make and report the Findings of Fact necessary to support this action in each such instance at the next meeting of the Planning Board together with a request for said Board to expedite whatever amendment is deemed necessary to correct the situation.

**B.** Period of Validity

1. A Temporary Certificate of Compliance or Temporary Certificate of Occupancy shall be considered null and void should the amendment not be adopted within six months from initiation of the amendment.
2. The owner of the property shall be deemed to take with knowledge that a permit issued under this section may become null and void and require immediate actual compliance or removal of any offending structure.

**C.** Indemnification

No officer issuing a permit under this section shall be liable to any party for his actions unless done willfully and outside the scope of his authority. The County shall indemnify and save harmless any official incurring liability for his actions under this section unless done willfully and outside the scope of his authority.

### 9.4.3. Temporary Use Permit

*Commentary: A Temporary Use Permit shouldn't be confused with a Temporary Certificate of Compliance (see above).*

*Temporary outdoor uses should not be confused with permanent outdoor activities (for example, a car sales lot) that are only allowed in certain districts and require site plan approval, nor should they be confused with an outdoor display area (for example, a garden center that is part of a building supply store) that may be a part of a retail store and require site plan approval.*

**A.** Applicability

Temporary uses occurring on property outside of the public right-of-way shall obtain a temporary use permit from the Zoning Administrator. The permit shall outline conditions of operations to protect the public, health, safety and welfare subject to the standards of Section 5.5 , Temporary Uses.

**B.** Application Requirements

An application for a temporary use permit shall be submitted in accordance with Section 5.5, Application Requirements.

**C.** Action by Zoning Administrator

1. After receiving the application, the Zoning Administrator shall have up to 30 days to review the application.
2. Following completion of technical reviews by staff, the Zoning Administrator shall approve the issuance of a temporary use permit subject to the following:
   - **i.** No lighting or electrical service shall be provided without an electrical permit;
   - **ii.** No temporary use structure shall be erected without a building permit;
   - **iii.** No temporary use structure shall block fire lanes or pedestrian or vehicular access;
   - **iv.** The site of the temporary use shall be cleared of all debris at the end of the temporary use. All temporary structures shall be cleared from the site within five days after the use is terminated;
   - **v.** Written permission of the property owner for the temporary use shall be provided;
   - **vi.** Adequate parking shall be provided;

**vii.** Required parking for other uses shall remain available;

**viii.** Adequate traffic control measures shall be provided;

**ix.** Adequate provisions for trash disposal and sanitary facilities shall be provided; and

**x.** When appropriate, adequate provisions for crowd control shall be provided.

**D.** Revocation of a Temporary Use Permit

A temporary use permit shall be revoked if the Zoning Administrator finds that the terms of the permit have been violated or that there is a hazard to the public health, safety and welfare.

**E.** Appeal

Final action on a temporary use permit may be appealed to the Board of Adjustment in accordance with Section 9.8, Appeal of Administrative Decision.

## 9.5 Determination of Zoning Vested Right

### 9.5.1. Establishment

**A.** With Site Specific Development Plan

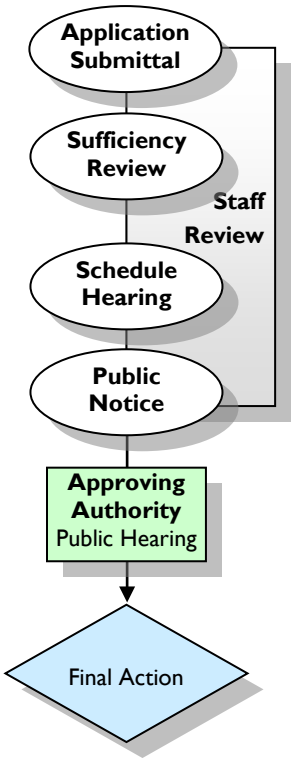
**1.** In order for a zoning vested right to be established upon approval of a site specific development plan, the applicant must indicate at the time of application, on a form to be provided by the County, that a zoning vested right is being sought.

**2.** Each map, plat, site plan or other document evidencing a site specific development plan shall contain the following notation: "Approval of this plan established a zoning vested right under N.C.G.S. Section 153A-344.1. Unless terminated at an earlier date, the zoning vested right shall be valid until (date)."

**B.** With Special Use Permit

**1.** Pursuant to N.C.G.S. Section 153A-344.1, Vesting Rights, as of May 1, 2007, a vested right to undertake and complete the development and use of property under the terms and conditions as approved pursuant to this Ordinance shall be established with respect to any property upon the approval of a Special Exception Permit for a site specific development plan or a phased development plan.

**2.** The approved plans and conditions for a Special Exception Permit constitute, for purposes of N.C.G.S. Section 153A-344.1, site specific development plans.




### 9.5.2. Approving Authority

*Commentary: In order to determine the approving authority, refer to the table of permitted uses in Section 5.2.*

### 9.5.3. Application Requirements

**A.** An application for vested rights determination shall be submitted in accordance with Section 3.1.7.J, Application Requirements. Applications shall include, at a minimum, the following information in addition to the standard information required:

**1.** Information on the proposed uses of the property that the applicant wishes to vest;

**2.** The length of time for which vesting is requested;

**3.** A listing of those provisions of this Ordinance from which vesting is requested;

**4.** Identification of the portions of the development plan for which vesting is requested;

5. Indication of the impact on the ability of the project to proceed as originally approved if vesting is not granted; and,
6. The proposed timetable for the construction of the phases of the project for which vesting is requested.
7. If the owner considers prior expenditures and economic impact to be relevant to the governing body's determination, then any economic information regarding expenditures shall be accompanied by information regarding benefits or profits realized resulting from phases of the development previously built.

**B.** Landowners seeking zoning vested rights on plats, special exception permit applications, or other plans that would not normally receive site plan approval, may apply for vested rights protection through submittal of an application which contains the identical information, fee, and plans required for a complete site plan application and an additional fee for a vested rights public hearing.

### 9.5.4. Action by the Zoning Administrator

Once the application has been determined complete, the Zoning Administrator shall schedule a public hearing before the appropriate body, give public notice as set forth in Section 9.1, and forward a copy of the application with all related materials to the approving authority.

### 9.5.5. Action by the Approving Authority

*Commentary: In order to determine the approving authority, refer to the table of permitted uses in Section 5.2.*

**A.** The approving authority may hold the vested rights public hearing at the same time that the site plan is considered for approval.

**B.** Approval by the approving authority shall confer upon the owner of the property a zoning "vested right" as defined in NCGS §153A-344.1, effective on the date of approval. The approving authority may condition the approval upon terms and conditions reasonably necessary to protect the public health, safety, and welfare.

### 9.5.6. Duration

**A.** A right which has been vested as provided for in this section shall remain vested for a period of three years. Modifications or amendments to an approved plan do not extend the period of vesting unless specifically so provided by the Board of Adjustment or the Planning Board upon approval of the modification and or amendment.

**B.** The Board of Adjustment or the Planning Board (as applicable) may approve an extension of a zoning vested right for a period of two years resulting in a total vesting period of five years. Applications to extend a vesting period shall be considered by the same authority that approved the original vested right determination.

### 9.5.7. Effect of Zoning Vested Rights

**A.** Following approval or approval of a site specific development plan, nothing in this section shall exempt such a plan from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval.

**B.** Nothing in this section shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval or with this Ordinance.

**C.** The establishment of a zoning vested right shall not preclude the application of new laws or regulations as is allowed under NCGS §160A-385.1. In addition, it shall not preclude overlay zoning that imposes additional requirements, but does not affect the allowable type or intensity of use, or ordinances or regulations that are general in nature and are applicable to all property subject to land use regulation. Otherwise applicable new or amended regulations shall become effective

with respect to property that is subject to a site specific development plan upon the expiration or termination of the vested right in accordance with this section.

**D.** A vested right obtained under this section is not a personal right, but shall attach to and run with the subject property. After approval of a site specific development plan, all successors to the original landowner shall be entitled to exercise such right while applicable.

### 9.5.8. Termination

A vested right as provided in this section shall terminate when any one of the following circumstances apply:

**A.** At the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed;

**B.** With the written consent of the affected landowner;

**C.** Upon findings by the Board of Adjustment by ordinance and after public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site specific development plan;

**D.** Upon payment of compensation to the affected owner for all costs, expenses, and other losses incurred by the landowner together with interest;

**E.** Upon findings by the Board of Adjustment by ordinance and after public hearing, that the landowner or the landowner's representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the approving authority of the site specific development plan; or

**F.** Upon the enactment of a State or Federal law or regulation or local ordinances enacted in compliance with such laws or regulations that preclude development as contemplated in the site specific development plan.

## 9.6 Administrative Adjustment

### 9.6.1. Applicability

The Planning Director is authorized to approve modifications to the requirements of this ordinance in conjunction with the Design Flexibility provided in Section 6.1, the approval of Site Plan Amendments referenced in Section 3.2.9 and elsewhere in the ordinance.

Additionally, the Planning Director shall be authorized to approve minor specified deviations as specified in paragraph a. below where, owing to special conditions, strict enforcement of the provisions of this Ordinance would be physically impractical.

### 9.6.2. Action by Planning Director

**A.** The Planning Director shall have the authority to authorize the following administrative adjustments:

1. A reduction of up to ten percent of the required front, side or rear yard setback for any encroachments into required setback;
2. Minor adjustments to site plans consistent with the requirements of Section 3.2.9.

**B.** Any request for deviation from the provisions of this Ordinance not listed above shall be reviewed by the Board of Adjustment as provided in Section 3.6, Variance.

### 9.6.3. Administrative Adjustment Criteria

To approve an administrative adjustment, the Planning Director shall make an affirmative finding that all of the following criteria are met:

**A.** That granting the administrative adjustment will not have an adverse impact on land use compatibility;

**B.** That granting the administrative adjustment will not materially and adversely affect adjoining land uses and the physical character of uses in the immediate vicinity of the proposed development;

**C.** That granting the administrative adjustment will be consistent with the purposes and intent of this Ordinance; and

**D.** That the strict enforcement of this Ordinance would be unreasonable and detrimental to the owner or applicant.

### 9.6.4. Appeal

Final action on an administrative adjustment may be appealed to the Board of Adjustment in accordance with Section 9.8, Appeal of Administrative Decision.

### 9.6.5. Annual Report

The Planning Director shall submit an annual written report to the Planning Board and the County Manager annually outlining the administrative adjustment requests and associated findings for the preceding year.

## 9.7 Written Interpretation

### 9.7.1. Applicability

When uncertainty exists, the Planning Director shall be authorized to make all interpretations concerning the provisions of this Ordinance.

*Commentary: All interpretations of matters relating to the International Building Code with North Carolina Amendments shall be made by the Building Official or designee.*

### 9.7.2. Application Requriements

An application for a written interpretation shall be submitted in accordance with Section 3.1.7.J, Application Requirements.

### 9.7.3. Action by Planning Director

**A.** The Planning Director shall review and evaluate the request in light of the text of this Ordinance, the Zoning Map, the CAMA Land Use Plan, any adopted landuse documents, and any other relevant information;

**B.** Following completion of any technical reviews by staff, the Planning Director shall render an opinion.

**C.** The interpretation shall be provided to the applicant in writing.

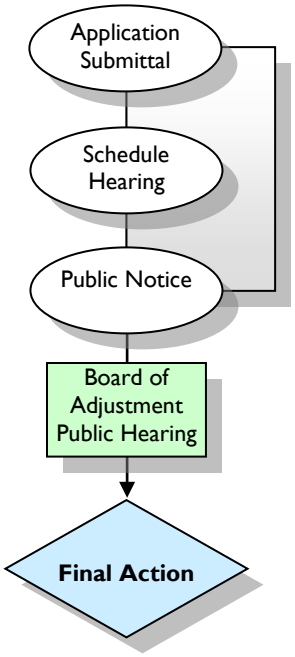
### 9.7.4. Official Record

The Planning Director shall maintain an official record of all interpretations. The record of interpretations shall be available for public inspection during normal business hours.

### 9.7.5. Appeal

Final action on a written interpretation may be appealed to the Board of Adjustment in accordance with Section 9.8, Appeal of Administrative Decision.

## 9.8 Appeal of Administrative Decision




### 9.8.1. Applicability

As specified in N.C.G.S. 153A-345.1, an appeal by any person aggrieved by a final order, interpretation or decision of the Zoning Administrator, Planning Director or other administrator in regard to the provisions of this Ordinance may be taken to the Board of Adjustment.

### 9.8.2. Application Requirements

**A.** An appeal of an administrative decision shall be taken by filing a written notice of appeal specifying the grounds for the appeal with the Zoning Administrator and the Board of Adjustment.

**B.** An application for appeal of an administrative decision shall be submitted in accordance with Section 3.1.7.J, Application Requirements.

**C.** A notice of appeal of an administrative decision shall be considered filed when a complete application is delivered to the Zoning Administrator. The date and time of filing shall be entered on the notice.

### 9.8.3. Deadline for Submission of Application

An appeal of an administrative decision shall be filed with the Zoning Administrator and Board of Adjustment within 30 days of issuance of the decision.

### 9.8.4. Notice and Public Hearings

The County shall hold all required public hearings and give notice in accordance with Section 9.1, Notice and Public Hearings. Upon application of an Appeal of an Administrative Decision, adjoining property owners shall be notified via both certified mail and first class mail. In addition to the mailed notice, the Zoning Administrator shall post a sign at the subject property or at a location generally visible to the traveling public indicating that an application has been submitted for an Appeal of an Administrative Decision.

### 9.8.5. Action by Board of Adjustment

**A.** The Board of Adjustment may reverse or affirm (wholly or partly) or may modify the order, requirement, decision, or determination appealed from and shall make any order, requirement, decision or determination that in its opinion ought to be made in the case before it. To this end, the Board of Adjustment shall have all the powers of the officer from whom the appeal is taken.

**B.** A motion to reverse, affirm, or modify the order, requirement, decision, or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.

**C.** If a motion to reverse or modify is not made, or fails to receive the affirmative vote of a majority of members present, then appeal shall be denied.

**D.** Any motion to overturn a decision shall state the reasons or findings of fact that support the motion.

### 9.8.6. Effect of Appeal

**A.** An appeal shall stay all proceedings in furtherance of the action appealed, unless the administrative official from who the appeal is taken certifies to the Board of Adjustment that, because of facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property or that because the violation is transitory in nature a stay would seriously interfere with the effective enforcement of this Ordinance. In that case, proceedings shall not be stayed except by order of the

**B.** Board of Adjustment or a court, issued on application of the party seeking the stay, for due cause shown, after notice to the administrative official.

**C.** An appeal shall not stop action lawfully approved (including construction activities authorized by a building permit); only actions presumed in violation of this Ordinance are stayed.

## 9.9 Abatement of Nuisance Caused by Abandoned Mobile Homes

### 9.9.1. Findings

The Board of Commissioners finds that:

**A.** The number of mobile homes in Brunswick County has risen dramatically as available land becomes scarce and the housing market has become more expensive.

**B.** Mobile homes may be difficult and expensive to repair when they begin to deteriorate. Often consumers simply buy another mobile home rather than refurbish a mobile home in need of repair.

**C.** Abandoned mobile homes are a visual blight on the landscape of Brunswick County, which is in large part economically dependent upon tourism.

**D.** Abandoned mobile homes create a public health and environmental problems, pose fire hazards, safety hazards to unsupervised children, and are a potential source of toxic or hazardous materials that may escape into the atmosphere. As a result, abandoned mobile homes constitute a nuisance.

### 9.9.2. Certain Mobile Homes Exempt

This Section shall not apply to:

**A.** A retail business where mobile homes are sold; or

**B.** A properly permitted mobile home salvage and storage yard (see Section 5.2, Use Table).

**C.** A solid waste disposal facility, provided that no more than 5 mobile homes are located at the facility at any given time and that no mobile home may remain on the premises for 1 year or longer from the date of receipt.

### 9.9.3. Process for Abatement

**A.** Determination of Abandonment

The Inspector shall make a determination that a mobile home is abandoned as defined in this Ordinance.

**B.** Notification

Upon determination that a mobile home is abandoned, the County shall notify the registered owner in writing that the home constitutes a nuisance and that said home must be properly disposed of within 90 days. The notice shall be in writing and served in accordance with N.C.G.S. 1A-1 Rule 4(j) of the Rules of Civil Procedure and by a prominent notice posted on the home.

**C.** Failure to Comply

**1.** If the abandoned mobile home is not removed by the registered owner before the expiration of the initial 90 day period, the County shall order the removal of the abandoned mobile home.

2. If the abandoned mobile home is not removed by the registered owner before the expiration of the initial 90 day period, the County shall take any action it deems reasonably necessary to abate the nuisance, including entering upon the property where the abandoned mobile home is located and/or arranging to have the abandoned mobile home removed and properly disposed of. If the registered owner for the nuisance is not the owner of the property where the abandoned mobile home is located, the County may order the property owner to permit entry onto the subject property to permit the removal and proper disposal of the abandoned mobile home.

### 9.9.4. Liability for County Expenses

A. When the County removes and disposes of an abandoned mobile home (whether directly or through a party contracted with the County) pursuant to Subsection 9.9.3.C.2 above, the registered owner of the abandoned mobile home shall be liable for:

1. Any unpaid property taxes due on the home;
2. Any actual costs incurred by the County (directly or indirectly) for the abatement activities; and
3. Any administrative and legal expenses related to the abatement activities.

B. Nonpayment of any unpaid property taxes or any or all portions of the actual costs incurred by the County for the abatement activities shall result in the imposition of lien on any real property in the County owned by the registered owner of the abandoned mobile home.

## 9.10 Enforcement and Penalties

### 9.10.1. Purpose

This Section sets forth the procedures by which the County seeks correction of violations of this Ordinance. It also sets forth the remedies and penalties the County may apply where necessary to ensure correction of violations. The provisions in this section are intended to encourage the voluntary correction of violations.

### 9.10.2. Applicability

The Zoning Administrator may revoke any permit or other authorization granted under this Ordinance for failure to comply with the provisions of this Ordinance or the terms and conditions of the permit or authorization, or for false statements or misrepresentations made in securing the permit or authorization, or if the permit or authorization was mistakenly granted in violation of applicable State or local law. If the Zoning Administrator determines an imminent hazard exists, he may summarily revoke this permit.

### 9.10.3. Violations

Any failure to comply with a requirement, prohibition, or limitation imposed by the provisions of this Ordinance, or the terms and conditions of any permit or other authorization granted pursuant to this Ordinance, shall constitute a violation of this Ordinance. Responsible Persons

One or more of the following persons may be held responsible for a violation of this Ordinance and be subject to the remedies and penalties provided in this section:

**A.** An architect, engineer, builder, contractor, agent, or any other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation of this Ordinance, and

**B.** An owner of the property on which a violation of this Ordinance occurs, or any tenant or occupant of that property who has control over, or responsibility for, its use or development.

## 9.11 Enforcement Procedures

### 9.11.1. Investigation

On receiving complaints or other information suggesting a violation of this Ordinance, the Zoning Administrator, or other official(s) designated by the Board of County Commissioners shall investigate the situation and determine whether a violation exists.

### 9.11.2. Initial Notice of Violation

**A.** On determining that a violation exists, the Zoning Administrator shall give the responsible person(s) written notice of the violation by personal delivery, or certified or registered mail, return receipt requested. The notice shall describe the nature of the violation, state the actions necessary to correct the violation, and invite the alleged violator to meet with the Zoning Administrator within ten days to discuss the violation and how it may be corrected. The Zoning Administrator may provide the alleged violator additional written notices of violation.

**B.** If reasonable attempts have been made to effect service of the written notice upon the responsible person(s) by personal delivery or certified or registered mail have been unsuccessful, then notice may be provided by posting the written notice upon the property in a conspicuous place for a period of not less than ten days.

**C.** Before revoking a permit or other authorization, the Zoning Administrator shall give the holder of the permit or authorization ten days notice of intent to revoke the permit or authorization. The notice shall state the reasons for the intended revocation and state that the holder may have an informal hearing on the intended revocation before the Zoning Administrator. On revoking a permit or authorization, the Zoning Administrator shall give the holder of the permit or authorization a written notice of the revocation and the reasons for it.

### 9.11.3. Final Notice of Violation; Correction Order

The Zoning Administrator's final written notice of violation (which may be the initial notice) shall be served upon the responsible person(s) in the same manner as the Initial Notice of Violation and shall order correction of the violation not to exceed thirty 30 days, state which of the remedies and penalties authorized in Subsection 9.11.9 the Zoning Administrator may pursue if the violation is not corrected within the specified time limit, and state that the correction order may be appealed to the Board of Adjustment.

### 9.11.4. Reinstatement of Permit by Zoning Administrator

The holder of a revoked permit or authorization may, within 90 days after the revocation, submit to the Zoning Administrator a written request to reinstate the revoked permit or authorization. On determining that the conditions justifying the revocation have been eliminated and that the development fully complies with all applicable requirements of this Ordinance, the Zoning Administrator may reinstate the permit or authorization.

### 9.11.5. Appeal to the Board of Adjustment

**A.** Any person aggrieved by the Zoning Administrator's determination of a violation or correction order may appeal that determination or order to the Board of Adjustment in accordance with the provisions of Section 9.8, Appeal of Administrative Decision. As provided by that section, an appeal generally stays all further actions to enforce a correction order until the Board of Adjustment has decided the appeal.

**B.** If the recipient of a correction order does not appeal the order to the Board of Adjustment within the time limit specified in Section 9.8, Appeal of Administrative Decision, that person may not later appeal to the Board of Adjustment the subsequent imposition of any remedy or penalty specified in the order.

### 9.11.6. Extension of Time Limit to Correct Violation

The recipient of a correction order, or the owner of the property on which the violation occurs, may submit to the Zoning Administrator a written request for extension of the order's specified time limit for correction of the violation. On determining that the request includes enough information to show that the violation cannot be corrected within the specified time limit for reasons beyond the control of the person requesting the extension, the Zoning Administrator may extend the time limit as reasonably necessary to allow timely correction of the violation.

### 9.11.7. Enforcement Action after Time Limit to Correct Violation

Following the time limit for correction of the violation, including any stay or extension thereof, the Zoning Administrator shall determine whether the violation has been corrected. If the violation has been corrected, the Zoning Administrator shall take no further action against the alleged violator. If the violation has not bee corrected, the Zoning Administrator may act to impose one or more of the remedies and penalties specified in the correction order.

### 9.11.8. Emergency Enforcement without Notice

If delay in correcting a violation would seriously threaten the effective enforcement of this Ordinance or pose a danger to the public health, safety, or welfare, the Zoning Administrator may seek immediate enforcement without prior written notice through any of the remedies or penalties authorized in Subsection 9.11.9, below.

### 9.11.9. Remedies and Penalties

The Zoning Administrator may pursue one or more of the following remedies and penalties to prevent, correct, or abate a violation of this Ordinance. Use of one of the authorized remedies and penalties does not preclude the Zoning Administrator from using any other authorized remedies of penalties, nor does it relieve any party to the imposition of one (remedy or penalty from imposition of any other authorized remedies or penalties.

**A.** Permit Revocation

In accordance with the provisions of Section 9.10.2 of this Ordinance and the provisions of N.C.G.S. 153A-362, the Zoning Administrator or Building Inspector may revoke any permit or other authorization granted under this Ordinance for failure to comply with the provisions of this Ordinance or the terms and conditions of a permit or authorization granted under this Ordinance.

**B.** Permit Denial

As long as a violation of this Ordinance remains uncorrected, the Zoning Administrator may deny or withhold approval of any permit or other authorization provided for in this Ordinance that is sought for the property on which the violation occurs.

**C.** Civil Penalty

**1.** Violation of this Ordinance subjects the violator to a civil penalty in the amount of $100.00. The Zoning Administrator may impose a civil penalty by giving the violator a written citation, either in person or by certified or registered mail, return receipt requested. The citation shall describe the nature of the violation, specify the amount of the civil penalty being imposed, and direct the violator to pay the civil penalty to the County within ten days of the date the citation is received. If the violator fails to either pay the civil penalty or correct the violation within this time limit, the Zoning Administrator may institute a civil action in the nature of a debt in a court of competent jurisdiction to recover the civil penalty.

2. For purposes of assessing the amount of a civil penalty, each day the violation remains uncorrected after receipt of the correction order (or the receipt of the citation itself in the case of emergency enforcement) shall constitute a separate violation that subjects the violator to additional civil penalty.

### D. Criminal Penalty

As provided in Section 14-4 of the North Carolina General Statutes, violation of this Ordinance constitutes a misdemeanor, punishable by a fine of up to $500.00.

### E. Injunction and Abatement Order

The Zoning Administrator may institute action in a court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement commanding the violator to correct or cease a violation of this Ordinance. Under Section 153A-123 of the North Carolina General Statutes, if the violator fails to comply with a court injunction or order of abatement and the County executes the order, the County will have a lien on the property on which the violation occurred for the County's costs in executing the order.

### F. Other Equitable Relief

In addition to the above remedies and penalties, the Zoning Administrator may institute any other appropriate equitable action or proceeding in a court of competent jurisdiction to prevent, correct, or abate a violation of this Ordinance.

# ARTICLE 10. NONCONFORMITIES

## 10.1 GENERAL

### 10.1.1. Scope

The regulations of this article govern lots, uses, buildings, signs and other aspects of development that came into existence lawfully but that do not conform to one or more requirements of this Ordinance. These are referred to as "nonconformities."

### 10.1.2. Purpose

The regulations of this article are intended to:

**A.** Recognize the interests of property owners in continuing to use their property for lawful purposes;

**B.** Promote reuse and rehabilitation of existing buildings; and

**C.** Place reasonable limits on the expansion and alteration of nonconformities that have the potential to adversely affect surrounding properties or the community as a whole.

### 10.1.3. Authority to Continue

Any nonconformity that existed on May 1, 2007 or that becomes nonconforming upon the adoption of any amendment to this Ordinance may be continued in accordance with the provisions of this article.

### 10.1.4. Determination of Nonconformity Status

The burden of proving that a nonconformity exists (as opposed to an illegal situation) rests with the subject landowner.

### 10.1.5. Repairs and Maintenance

**A.** Incidental repairs and normal maintenance of nonconformities are permitted unless such repairs are otherwise expressly prohibited by this Ordinance. For the purpose of this provision, repair or replacement of non-bearing walls, fixtures, wiring or plumbing will be considered incidental repairs if the total value of the repairs in any 12-month period does not exceed 25% of the current replacement value of the structure.

**B.** Nothing in this article is to be construed to prevent structures from being structurally strengthened or restored to a safe condition, in accordance with an official order of the Building Inspector or other duly authorized public official. When improvements are made to restore the property to a safe condition, the cost of such repairs or alterations are included in the 25% noted in the preceding paragraph.

### 10.1.6. Change of Tenancy or Ownership

The status of a nonconformity is not affected by changes of tenancy, ownership, or management.

### 10.1.7. Nonconformity Resulting From Governmental Action

Nonconformities resulting from governmental action shall obtain nonconforming status to the extent that said action causes noncompliance with any provision of this Ordinance.

### 10.1.8. Cost Estimates

In making determinations regarding replacement value, the Zoning Administrator is authorized to use the County tax assessment roles, Dodge Reports, Marshall Swift, or similar cost-estimating manuals, as a basic reference.

## 10.2 Nonconforming Lots

### 10.2.1. Definition

A nonconforming lot is a tract of land lawfully established as a lot on a plat of subdivision recorded or registered, pursuant to statute, with the Register of Deeds of Brunswick County that does not comply with the minimum lot area or lot width standards of the zoning district in which it is now located.

### 10.2.2. Continuation

**A.** Lots with Contiguous Frontage in One Ownership

When two or more adjoining lots with contiguous frontage are in one ownership and said lots individually have area or width which does not conform to the dimensional requirements of the district where located, such lots shall be combined as a single zone lot or several zone lots to reduce the degree of nonconformity with regards to lot area and width requirements of the district, provided compliance is achieved with regard to all other requirements of this Ordinance.

**B.** Single Lot

1. A single lot that is nonconforming as to area or width requirements may be built upon if compliance is achieved with regard to all other Ordinance requirements.
2. In any residential zoning district, only a single family dwelling may be permitted on a nonconforming lot.

## 10.3 Nonconforming Uses of Land

### 10.3.1. Definition

A nonconforming use is a land use, other than a nonconforming sign (see Section 10.5), that was lawfully established in accordance with zoning regulations in effect at the time of its establishment but that is no longer allowed by the use regulations of the zoning district in which it is now located.

### 10.3.2. Continuation

**A.** General

A nonconforming use may continue, subject to the regulations of this section.

**B.** Nonconforming Use Certificates

1. It shall be unlawful to maintain or continue any nonconforming use until a Nonconforming Use Certificate has been issued. However, nonconforming uses existing as of the effective date of this Ordinance shall have a six month period from the time of notification by the Zoning Administrator of being a nonconformity to apply for such Certificate.
2. If granted, a statement of the specific reason(s) or findings that support the decision shall be made. Additionally, the Nonconforming Use Certificate shall indicate the date on which the use will be discontinued or that the use may be continued indefinitely according to terms and limitations of this Ordinance. If denied, a statement of specific reason(s) or findings that support the denial shall be made.
3. Upon application of a Nonconforming Use Certificate, adjoining property owners shall be notified via both certified mail and first class mail.
4. In addition to the mailed notice, the Zoning Administrator shall post a sign at the subject property or at a location generally visible to the traveling public indicating that an application has been submitted for a Nonconforming Use Certificate.

**C.** Appeal

An appeal by any person aggrieved by a final order, interpretation or decision of the Zoning Administrator may be filed with the Board of Adjustment per Section 9.11.5.

### 10.3.3. Change of Use

**A.** A nonconforming use may be changed to any permitted use in the subject district.

**B.** The Board of Adjustment is authorized to approve a Special Exception Permit to allow a change from one nonconforming use to another nonconforming use that is in the same use category (see Section 5.1, Use Interpretation) or to another functionally similar use, provided that the Board of Adjustment determines that the proposed use will have no greater adverse impacts on the surrounding area. To make a determination, the Board of Adjustment shall consider all of the following:

1. Anticipated traffic of each use;
2. Parking requirements of each use;
3. Anticipated number of persons on the premises of each use at a time of peak demand;
4. Off-site impacts of each use, such as lighting, noise, glare, dust, vibration, or smoke; and
5. Hours of operation.

### 10.3.4. Expansion or Modification

**A.** The Zoning Administrator may approve an Administrative Adjustment allowing modification of a nonconforming use which does not increase the degree of nonconformity.

**B.** Any nonconforming use may be extended within any parts of a building which were manifestly arranged or designed for such use, except for alterations that would have the effect of increasing residential density.

**C.** A nonconforming use may not be relocated, in whole or in part, to another portion of the subject lot or parcel.

**D.** Where a nonconforming use involves operation of heavy equipment or machinery, such equipment or machinery may be replaced; provided that the new equipment or machinery conforms to the performance standards for the subject district.

### 10.3.5. Loss of Nonconforming Use Status

**A.** Discontinuance

1. A nonconforming use that ceases for any reason for a continuous period of more than one year may not be reestablished. Any subsequent use of such land must be a use permitted in the district.

*COMMENTARY: If the nonconforming use is maintained in conjunction with a conforming use, discontinuance of a nonconforming use for one year shall terminate the right to maintain the nonconforming use <u>only</u> thereafter.*

2. The resumption of a nonconforming use shall not be permitted if such nonconforming use is superseded by a permitted use for any period of time.
3. If a *nonconforming use* fails to maintain a valid business license, the use will be considered to have been discontinued.

**B.** Damage or Destruction

A nonconforming use located within a structure which has been damaged by fire or other natural causes may retain nonconforming status if the damage to the structure does not exceed 25% of its value and the use is reestablished within one year.

### 10.3.6. [RESERVED]

## 10.4 Nonconforming Structures

### 10.4.1. Definition

A nonconforming structure is any aspect of a development—other than a nonconforming lot, nonconforming use or nonconforming sign—that was lawfully established, in accordance with zoning regulations in effect at the time of its establishment but that no longer complies with one or more standards of this Ordinance.

### 10.4.2. Continuation

Nonconforming structures may remain, subject to the standards of this section.

### 10.4.3. Enlargement or Modification

**A.** A nonconforming structure may be modified or altered provided such alterations do not increase the degree of nonconformity.

**B.** Any enlargement of a nonconforming structure shall conform to the dimensional requirements of the zoning district unless a variance is granted by the Board of Adjustment.

**C.** A nonconforming structure may not be moved or relocated unless it is made to comply with the dimensional requirements of the district in which it is relocated.

**D.** A structure which is nonconforming as to off-street parking may be remodeled or altered in a manner which does not increase its requirements for off-street parking unless such modifications satisfy the additional off-street parking requirements.

**E.** Existing, nonconforming residential mechanical equipment may be replaced provided the replacement is consistent with Section 4.6.10.E.3.iv of the UDO. Existing, nonconforming commercial mechanical equipment may be replaced provided the replacement does not increase the existing nonconforming yard.

### 10.4.4. Damage or Destruction

**A.** In the event of damage by fire or other causes to an extent exceeding 75% of its value, reconstruction of a nonconforming structure shall be permitted only in compliance with the dimensional provisions of this Ordinance.

**B.** In the event of damage by fire or other causes to an extent of between 25% and 75% of its value, reconstruction of a nonconforming structure shall be permitted with the issuance of a variance by the Board of Adjustment.

**C.** In the event of damage by fire or other causes to an extent of below 25% of its value, reconstruction of a nonconforming structure shall be permitted provided it is:

1. In the same location and up to the same dimensions as originally existed; or
2. In compliance with the current dimensional requirements.

**D.** Nonconforming transmission towers existing as of May 1, 2007 may be replaced if damaged by natural causes.

### 10.4.5. Affordable Housing Replacement

**A.** Not withstanding the foregoing provisions, nonconforming homes which have been continuously lived in by the same individual or immediate family for at least five years shall be permitted for replacement, repairing, or remodeling provided the home is:

**1.** In the same general location and as the dimensions originally existed with minor deviation; or

**2.** In compliance with the current dimensional requirements.

## 10.5 Nonconforming Signs

### 10.5.1. Definition

A nonconforming sign is a sign that was legally established subject to a lawfully issued permit in compliance with the applicable laws and ordinances in effect on the date of construction, but by reason of its size, height, location, design, or construction is no longer in compliance with the requirements of Article 8, "Signs", and has a valid Nonconforming Use Certificate. Nonconforming sign structures shall be included in this definition.

### 10.5.2. Permits Required

A Nonconforming Use Certificate (see Section 10.3.2.B) shall be required for all nonconforming signs. A separate certificate shall be required for each nonconforming sign or sign structure.

### 10.5.3. Continuation of Nonconforming Signs

Nonconforming signs may remain in use, subject to the regulations of this section and all other applicable requirements of the County Code. Nonconforming signs must be maintained in good repair, and must comply with all other requirements of this Ordinance.

**A.** Modification or Relocation

**1.** Nonconforming signs may not be increased in size or height. Changes to existing sign shall be limited to the copy.

**2.** Nonconforming signs may not be moved on the site or relocated to another site, except in conformance with this Ordinance.

**B.** Reconstruction of Damaged Signs or Sign Structures

Any nonconforming sign or sign structure which has been damaged may be repaired, subject to International Building Code with North Carolina Amendments, and used as before, provided all repairs are initiated within 90 days and completed within 120 days of such damage. However, if the County Building Inspector declares the sign structure unsafe, the owner of the sign or the owner of the property where the sign is located shall immediately correct all unsafe conditions to the satisfaction of the Inspector.

### 10.5.4. Discontinuance

**A.** Signs not meeting Ordinance requirements for which no Nonconforming Use Certificate has been issued shall lose their nonconforming status.

## 10.6 Commercial Expansion

As an inducement to improve the level of economic activity in the County, all existing commercial structures that are either conforming or are legally non-conforming shall be considered in compliance with the buffering, landscaping, and parking requirements of this ordinance so long as they exist in a zone that allows the proposed use and planned improvements to said structures increase the value of the structure by 50% or less.

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# DEFINITIONS

For the purposes of these regulations, the following words and terms have the meanings specified in this part:

"A"

**Abandon:** To cease the regular use or maintenance of a lot, building, structure, vehicle (including a manufactured dwelling), or boat.

**Abutting:** Having common property boundaries or lot lines which are not separated by a street or other type of public way.

**Access Point:** A public or private point of ingress and/or egress.

**Accessory Dwelling:** Stand alone dwelling with any or all components of a residence located on a lot with a principal dwelling.

**Accessory Structure or Use:** A use of structure that is customarily or typically subordinate to and serves a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure served; and is located on the same lot as the principal use or structure.

**Adjacent:** Either abutting or being directly across a street, other public way, or body of water which does not exceed 100 feet in width.

**Adjoining:** Sharing a common boundary or lot line.

**Adult Day Care/Health Services:** Adult day care means 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. Adult day health services is the provision of an organized program of services during the day in a community group setting for the purpose of supporting an adult's personal independence, and promoting his social, physical, and emotional well-being.

Services include health care services as defined by the *North Carolina Adult Day Care and Day Health Services Standards for Certification* and a variety of program activities designed to meet the individual needs and interests of the participants, and referral to and assistance in using appropriate community resources. Also included are food and food services to provide a nutritional meal and snacks as appropriate to the program.

### Adult & Sexually Oriented Businesses

*Adult Arcade:* An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas (as defined hereinafter).

*Adult Bookstore:* An establishment that has as substantial portion (over 25% of total retail space) of its stock-in-trade and offer for rent or sale, for any consideration, any one or more of the following: 1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or 2) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

*Adult Business:* An adult business shall be defined as any business activity, club or other establishment which permits its employees, members, patrons or guests on its premises to exhibit any specified anatomical areas before any other person or persons.

*Adult Motion Picture Theater:* An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which 25% or more of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

*Adult Theater:* A theater, concert hall, auditorium or similar establishment characterized by (activities featuring) the exposure of specified anatomical area or by specified sexual activities.

*Massage:* Any manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or

mechanical device.

*Massage Business:* Any establishment or business wherein massage is practiced, including establishments commonly known as massage studios or massage parlors. Excluded from this definition are legitimate massage therapists, bodywork therapists, or contact manipulation therapists, working under the direct supervision of a licensed Physician, or who in the regular course of their respective businesses, have been licensed or certified by any governmental subdivision in North Carolina, or licensed or certified by a recognized association or organization on file with the North Carolina Secretary of State, the North Carolina Board of Chiropractic Examiners, North Carolina Board of Medical Examiners, N.C. Board of Occupational Therapy, NC Board of Physical Therapy Examiners, or Board of Podiatry Examiners, or have been certified or licensed by a national organization and similarly registered.

*Sexually Oriented Business:* A sexually oriented business shall be defined as any business activity, club or other establishment, within which the exhibition, showing, rental, or sale of materials distinguished or characterized by an emphasis on material depicting, describing, or exhibiting specified anatomical areas or relating to specified sexual activities is permitted. Sexually oriented businesses shall include, but are not limited to: adult arcades, adult bookstores, adult motion picture theaters, adult theaters, massage businesses, as defined by this Ordinance.

*Specified Anatomical Areas:* Specified anatomical areas shall be defined as less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola.

*Specified Sexual Activities:* Specified sexual activities shall be defined as:

(i) Human genitals in a state of stimulation or arousal;

(ii) Acts of human masturbation, sexual intercourse, sodomy; or

(iii) Fondling of other erotic genitals, pubic regions, buttocks or female breasts.

*Total Retail Space:* Any space within the structure that is used for the direct sale of merchandise to the public and storage areas for those items.

**Agricultural Industry:** The mechanical processing of fish, shellfish, poultry, and other natural and manmade animal, vegetable or mineral organisms including fur bearing animals, mice and rats, rabbits, winged animals, carnivorous animals, snakes; culturing, processing development and production of any bona fide farm product; packing, selling, displaying, or distributing or other activity with any non-bona fide farm commodity.

**Agricultural Tourism Business:** An enterprise or activity operated in conjunction with a bona fide farm that is offered to the general public (or to invited guests and groups) for the purpose of enjoyment, education, recreation, entertainment, or active involvement in the activities of the farm or operation. This definition may include farm stands, farmers markets, wineries, corn mazes, and other enterprises that are associated with a bona fide farm but not located on a bona fide farm property.

**Airport:** A facility intended and used as the place where one or more fixed-wing or rotary-wing aircraft are regularly stored, maintained, or repaired while not in flight with an area that the aircraft may use to take off and land.

**Amendment:** Any change to the text of these regulations or the official zoning maps.

**Amenity Center:** A place, structure or area for restricted use located within a residential or semi-residential community designed to accommodate community and/or recreational programs/activities.

**Amortization:** The process of providing for a timed extinction of a use which is not in compliance with this Ordinance.

**Animal Hospital/Veterinary Clinic:** A place or facility which provides dental, medical or surgical care for dogs, cats and other domesticated animals. Kennels are not included within this definition.

**Antenna:** Any apparatus designed for the transmitting and/or receiving of electromagnetic waves to include but is not limited to telephonic, radio or television communications. Types of elements include, but are not limited to: omni-directional (whip) antennas, sectorized (panel) antennas, multi or single bay

(FM & TV), yagi, or parabolic (dish) antennas.

Antenna Array: A single or group of antennae and their associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

**Antenna, Combined:** An antenna or an array of antennas designed and utilized to provide services for more than one wireless provider for the same or similar type of services.

**Antenna-Supporting Structure:** A vertical projection composed of metal, or other substance with or without a foundation that is for the express purpose of accommodating antennas at a desired height above grade. Antenna-supporting structures do not include any device used to attach antennas to an existing building, unless the device extends above the highest point of the building by more than 20 feet.

**Anti-Climbing Device:** A piece or pieces of equipment which are either attached to antenna supporting structure, or which are free-standing and are designed to prevent people from climbing the structure. These devices may include but are not limited to fine mesh wrap around structure legs, "squirrel-cones", the removal of climbing pegs on monopole structures, or other approved devices, but excluding the use of barbed or razor wire.

**Arboretum:** A place for the scientific study and public exhibition of trees, shrubs, and plants, including unique features such as butterfly rooms.

**Articulation:** An emphasis given to architectural elements (including windows, balconies, porches, entries, etc.) to create a complementary rhythm or pattern; modulation of building facades, massing and detail to create variety.

**Attached Wireless Communication Facility:** An antenna or antenna array that is secured to an existing building with any accompanying pole or device which attaches it to the building, transmission cables, and an equipment enclosure, which may be located either on the roof, inside, or outside of the existing building. An attached wireless communications facility is considered to be an accessory use to the existing principal use on a site.

**Automotive Repair:** A building designed and used for the storage, care, and repair of motor vehicles including motors of boats and planes including both minor and major mechanical overhauling, paint and body work.

"B"

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**Bank:** See "Financial Institution".

**Bar and Cocktail Lounge:** Any establishment wherein alcoholic beverages are sold at retail for consumption on the premises and from where minors are excluded by law. This definition does not include premises where alcoholic beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of alcoholic beverages comprises less than 25% of gross receipts.

**Bed and Breakfast House:** A building designed as a residential structure containing one or more guest rooms for an overnight stay which are rented at a daily rate and where breakfast is the only meal served to guests.

**Boarding House:** Any form of dwelling unit where meals and rooms are offered on a permanent or long-term basis, for remuneration.

**Bona Fide Farm:** A property or portion of property that is actively used for agriculture as defined in N.C.G.S. 106-581.1. Agriculture includes but is not limited to the production, harvesting, cultivation of crops, fruits, vegetables, ornamental/flowering plants, shrubs, and the operation, management, raising, care, and training of dairy, livestock, poultry, bees, horses, and aquaculture as well as any associated structure or building related to the agriculture operation. When performed on the bona fide farm, agriculture also includes the marketing and sellng of agricultural products, agritourism, packing, treating, processing, sorting, storage and other activities performed to add value to agricultural items produced on the farm. For purposes of determining whether a property is being used for bona fide

farm purposes, any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes (the burden of proof lies with the owner of the subject property or a designated agent):

(A) A copy of the property tax listing showing that the property is participating in the farm present-use-value taxation program established by N.C.G.S. 105-277.2 through 105-277.7; or

(B) A copy of the farm owner's or operator's Schedule F from the owner's or operator's federal income tax return; or

(C) A farm sales tax exemption certificate issued by the Department of Revenue; or

(D) A forest management plan; or

(E) A Farm Identification Number issued by the United States Department of Agriculture Farm Service Agency.

**Borrow Pit:** A pit created to provide earth or other excavated material that can be used as fill at another site.

**Broadcast Antennae, TV/HDTV/AM/FM Broadcast Facility:** Broadcast antenna-supporting structure and/or towers, including replacements, which contain antennae/towers that transmit signals for television and radio communications.

**Buffer:** A portion of property designated to mitigate impacts between land uses or transportation routes, or to protect water features from pollutants.

**Buildable Area:** The area of a zoning lot remaining after the minimum setback requirements of this Ordinance have been satisfied.

**Building:** A temporary or permanent structure having a roof supported by columns or walls and which can be used for the shelter, housing, or enclosure of person, animals, or goods. Mobile homes and modular homes are buildings.

**Building Height:** The height of a building measured from average finished grade at the front of a building or structure to the highest point of the building.

**Building Site:** An area of land or property where development is undertaken.

## "C"

**CAMA:** – North Carolina's Coastal Area Management Act. This act, along with the Dredge and Fill Law and the federal Coastal Zone Management Act, is managed through North Carolina Department of Environment and Natural Resources' (NCDENR's) Division of Coastal Management (DCM).

**Cabinet and Woodworking Shops:** Establishments engaged in manufacturing fabricated mill work, cabinets, hardwood dimension, structural wood members, containers and other wood products, but excluding the processing of raw logs from the field.

**Caliper:** The diameter of the main trunk or stem of plant material, measured at the specified height above the ground. If no height from the ground is specified, the diameter shall be measured at 48 inches above the ground.

**Car Wash:** A facility where motor vehicles are washed, cleaned, and/or waxed by hand or with manually-operated equipment or automatic machinery.

**Camper:** A folding structure manufactured of metal, wood, canvas, plastic, or other materials, or any combination thereof, mounted on wheels and designed for travel, recreation, or vacation use. A camper is not designed or intended to be used as a permanent dwelling. Campers may also include the following:

(a) *Travel trailer:* A vehicular, portable structure built on chassis, designed to be towed by a self-propelled vehicle for use for travel, recreation, or vacation purposes. A travel trailer is not designed or meant to be used as a permanent dwelling.

(b) *Recreational Vehicle:* A self-propelled vehicle or portable structure mounted on such a vehicle designed as temporary dwelling for travel, recreation, and vacation.

(c) *Tent:* A portable shelter of canvas, plastic, or skins stretched over a supporting framework of

poles with skins stretched over a supporting framework of poles with ropes and pegs.

**Camper Space:** A plot of land within a campground designed for the accommodation of one camper or tent.

**Campground:** Any lot upon which 15 or more campers or tent spaces are provided for temporary occupancy according to requirements as set forth in this Ordinance. A campground shall also be known as a recreational vehicle park, or travel trailer park.

**Cemetery:** A place for the burial of the dead. A cemetery can be a combination of one or more of the following, in a place used or to be used and dedicated or designated for such purposes:

(a) A burial park, for earth interment.

(b) A mausoleum, for burial above the ground.

(c) A columbarium, a structure substantially above the ground, for interment of the cremated remains of a deceased person.

**Cemetery, Private:** As above, but where the owning entity, generally an extended family, fraternal order, or religious sect, does not sell or lease grave sites of any nature.

**Clear-cut:** To cut all the trees in a stand of timber.

**Club or Lodge (Private Nonprofit, Civic or Fraternal):** A nonprofit association of persons, who are bona fide members paying dues, which owns, hires or leases a building, or portion thereof; the use of such premises being restricted to members and their guests but excluding adult establishments.

**Commercial Recreational Facilities:** Establishments engaged in providing indoor/outdoor amusement or entertainment services. This definition includes all uses in the following groups:

(a) Amusement Parks.

(b) Outdoor Theater.

(c) Sports Facilities.

**Collocation:** The practice of installing and operating multiple and various wireless carriers, service providers, and/or Radio Common Carrier licensees from the same supporting structure or attached wireless communication facility, using different and separate antennae, feed lines, and Radio Frequency generating equipment.

**Common Open Space:** An area of open space within a development site designed and intended for the use and enjoyment of residents of the development or for the general public.

**Concealed Wireless Communications Facility:** A wireless communications facility, ancillary structure, or WTF equipment compound that is not readily identifiable as such, and is designed to be aesthetically compatible with existing and proposed uses on a site. A concealed facility may have a secondary function, including, but not limited to the following: church steeple, windmill, bell tower, clock tower, cupola, light standard, flagpole with or without a flag, or tree. A non-concealed wireless communication facility is one that is readily identifiable such as a monopole or lattice tower.

**Condominium:** The ownership of single units in a structure with common areas and facilities.

**Condominium Unit:** An enclosed space consisting of one or more rooms occupying all or part of a floor in a building of one or more floors or stories regardless of whether it is designed for residence, office, the operation of any industry or business, or any type of independent use and shall include such accessory spaces and areas as may be described in the declaration, such as garage space, storage space, balcony, terrace or patio.

**Construction and Demolition Landfills:** Disposal facilities which store solid waste resulting solely from construction, remodeling, repair, or demolition operations on buildings or other structures, land-clearing debris (solid waste that is generated from land clearing activities such as stumps, tree, etc.), inert debris (solid waste which consists of material that is virtually inert, such as brick, concrete, rock, clean soil, and used asphalt), untreated wood, and uncontaminated earth.

Convenience Store: A structure in which food stuffs, beverages, fuel (excludes L.P. Gas Filling Facility unless included as an accessory to the principal use), pharmaceuticals, small household

supplies and small personal items are retailed. Commonly a neighborhood grocery-type of store selling personal goods and wares that typically can be hand-carried from the premises by the buyer. (Sec Section 5.3.7.L. of the UDO for L.P. Gas Filling Facilities [Accessory]).

## "D"

**Day Care Facility:** A place other than an occupied dwelling, that provides for the care of children or adults. Those receiving care are not all related to each other by blood or marriage and are not legal wards or foster children of the attendant adults, and for which care a payment, fee, or grant is made. The following facilities are not considered day care facilities: public schools; non-public schools whether or not accredited by the N.C. State Department of Public Instruction, which regularly and exclusively provide a course of grade school instruction to children who are of public school age; summer camps having children in full-time residence; summer day camps; and Bible schools normally conducted during vacation periods.

**Day Care Home:** Use of a dwelling for the purpose of providing for the care of children or adults by an adult occupant of the dwelling. For purposes of a day care home, those receiving care are not all related to the occupant or to each other by blood or marriage and are not the legal wards or foster children of the attendant adults. Additionally, those receiving care and not dependents of the occupant, and do not reside on the site.

**Dedication:** The transfer without payment of ownership or other interest in real property from a private entity to a public agency.

**Development:** Any human caused change to improved or unimproved real estate that requires a permit or approval from any agency of Brunswick County, including but not limited to, constructing or changing buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations and storage of materials.

**Development Plan:** A type of plan that becomes part of the zoning approval of a property that provides guidance for the preparation of site plans.

**Dewatering:** Withdrawal by mechanical means of subsurface water so as to cause drawdown, and to allow a dry environment below the natural water table.

**Diameter at Breast Height (dbh):** The diameter of a tree measured four and one-half feet above the ground.

**Drawdown:** Reduction in head at a point, caused by the withdrawal of water from an aquifer.

**Drive-Through Facility:** An establishment that dispenses products or services to patrons who remain in vehicles. Fuel sales are not included.

**Dwelling Unit:** Rooms used for human habitation containing independent cooking, sleeping, and toilet facilities; excluded are boarding houses, hotels, and dormitories.

**Driveway:** A private roadway located on a parcel or lot used for vehicle access.

## "E"

**Educational Facilities:** Colleges, Universities, Professional Schools & Technical Institutions, Elementary & Secondary Schools, Libraries, and Museums. Kindergartens, day cares, and pre-school are not excluded.

**Electronic Gaming Operation:** A business enterprise, whether principal or accessory, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of odds or chance, including sweepstakes, and where cash, merchandise, or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. Electronic Gaming Operations do not include any lottery approved by the State of North Carolina.

**Emergency Shelter:** A facility providing temporary lodging and ancillary services on its premises to primarily indigent, needy, homeless or transient persons and operated by a nonprofit, charitable, or religious organization.

**Energy Generating Facility:** A facility that uses a variety of sources and/or products for the production of

power for sale as a primary use. Types of energy facilities may include, but are not limited to, petroleum, methane, ethanol, thermal, wind, solar, hydro-electric and other energy generation facilities.

## "F"

**Family:** Persons related by blood, marriage or adoption living together as a single housekeeping unit. For purposes of this ordinance, a family may include up to three unrelated persons. Children residing in the home pursuant to a lawful fostering program shall not be included in the calculation.

**Family Care Home:** A dwelling that provides room and board for not more than six persons who because of age, illness, handicap, or specialized program, require personalized services or a supervised living arrangement in order to assure their safety and comfort that is regulated by the State of North Carolina. (For purposes of Family Care Homes, a "handicapped person" as defined in G.S. 168-21(2) 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 G.S. 122C-3(11)b.) If the home is not licensed under G.S. 131D, Article 1 or is exempt from State licensing, the home shall be considered a group home and shall be subject to all applicable requirements of this Ordinance.

**Farmers Market:** An outdoor facility with or without a structure principally for the sale of produce, plants, flowers, and honey. Value-added agricultural products such as honey or jam, along with hand-made craft items, may be sold, provided their sale is ancillary to the sale of produce, plants, and flowers.

**Feed Lines:** Cables used as the interconnecting media between a transmission/receiving base station and an antenna.

**Financial Institution:** A use or structure where financial, pecuniary, fiscal or monetary services are made available, including depository institutions, non-depository institutions, holding companies, other investment companies, brokers and dealers in securities and commodity contracts, security and commodity exchanges, cash checking services, financial guaranteesmen services, and pawn brokers. The word bank is interchangeable with the term financial institution in this Ordinance.

**Flea Market:** A market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities, booths, or temporary structures.

**Floating Structure:** Any structure or vessel in fact used, designed and occupied as a permanent dwelling unit, business or source of any occupation or any private or social club, which floating structure or vessel is primarily immobile and out of navigation or which functions substantially as a land structure while the same is moored or docked on waters within County jurisdiction; whether such floating structure is self-propelled or not.

**Future Connection:** The extension of a street to an external property line to facilitate future roadway connection and reduce traffic impacts on the road network.

## "G"

**Geographic Search Area:** An area designated by a wireless provider or operator for a new base station facility, produced in accordance with generally accepted principles of wireless engineering.

**Golf Course:** A tract of land designed and laid out for the game of golf having at least nine holes, each with a tee, fairway, green, and one or more hazards. A clubhouse, pool and other facilities associated with a country club built around a golf course are considered part of the golf course. This definition does not include miniature golf.

**Grid-Tied Solar System:** A photovoltaic solar system that is connected to an electric circuit served by an electric utility company.

**Group Care Home:** A dwelling operated under State regulations that provides room and board for more than six, but less than 13 individuals who as a result of age, illness, handicap or some specialized program, require personalized services or a supervised living arrangement in order to assure their safety and comfort. Additional requirements may be imposed by the International Building Code with North Carolina Amendments.

**Guesthouse:** A separate residence for guests, as a house on a private estate or a boarding house, of high standards.

**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 that are connected to anchors placed in the ground or on a building.

## "H"

**Handoff Candidate:** A wireless facility that receives call transference from another particular wireless facility, usually located in an adjacent first "tier" surrounding the initial wireless facility.

**Hazardous Materials Treatment Facility:** A building, structure or use of land devoted, or intended to be devoted, primarily to changing by any method, technique or process, including incineration or neutralization, the physical, chemical, or biological character of any hazardous material regulated by the Federal Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Section 6901 et seq.), and the "North Carolina Solid Waste Management Act", as amended (Article 13B. G.S. 130-166.16), so as to neutralize such material or render it non-hazardous, safer for transport, amendable for recovery, amendable for storage or reduced in bulk.

**Height (measurement):** See Section 4.13.2, Height.

**Heritage Tree:** For purposes of this Ordinance, a heritage tree shall be defined as follows:

An american holly with a trunk caliper measurement of 8″ or greater measured at 4.5 feet above ground;

A flowering dogwood with a trunk caliper measurement of 4″ or greater measured at 4.5 feet above ground;

A redbud with a trunk caliper measurement of 4″ or greater measured at 4.5 feet above ground;

A live oak with a trunk caliper measurement of 4″ or greater measured at 4.5 feet above ground; and

Any tree species included in the planting table (see Sec.___) with a trunk caliper measurement of 18″ or greater measured at 4.5 feet above ground.

**Home Occupations:** A commercial activity conducted within a residential structure.

**Horse Stable, Commercial:** A commercial operation where horses are kept for purposes such as boarding, hire or sale that is not located on a bona fide farm.

**Horse Stable, Private:** A structure in which horses are kept for private use that is not located on a bona fide farm.

**Hospital:** An establishment primarily engaged in providing diagnostic services, extensive medical treatment including surgical services, and other services, as well as continuous nursing services. The establishment has an organized medical staff on duty 24 hours a day, inpatient beds and equipment and facilities to provide complete health care; may also provide emergency room care and include less intensive medical uses such as convalescent and ambulatory care facilities.

## "I"

**Impervious Surface:** Any surface which in whole or in part, restricts or prevents the natural absorption of water into the ground. Such surfaces may include, but not be limited to compacted earth (such as marl and coquina), gravel, concrete, asphalt, or other paving material, and all area covered by the footprint of buildings or structures. Porous pavement, uncovered wooden slatted decks and the water area of a swimming pool are considered pervious.

**Indoor Recreation:** Public or private health or exercise clubs, tennis or other racquet courts, swimming pools, YMCA's, YWCA's or similar uses which constitute principal uses and are enclosed in buildings and are operated on a fee or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Indoor recreation" structures may include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended

primarily for the use of patrons of the principal recreational use.

"J"

**Junkyard:** Any place which is maintained, used or operated for salvaging, storing, keeping, buying, or selling of wrecked, scrapped, ruined or dismantled motor vehicles, motor vehicle parts, boats, boat motors, trailers, lawn movers, tractors, tires, household appliances, construction debris, paper, metals, rubber, rags, and glass. The presence on any lot or parcel of land of two or more junked motor vehicles or junked boats as the term is defined herein for a period exceeding 30 days shall constitute prima-facie evidence of a junkyard.

**Junked Motor Vehicles, Boats and Trailers:** Motor vehicles, boats and trailers which are:

(a) wrecked and/or dismantled, or

(b) which do not display as required a: current registration sticker, current license plate, current inspection sticker issued by or in the same state as the vehicle registration and/or license plate, and at least one of the following:

(i) cannot be self-propelled or moved in the manner in which originally intended; or

(ii) are more than five years old and appear to be worth less than $100.

"K"

**Kennel:** A commercial non-incidental or non-profit establishment used as housing, leasing, sealing, training, rehabilitating, breeding, grooming, or fostering of any species, excluding domesticated livestock.

"L"

**Laboratory:** A facility for performing bacteriological, chemical, or other analyses.

**Lattice:** A tapered 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.

**Least Visually Obtrusive:** A Wireless Communication Facility (WTF) that is designed to present a visual profile that is the minimum profile necessary for the facility to properly function.

**Light Manufacturing:** The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place or where the area occupied by outdoor storage of goods and materials used in such processes does not exceed 25% of the floor area of all buildings on the property.

**Loading Area:** A space used to transfer goods and material between vehicles and a building or lot.

**Lot:** A parcel of land or a combination of several parcels of land occupied or intended to be occupied by a principal use or structure, with the accessory buildings and uses customarily incidental to it, including such open spaces as are required to make such lot usable under the terms of this Ordinance.

(a) For the purposes of this Ordinance, a parcel of land shall be considered a lot if the parcel:

(i) has frontage on a public street, or

(ii) has frontage on an officially approved private street through the Subdivision Ordinance, and

(iii) has been approved as a subdivision or an exemption to the Subdivision Ordinance, or

(iv) has been created through an heir division under the jurisdiction of the Clerk of Superior Court.

(b) All other land divisions not meeting this requirement which existed prior to the effective date of passage of this Ordinance shall be deemed a lot for purposes of this Ordinance. In consideration of this Ordinance, a lot may consist of:

(i) A combination of complete lots of record;

(ii) A combination of complete lots of record and portions of lots of record;

(iii) Portions of lots of records, provided that such lots or combinations of lots are sufficient size to meet the requirements of this Ordinance for the subject district and no portion of the lot falls below the average size of the lots of record in the block in question;

Single lots of record;

(v) Parcels of land defined by metes and bounds description where such parcels are in conformity with this Ordinance and other laws of Brunswick County.

Lot of Record: A lot that is shown on a subdivision recorded in the office of Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the Register of Deeds prior to the adoption of this Ordinance.

"M"

**Major Thoroughfare Plan:** The most recently adopted Brunswick County Thoroughfare Plan prepared by the North Carolina Department of Transportation in cooperation with the United States Department of Transportation.

**Marinas:** Any publicly or privately owned dock, basin, or wet boat storage facility constructed to accommodate more than two boats and providing any of the following services: permanent or transient docking spaces, dry storage, fueling facilities, haul-out facilities, and repair services.

**Mining Operations, Class I:** A place where soil or other unconsolidated material (i.e. sand, marl, rock, fossil deposits, peat, fill or topsoil) is removed to be used off-site, without further on-site processing (i.e. use of conveyor systems; screening machines; crushing; or other mechanical equipment). It does not involve the use of explosives and has an affected land area of no greater than 20 acres.

**Mining Operations, Class II:** A place where soil or other unconsolidated material (i.e. sand, marl, rock, fossil deposits, peat, fill or topsoil) is removed to be used off-site with or without further on-site processing (i.e. use of conveyor systems; screening machines; crushing; or other mechanical equipment). It does not involve the use of explosives and has an affected land area greater than one acre.

**Mitigation (for wireless communications facilities):** A modification to increase the height of an existing antenna support structure, or to improve the structural integrity of an existing support structure, or to replace or remove one or more antenna support structure(s) located in close proximity to a proposed new antenna support structure in order to encourage compliance with the Ordinance or improve aesthetics or functionality of the overall wireless network.

**Mobile Home:** See Section 5.3.3.C, Mobile Homes, Class A, B, and C.

**Mobile Home, Abandoned:** A mobile home that is both:

(a) Vacant or in need of extensive repair; and

(b) A nuisance, as defined in this Ordinance.

**Mobile Home Park:** Premises where mobile homes are parked for living and sleeping purposes, or any premises used for or set apart for the purpose of supplying parking space for mobile homes for living and sleeping purposes. Often known as Mobile Home Parks or House Trailer Parks, or Courts. A mobile home park is not a mobile home subdivision.

**Mobile Home Salvage and Storage Yard:** A place where junked, dilapidated and abandoned mobile homes, as herein defined, or used mobile home parts are stored, kept, parked, dismantled, demolished, salvaged, recycled, or scrapped.

**Modular Unit or Modular Home:** A factory-fabricated, transportable building or dwelling in compliance with the International Building Code with North Carolina Amendments, that is designed to be used by itself or to be incorporated with other units into a structure that will be a finished building on a permanent location on a permanent foundation. A modular unit

shall not be considered a mobile home for the purpose of this Ordinance.

**Monopole:** A style of free-standing antenna-supporting facility that is composed of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of antenna-supporting facility is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof.

**Motor Vehicle Dismantling and Wrecking Yard:** Any open area of more than 200 square feet used for storing or dismantling inoperative or junked or wrecked motor vehicles.

"N"

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**Nightclub:** A commercial establishment dispensing alcoholic beverages for consumption on premises where a dance floor or entertainment is provided.

**Nude:** A situation involving a condition of individuals being unclothed or devoid of clothing.

**Nuisance:** An unreasonable danger to public health, safety, or welfare or to the environment or natural resources.

**Nursery:** A place where plants are grown commercially, either for sale directly to the public, other retailers, or to wholesalers.

**Nursing Home:** A licensed facility providing care (i.e., Managed care and Convalescent homes) for three or more sick, aged or disabled persons not related by blood or marriage to the operator. Nursing homes are classified as "dependent" and/or "independent" living facilities depending upon the degree of support services on site.

"O"

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**Off-Grid Solar System:** A photovoltaic solar system in which the circuits energized by the solar system are not electrically connected in any way to electric circuits that are served by an electric utility company.

**Office:** A room, group of rooms, or building whose primary use is the conduct of a business, professional service, or governmental activity of a non-retail nature. This definition is not meant to include manufacturing, processing, repair, or storage of materials or products.

**Open Space:** An area of land or water which is open and unobstructed including areas maintained in a natural or undisturbed character or areas improved for active or passive recreation. "Open space" shall not include lands below mean sea level except required impoundments or retention ponds, carolina bays, and pocosins, and areas covered with buildings, structures, streets or off-street parking areas, including landscaping associated with such parking areas.

**Outdoor Recreation:** Public or private golf courses, driving ranges, swimming pools, tennis courts, ball fields, and ball courts which are not enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Outdoor recreation" shall include any accessory uses, such as snack bars, pro shops, club houses, country clubs or similar uses which are designed and intended primarily for the use of patrons of the principal recreational use.

**Outparcel:** Individual retail sites in a retail center that, when combined, are less than the square footage of the attached retail spaces which form the primary retail center.

**Outpatient Facility:** A medical facility providing treatment to a patient who is able to return home after care without an overnight stay (i.e., Surgical care, Urgent care or any other outpatient facility).

"P"

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**Park:** Land consisting of open space, in grasses, trees, and possibly with shrubbery, sometimes providing paths for walking and bicycling, maintained as a public or semi-public use. Parks are usually either a formal landscape, or maintained in basically a natural state.

**Personal Service Establishments:** An establishment primarily engaged in providing services to individuals

and/or staff support services to businesses. Personal Services include the following list of uses:

(a) Business Services

(b) Beauty Shops

(c) Barber Shops

(d) Miscellaneous repair shops not including vehicle repair

**Personal Wireless Service:** Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined in the Telecommunications Act of 1996.

**Pervious Paving:** Surface improvements such as grass, interlocking concrete paving blocks, brick pavers, grid pavers, or other similar improvements which permit the infiltration of water through the improved surface. Gravel shall not be considered a pervious paving surface.

**Photovoltaic System:** An active solar energy system that converts solar energy directly into electricity.

**Place of Worship:** Churches, synagogues, temples, mosques and other places of worship, including parish houses and Sunday school buildings.

**Planned Development (PD):** An area of land under unified ownership and control to be developed and improved as a single entity under a Unified Development Plan.

**Planned Group of Structures:** More than one primary structure on a single tract of land, under individual, corporate, firm, partnership, or association ownership, planned and developed as a group, in a single development operation or a definitely programmed series of development operations, and according to an approved preliminary site plan.

**Plant Unit:** The measure of plant material required for 100 linear feet of buffer area to meet landscape requirements and ensure variety in buffer plantings.

**Private Clubs:** See "Club or Lodge".

**Professional Offices:** An establishment primarily engaged in providing: engineering, architectural, and surveying services; accounting, auditing, and bookkeeping services; public relations services; legal services; real estate services; the services of insurance agents, brokers and carriers; the services of security and commodity brokers; and the services of bank holding companies.

**Public Antenna-Supporting Structure:** An antenna-supporting structure, appurtenances, equipment enclosures, and all associated ancillary structures used by a public body or public utility for the purposes of transmission and/or reception of wireless communication signals associated with but not limited to: public education, parks and recreation, fire and police protection, public works, and general government.

**Public Road:** Any road or highway which is now or hereafter designated and maintained by the N.C. Department of Transportation as a part of the State Highway System, whether primary or secondary, hard-surfaced or other dependable highways, and any road which is a neighborhood public road as defined by North Carolina General Statute 136-67, which definition is incorporated into this section by reference.

**Public/Semi-Public Facilities:** An electricity or gas substation, water or wastewater pumping station, telephone repeater station, water storage tank, reservoir, or similar structures used as an intermediary switching, boosting, distribution, or transfer station for electricity, water, wastewater, cable television, or telephone services between the point of generation and the end user, or a wastewater treatment plant, but not including satellite dish antennas, facilities for the handling of solid waste, or radio, television, or microwave transmission or relay towers.

**Public Sewage Disposal System:** A wastewater treatment system serving a minimum of 15 dwelling units and approved by the appropriate agent of the state of North Carolina. This definition is not to be inferred as limited to publicly owned or operated systems, as such systems may be owned and operated by either public or private enterprise.

**Public Water Supply:** Any water supply furnishing potable water to 15 connections, or combination of 25 residences or businesses so approved and designated by the appropriate agent of the state of North Carolina. This definition is not to be inferred as limited to publicly owned or operated systems; as such systems may be owned and operated by either public or private enterprise.

"Q"

**Quarries:** A place where minerals as defined in the N.C. General Statutes in Article 7 Ordinance 74 are excavated for building or other purposes. Quarries are characterized by any of the following: 1). industrial or dimension stone is excavated; 2). dewatering; 3). the use of explosives; 4). the excavated material is processed prior to sale or delivery off site; 5). stone faces are left in reclamation; and 6). re-injection wells may be used.

"R"

**Required infrastructure:** Water, sewer, stormwater, roadway or other improvements shown on the approved site plan or plat.

**Residential/Personal/Non-Commercial Storage Structure:** Stand-alone structure constructed for the sole personal/non-commercial use of the property owner on which the structure is located. The structure may be used for the storage of personal items only and may not be used as a dwelling.

**Restaurant:** A public or private enterprise designed in whole or in part to accommodate and cater to the consumption of food and/or drink, as regulated by the ABC law, either for on site or off site consumption, and can be conducted within enclosed space or as open air activity.

**Retail Sales, Less Than or Equal to 10,000 Square Feet:** Retail establishments with a gross floor area (including storage) of less than or equal to 10,000 square feet providing general merchandise to the public including motor fuels.

**Retail Sales, More Than 10,000 Square Feet:** Retail establishments with a gross floor area (including storage) of more than 10,000 square feet providing general merchandise to the public including motor fuels.

**Retreat Center:** A new or existing facility operated by a corporation or association of persons or churches for social and recreational purposes. A retreat center may be owned by a profit or not-for-profit organization.

"S"

**Satellite Dish Antenna(s) (Satellite Earth Stations):** A single or group of satellite parabolic (or dish) antennas. These dishes are mounted to a supporting device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration. A satellite earth station may include the associated separate equipment enclosures necessary for the transmission or reception of wireless communications signals with satellites.

**Screening:** A fence, wall, hedge, landscaping, earth berm, buffer area or any combination of these provided to create a visual and/or physical separation between certain land uses. Screening may be located on the property line or elsewhere on the site.

**Self-Storage Facility:** Small cubicles linked together in a single building or row of buildings for the purpose of renting storage space, usually on a temporary basis. This definition shall include mini-warehouse facilities, RV/camper and boat storage.

**Semi-Trailer:** Any motor vehicle, other than a pole trailer, which is designed to be drawn by another motor vehicle and is constructed so that some part of its weight rests upon the self-propelled towing vehicle.

**Septage:** A waste that is a fluid mixture of partially treated sewage solids, liquids and sludge of human or domestic waste origin, pumped from septic tanks, residential grease traps, or privies. Septage is considered waste that has not been treated by a process to significantly reduce pathogens.

**Setback:** The minimum distance between a property line and a building or structure.

**Shadow Flicker:** The visible flicker effect when rotating turbine blades cast shadows on the ground and

nearby structures causing the repeating pattern of light and shadow.

**Shell building:** Building exterior and basic structural elements (including HVAC system if needed for climate control); and, shall **NOT** include interior walls (other than load bearing), wiring (other than required for HVAC system or by Fire Marshal), or plumbing (other than sleeve stub outs and fire protection).

**Site Built Home:** A dwelling unit constructed in accordance with the standards set forth in the Uniform Residential Code for Single Family Dwellings and composed of components substantially assembled on site on a permanent foundation. A site built home is deemed to be a single-family dwelling as defined in this Ordinance.

**Site Specific Development Plan:** A plan of land development submitted to the appropriate approval authority for the purpose of obtaining one of the following approvals/permissions pursuant to N.C.G.S. 153A-334.1:

(a) A major site plan prepared for a Special Exception to this Ordinance based upon such required and official site plan;

(b) A Planned Unit Development Plan jointly receiving permissions/authority under the terms of this Ordinance and the Subdivision Ordinance, thus a combined Zoning Special Exception and preliminary plat.

(c) Or such other combination of approvals and permissions under both this Ordinance and the Subdivision Ordinance as from time to time may be developed in accordance with the intent of this General Statute.

**Sludge:** Any solid, semi-solid, or liquid waste generated from a residential, commercial, municipal, or industrial wastewater treatment plant or water supply treatment plant not considered to be hazardous by EPA or the NC Department of Human Resources, Solid and Hazardous Waste Branch. Sludge shall be considered that waste which has been treated by a process to significantly reduce pathogens.

**Solar Collector (Accessory):** Any solar device that absorbs and accumulates solar radiation for use as a source of energy. The device may be roof-mounted or ground-mounted as an accessory use.

**Solar Energy:** Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

**Solar Energy System:** A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distrubtion of solar energy for space heating or cooling, electricity generating, or water heating. Solar Energy Systems may include, but not be limited to, solar farms and any of several devices that absorb and collect solar radiation for use as a source of energy as an accessory use.

**Solar Farm:** An area of land designated use for the sole purpose of deploying photovoltaic power and generating electric energy.

**Solid Waste:** Any garbage, refuse, septage, sludge or any other waste material which is not considered hazardous by the US Environmental Protection Agency (EPA) or the North Carolina State Department of Human Resources, Solid and Hazardous Waste Branch.

**Sound:** The sensation perceived by the sense of hearing, i.e., mechanical radiant energy that is transmitted by longitudinal pressure waves in air, or other material medium, and is the objective cause of the sensation of hearing.

**Stealth Wireless Transmission Facility (Stealth WTF):** a WTF that is screened, disguised, concealed or otherwise camouflaged as a natural structure, structure or part of a structure such that the WTF is indistinguishable from other natural structures, structures or the structure that it is attached to or within.

**Storage, Outdoor:** The storage of goods, bulk materials or discarded items in the open or under a structure containing a roof but no walls.

**Stormwater Removal:** Evacuation of surface water accumulation that does not lower the natural water table.

**Structure:** Anything, excluding paving, constructed or erected with a fixed location on the ground or attached

to something having a fixed location on the ground. Among other things, structures include buildings, walls, screened enclosure, fences, advertising signs, billboards, poster panels, swimming pools, mobile houses, modular houses, and underground shelters.

**Structural Alterations:** Any change in the supporting members of a structure such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

**Substantial completion:** Water and sewer mains installed to the property certified by NCDENR and service lines to the building site, pump station 50% complete (if required): stormwater collection and storage facilities 50% complete; base material installed and graded on roadway, parking and driveway areas

Support Equipment (WTF): Any and all devices utilized to attach or hold antennas, feed lines, or any related equipment to a WTF.

"T"

**Tavern:** An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where sandwiches and snacks are available for consumption on the premises.

**Temporary Mining:** Sand and soil excavation and movement activities associated with land development that are not required for the construction of internal roadways or structures during the construction of a major subdivision (see Section 5.5.4, Temporary Mining and Borrow Pit).

**Terminal, Freight:** Any facility for handling freight with or without storage and maintenance facilities. This definition includes trucking and courier services (except air), and trucking terminal facilities.

**Transmission Tower:** Structures whose principal function is to support communication antenna(s).

**Truck Terminal:** A facility where cargo is stored and where trucks load and unload cargo on a regular basis.

"U"

None.

"V"

**Vehicle Service and/or Repair:** Buildings and premises for major repairs on automobiles, trucks, boats, and other equipment including large engines, body work, painting, and reconstruction.

**Vested Right:** See "Zoning Vested Right".

**Veterinary Establishment:** A place specializing in the care, diagnosis and treatment of animals in need of medical or surgical attention. A veterinary establishment may have as an integral part of it, pens, stalls or cages for quarantine or observation, designed or arranged to minimize noise impacts.

**Video Gaming Machine:** As defined in Section 14-306.1 (c) of the North Carolina General Statutes.

"W"

**Warehouse:** The indoor storage of goods, materials, or merchandise for shipment to or processing on other property.

**Wastewater Treatment Facility:** A wastewater treatment facility operated by a licensed utility and or unit of government in compliance with all applicable State and County regulations which meets either of the following criteria:

(a) Provides subsurface wastewater disposal for any number of uses or dwelling units; or

(b) Provides above-ground wastewater disposal for more than one use or more than four dwelling units.

**Wholesale Establishment:** A building, property, or activity the principal use or purpose of which is the sale of goods, products, or merchandise stored on the premises to persons who are intermediaries between the producer and the consumer.

**Wind Farm:** An electricity-generating facility, whose main purpose is to supply electricity to the electrical grid, consisting of one or more wind turbines and other accessory structures and buildings

including substations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities, which has a rated capacity of greater than 100 kW.

**Wind Energy Generator (Accessory):** A single system consisting of a single wind turbine, a tower, and associated control or conversion electronics designed to supplement other electricity sources as an accessory use to existing buildings or facilities, which has a rated capacity of not more than 100 kW.

**Wind Power:** Power that is generated in the form of electricity by converting the rotation of wind turbine blades into electrical current by means of an electrical generator.

Wind Turbine: A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and may include a nacelle, rotor, tower, and pad transformer.

**Wind Turbine Height:** The distance measured from grade to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation.

**Wireless Ancillary Structures:** Forms of development associated with a wireless communications facility, including but not limited to: foundations, concrete slabs on grade, guy wire anchors, generators, and transmission cable supports; however, specifically excluding equipment enclosures.

**Wireless Communications:** Any personal wireless service, which includes but is not limited to, cellular, personal communication services (CPS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), unlicensed spectrum services utilizing Part 15 devices (i.e. wireless internet services) and paging.

**Wireless Communication Facility (WTF):** Any manned or unmanned location for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of an antenna or group of antennae, transmission cables, and equipment enclosures, and may include an antenna-supporting formation. The following facility types are considered a Wireless Communication Facility: developments containing new or existing antenna-supporting structures, public antenna-supporting structures, replacement antenna-supporting structures, collocation on existing antenna-supporting structures, attached wireless communications facilities, and nonconcealed wireless communication facilities. The following facility types are not included in this definition: amateur wireless facilities, satellite dish antennae and antenna supporting structures, and antennae and/or antenna arrays for TV/HDTV/AM/FM broadcasting transmission facilities.

**Wireless Communication Facility Equipment Compound:** A fenced outdoor area surrounding a wireless communication facility including the areas inside or under the antenna-support structure's framework and WTF support structure.

**Wood Waste Grinding Operation:** A permanent operation that receives organic wastes to be treated or processed for recycling or reuse in soil-plant related industries including activities such as grinding or chipping land clearing debris, high carbon nitrogen yard waste into mulch or boiler fuel. Such operation would be in existence for a period greater than six (6) months.

"X"

None.

"Y"

None.

"Z"

**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 Vested Right:** A right pursuant to N.C.G.S. 153A-344.1 to undertake and complete the development and use of land under the terms and conditions of an approved site development plan even if the zoning or zoning district requirements are changed prior to development.

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# APPENDIX A APPROVED LANDSCAPING SPECIES

## Plant Material and Minimum Plant Size

The following list shall be used as a guide in identifying and categorizing the different acceptable types and minimum sizes for any required plant. Although the lists may be expanded, they are intended to provide guidance in selecting predominately hardy natural species. All materials shall be of high-quality nursery grade

### Trees

**i. Canopy Trees**

At the time of planting, the tree shall have a minimum caliper of two inches measured at 4.5 feet above ground.

**Commentary:** At maturity, canopy trees shall be of a species having an average minimum height of 15 feet and a minimum mature crown spread of 20 feet.

| Botanical Name | Common Name | Rec. Varieties | Height/Spread(feet) |
|---|---|---|---|
| *Acer rubrum* | Red Maple | 'October Glory' 'Red Sunset' 'Brandywine' 'Sun Valley' | 40-50/25-35 |
| *Betula nigra* | River Birch | 'Heritage' 'Duraheat' | 40-70/40-60 |
| *Celtis laevigata* | Sugarberry | | 60-80/50-70 |
| *Fraxinus pennsylvanica* | Green Ash | 'Patmore' | 50-60/25-30 |
| *Ginkgo biloba* | Maidenhair Tree | 'Autumn Gold' 'Princeton Sentry' | 50-70/30-40 |
| *Lagerstroemia fauriei* | Japanese Crape Myrtle | 'Fantasy' 'Townhouse' | 30-40/25-35 |
| *Magnolia grandiflora* | Southern Magnolia | 'Little Gem' Bracken's Brown Beauty', 'Alta' 'Kay Paris', 'Edith Bogue', 'Claudia Wannamaker', 'D.D. Blanchard' | 25-60/15-30 |
| *Metasequoia glyptostroboides* | Dawn Redwood | | 60-100/20-25 |
| *Nyssa sylvatica* | Black Gum | | 30-50/20-30 |
| *Quercus hemisphaerica* | Laurel Oak | 'Darlington' | 40-60/30-40 |
| *Quercus virginiana* | Live Oak | | 60-80/60-80 |
| *Quercus lyrata* | Overcup Oak | | 40-60/30-50 |
| *Quercus nigra* | Water Oak | | 50-80/30-60 |
| *Quercus nutallii* | Nuttall Oak | | 40-60/30-50 |
| *Quercus phellos* | Willow Oak | | 80-100/40-50 |
| *Taxodium ascendens* | Pondcypress | | 60-80/15-20 |
| *Taxodium distichum* | Baldcypress | | 50-70/20-30 |
| *Thuja plicata* | Western Red Cedar | 'Green Giant' 'Steeplechase' | 50-70/15-25 |
| *Ulmus parvifolia* | Lacebark Elm | 'Athena', 'Bosque', 'Allee' | 40-50/30-40 |

### ii. Understory Trees

At the time of planting, the tree shall have a minimum caliper of two inches measured at 4.5 feet above ground.

**Commentary:** At maturity, understory trees shall be of a species having an average minimum height of eight feet and a minimum mature crown spread of 12 feet.

| Botanical Name | Common Name | Rec. Varieties | Height/Spread (feet) |
|---|---|---|---|
| *Acer barbatum* | Southern Sugar Maple | | 20-25/15/20 |
| *Acer buergerianum* | Trident Maple | | 20-25/10-15 |
| *Acer palmatum* | Japanese Maple | | 10-25/10-20 |
| *Aesculus pavia* | Red Buckeye | | 10-20/10-15 |
| *Amelanchier arborea* | Serviceberry | 'Autumn Brilliance' | 20-25/10-15 |
| *Asimina triloba* | Pawpaw | | 15-20/10-15 |
| *Butia capitata* | Pindo or Jelly Palm | | 10-15/10-15 |
| *Carpinus caroliniana* | Ironwood | | 20-30/15-25 |
| *Cercis canadensis* | Redbud | 'Forest Pansy'<br>'Oklahoma'<br>'Texas White' | 20-30/20-25 |
| *Chamaecyparis thyoides* | Atlantic White Cedar | | 40-60/10-20 |
| *Chionanthus retusus* | Chinese Fringetree | | 10-20/15-20 |
| *Chionanthus virginicus* | Fringe Tree | | 10-20/15-20 |
| *Cornus florida* | Flowering Dogwood | 'Cloud 9'<br>'Cherokee Chief'<br>'Cherokee Princess' | 15-25/10-20 |
| *Cornus kousa* | Kousa Dogwood | | 20-30/20-30 |
| *Cratageus phaenopyrum* | Washington Hawthorne | | 25-30/20-25 |
| *Cryptomeria japonica* | Japanese Cedar | 'Yoshino'<br>'Radicans'<br>'Black Dragon'<br>'Elegans Nana'<br>'Globosa Nana' | 10-60/10-30 |
| *Eriobotrya japonica* | Loquat | | 15-20/15-20 |
| *Halesia tetraptera* | Carolina Silverbell | | 20-30/15-25 |
| *Ilex decidua* | Possumhaw | 'Warren's Red'<br>'Council Fire' | 15-20/10-15 |
| *Ilex latifolia* | Lusterleaf Holly | | 20-25/15-20 |
| *Ilex opaca* | American Holly | | 20-30/15-20 |
| *Ilex verticillata* | Winterberry | 'Winter Red'<br>'Red Sprite' | 5-15/5-15 |
| *Ilex vomitoria* | Yaupon Holly | 'Hoskin's Shadow'<br>'Kathy Ann<br>'Katherine' | 15-20/10-15 |
| *Ilex x attenuata* | Topel Holly | 'Savannah'<br>'Foster's #2'<br>'East Palatka' | 20-30/10-15 |
| *Ilex x* 'Nellie R. Stevens' | Nellie Stevens Holly | | 15-25/10-15 |

Understory Trees *continued*

| Botanical Name | Common Name | Rec. Varieties | Height/Spread (feet) |
|---|---|---|---|
| *Ilex hybrids* | Red Holly | 'Oakleaf'<br>'Cardinal'<br>'Robin',<br>'Liberty'<br>'Patriot' | 10-15/8-15 |
| *Juniperus virginiana* | Eastern Red Cedar | | 30-50/10-20 |
| *Koelreuteria bipinnata* | Bougainvillea Goldenraintree | | 20-30/15-25 |
| *Koelreuteria paniculata* | Goldenraintree | | 30-40/25-35 |
| *Lagerstroemia hybrids* | Crape Myrtle | many available | 5-30/5-25 |
| *Magnolia stellata* | Star Magnolia | | 15-20/10/15 |
| *Magnolia x soulangiana* | Saucer Magnolia | | 20-30/15-25 |
| *Magnolia virginiana* | Sweet Bay Magnolia | | 20-30/10-20 |
| *Prunus campanulata* | | 'Okame'<br>'Dreamcatcher' | 20-30/15-20 |
| *Prunus caroliniana* | Carolina Cherry Laurel | | 20-30/15-20 |
| *Prunus mume* | Japanese Flowering Apricot | 'Kobai'<br>'Peggy Clarke' | 15-25/15-20 |
| *Prunus serrulata* | Japanese Flowering Cherry | 'Kwanzan' | 20-30/20-30 |
| *Prunus subhirtella* | Higan Cherry | 'Autumnalis' | 20-30/15-25 |
| *Prunus subhirtella pendula* | Weeping Cherry | | 15-20/10-15 |
| *Prunus x yedoensis* | Yoshino Cherry | | 15-25/15-25 |
| *Sabal palmetto* | Palmetto Palm | | 10-30/10-15 |

## Shrubs

Shrubs shall have a minimum mature height of 24 inches.

| Botanical Name | Common Name | Rec. Varieties | Height/Spread (feet) |
|---|---|---|---|
| *Abelia x 'Rose Creek'* | Rose Creek Abelia | | 2-3/2/3 |
| *Abelia x grandiflora* | Glossy Abelia | 'Little Richard'<br>'Sherwoodi'<br>'Sunrise'<br>'Kaleidoscope' | 2-4/2-4 |
| *Aucuba japonica* | Dwarf Aucuba | | 3-4/2-3 |
| *Bambusa multiplex* | Hedge Bamboo | clump-forming | 15-20/6-10 |
| *Berberis thunbergii* | Japanese Barberry | 'Crimson Pygmy' | 2-3/3-4 |
| *Bignonia capreolata* | Cross Vine | 'Tangerine Beauty' | 30' spread |
| *Buddleia davidi* | Butterfly Bush | | 3-8/3-6 |
| *Callicarpa americana* | American Beautyberry | | 5-10/5-10 |
| *Callicarpa dichotoma* | Purple Beautyberry | | 4-5/5-8 |
| *Calycanthus floridus* | Carolina Allspice | | 5-10/5-10 |
| *Camellia japonica* | Common Camellia | many varieties | 10-15/5-10 |
| *Camellia sasanqua* | Sasanqua Camellia | many varieties | 10-15/5-10 |
| *Chaenomeles speciosa* | Flowering Quince | | 4-10/4-10 |
| *Chamaecyparis obtusa* | Hinoki Falsecypress | 'Crippsii'<br>'Filicoides'<br>'Nana Gracilis' | 5-30/5-20 |
| *Chamaecyparis pisifera* | Japanese Falsecypress<br>'Filifera'<br>'Filifera Aurea' | 'Mops'<br>'Boulevard' | 5-15/5-10 |
| *Clematis armandii* | Evergreen Clematis | vine | 20' spread |
| *Clethra alnifolia* | Summersweet | 'Hummingbird'<br>'Sixteen Candles'<br>'White Doves' | 2-3/4-6 |
| *Cycas taitungensis* | Emperor Sago Palm | | 4-6/8-10 |
| *Cycas revoluta* | King Sago Palm | | 4-8/5-6 |
| *Danae racemosa* | Poet's Laurel | | 2-4/3-5 |
| *Decumaria barbara* | Climbing Hydrangea | deciduous vine | 20' spread |
| *Eleagnus pungens*<br>*Eleagnus x ebbingii* | Eleagnus | | 10-15/10-15 |
| *Euonymus alatus* | Winged Euonymus | | 5-15/5-15 |
| *xFatshedera lizei* | Fatshedera | | 8/4 |
| *Fatsia japonica* | Fatsia | | 6-10/6-10 |
| *Feijoa sellowiana* | Pineapple Guava | | 10-15/5-10 |
| *Ficus pumila* | Climbing Fig | clinging vine | 30' spread |
| *Forsythia x Intermedia* | Forsythia | 'Lynwood Gold' | 4-12/4-12 |
| *Gardenia jasminoides* | Cape Jasmine | 'Frostproof'<br>'August Beauty'<br>'Chuck Hayes' | 5-10/5-10 |

Shrubs *continued*

| Botanical Name | Common Name | Rec. Varieties | Height/Spread (feet) |
|---|---|---|---|
| *Gelsemium rankenii* | Swamp Jessamine | vine | 20' spread |
| *Gelsemium sempervirens* | Carolina Jessamine | vine | 20' spread |
| *Hedera helix* | English Ivy | | 50' spread |
| *Hibiscus syriacus* | Rose of Sharon | 'Aphrodite', 'Diana'<br>'Helene', 'Minerva' | 8-12/6-10 |
| *Hydrangea arborescens* | Smooth Hydrangea | 'Annabelle' | 3-5/3-5 |
| *Hydrangea macrophylla* | Bigleaf Hydrangea | numerous varieties | 3-10/3-10 |
| *Hydrangea paniculata* | Panicle Hydrangea | 'Tardiva', 'Unique | 10-20/10-20 |
| *Hydrangea quercifolia* | Oakleaf Hydrangea | 'Alice'<br>'Snow Queen' | 5-10/5-15 |
| *Ilex cornuta* | Chinese Holly | 'Carissa'<br>'Rotunda'<br>'Dwarf Burford'<br>'Needlepoint'<br>'Fineline', 'Burford' | 4-15/5-12 |
| *Ilex glabra* | Inkberry Holly | 'Shamrock' | 6-8/8-10 |
| *Ilex verticillata* | Winterberry | 'Winter Red'<br>'Red Sprite' | 5-15/5-15 |
| *Ilex vomitoria* | Yaupon Holly | 'Hoskin's Shadow'<br>'Kathy Ann<br>'Katherine' | 15-20/10-15 |
| *Ilex vomitoria 'nana'* | Dwarf Yaupon Holly | 'Bordeaux'<br>'Schillings' | 3-4/4-5 |
| *Ilex hybrids* | Holly | 'Emily Brunner'<br>'San Jose'<br>'Mary Nell' | 15-25/10-15 |
| *Illicium floridanum* | Florida Anise Tree | 'Aztec Fire'<br>'Halley's Comet'<br>'Shady Lady' | 10-15/10-15 |
| *Illicium parviflorum* | Anise Tree | | 10-15/10-15 |
| *Itea virginica* | Virginia Sweetspire | 'Little Henry'<br>'Merlot' | 3-4/3-5 |
| *Jasminum nudiflorum* | Winter jasmine | | 3-4/3-4 |
| *Juniperus chinensis* | Chinese Juniper | 'Old Gold'<br>'Pfitzeriana'<br>'Compacta'<br>'Spartan'<br>'Robusta Green' | 3-20/3-10 |
| *Juniperus chinensis 'Kaizuka'* | Hollywood Juniper | | 15-25/8-15 |

Shrubs *continued*

| Botanical Name | Common Name | Rec. Varieties | Height/Spread (feet) |
|---|---|---|---|
| *Juniperus davurica* | DahurianJjuniper | 'Expansa' (Parsoni) | 2-3/6-8 |
| *Ligustrum japonicum* | Japanese Privet | | 10-15/10-15 |
| *Lonicera sempervirens* | Coral Honeysuckle | native vine | 20' spread |
| *Lonicera x heckrottii* | Goldflame vine Honeysuckle | | 20' spread |
| *Loropetalum chinensis* | Chinese Fringe Flower | 'Burgundy', 'Ruby' 'Zhuzhou Fuschia' | 8-15/6-12 |
| *Michelia figo* | Banana Shrub | | 5-10/5-10 |
| *Milletia reticulata* | Evergreen Wisteria | vine | 10' spread |
| *Myrica cerifera* | Southern Wax Myrtle | | 6-20/6-20 |
| *Nandina domestica* | Heavenly Bamboo | 'Firepower' 'Moon Bay' 'Gulfstream' 'Harbor Dwarf' | 2-3/2-3 |
| *Osmanthus fragrans* | Fragrant Tea Olive | | 10-15/10-15 |
| *Osmanthus x fortunei* | False Holly | | 10-15/10-15 |
| *Podocarpus macrophyllus var. maki* | Chinese Podocarpus | | 10-15/4-6 |
| *Pittosporum tobira* | Pittosporum | 'Wheelers' Dwarf' 'Cream de Mint' | 3-10/3-10 |
| *Pyracantha coccinea* | Firethorn | | 8-15/8-15 |
| *Pyracantha koidzumii* | Indian Hawthorne | 'Eleanor Taber' | 2-10/4-10 |
| *Rhaphiolepis umbellata* | | 'Olivia' 'Bay Breeze' 'Gulf Green' 'Majestic Beauty | |
| *Rhapidophyllum hystrix* | Needle Palm | | 5-8/5-8 |
| *Rhododendron hybrids* | Azalea | | 2-3/3-4 |
| *Rosa banksiae 'Lutea'* | Lady Banks Rose | vine | 20' spread |
| *Rosmarinus officinalis* | Rosemary | | 2-4/2-4 |
| *Sabal minor* | Dwarf Palmetto | | 4-5/4-5 |
| *Schizophragma hydrangeoides* | Japanese Hydrangea | deciduous vine | 30' spread |
| *Serenoa repens* | Saw Palmetto | | 3-4/4-5 |
| *Smilax laurifolia* *Smilax smallii* | Greenbrier | vine | 20' spread |
| *Spiraea x bumalda* | Japanese Spirea | 'Anthony Waterer' | |
| *Spiraea japonica* | | 'Goldflame' 'Shirobana' 'Gold Mound' | 2-4/2-4 |

Shrubs *continued*

| Botanical Name | Common Name | Rec. Varieties | Height/Spread (feet) |
|---|---|---|---|
| *Spiraea nipponica* 'Snowmound' | Snowmound Spirea | | 3-5/4-5 |
| *Spiraea prunifolia* | Bridalwreath Spirea | | 5-10/5-10 |
| *Spiraea thunbergi* | Thunberg Spirea | | 3-5/3-5 |
| *Spiraea x vanhouttei* | Vanhoutte Spirea | | 5-10/10-12 |
| *Ternstroemia gymnanthera* | Cleyera | | 8-12/5-6 |
| *Thuja occidentalis* 'Emerald' | Emerald Arborvitae | | 10-15/3-4 |
| *Trachelospermum Jasminoides* | Confederate jasmine | vine | 15' spread |
| *Viburnum awabuki* 'Chindo' | Chindo Viburnum | | 10-15/6-8 |
| *Viburnum macrocephalum* | Chinese Snowball Bush | | 12-15/10-15 |
| *Viburnum nudum* | Possomhaw Viburnum | | 5-10/5-10 |
| *Viburnum obovatum* | Walter's Viburnum | | 4-10/3-8 |
| *Viburnum plicatum var. tomentosum* | Doublefile Viburnum | 'Shasta', 'Mariesii' | 8-10/8-10 |
| *Viburnum prunifolium* | Blackhaw Viburnum | | 10-20/10/15 |
| *Viburnum rhytidophyllum* | Leatherleaf Viburnum | | 10-15/10-15 |
| *Viburnum suspensum* | Sandankwa Viburnum | | 5-10/5-10 |
| *Viburnum tinus* | Laurustinus | 'Spring Bouquet' | 5-10/5-10 |
| *Viburnum x utile* 'Conoy' | Conoy Viburnum | | 3-5/5-8 |
| *Weigela florida* | Weigela | | 5-10/10-12 |
| *Yucca filamentosa* | Adam's Needle Yucca | 'Color Guard' 'Garland Gold' 'Bright Edge' | 2-4/2-4 |

## Minimum Planting Areas

Canopy trees shall have a planting diameter no less than 8 feet wide.

Understory trees shall have a planting diameter no less than eight feet wide.

When planted as a hedge, the maximum spacing for 20-inch high shrubs shall be 40 inches on center.

These minimum planting areas may be reduced administratively by the Planning Director.

## Mulch

Plants shall be mulched to provide ground cover and prevent water loss due to evaporation. Where selected plant material is not tolerant of deep mulch, a specific note regarding shallower mulch shall be set forth on the final landscape plan and approved by the County as part of the landscape plan. Mulch shall be kept away from tree trunks.

## APPENDIX B PARKING FOR THE DISABLED

*Disclaimer: The following requirements are the International Building Code with North Carolina Amendments standards at the time of adoption of this ordinance. It is recommended that the most current International Building Code with North Carolina Amendments be referenced to obtain the most up to date standards prior to development.*

### Parking Spaces Required

In accordance with the North Carolina Accessibility Code the following numerical requirements shall apply for handicapped/disabled spaces:

| Total Number of Spaces in the Lot | Minimum Number of Accessible Spaces |
|---|---|
| 1-25 | 1 |
| 26-50 | 2 |
| 51-75 | 3 |
| 76-100 | 4 |
| 101-150 | 5 |
| 150-200 | 6 |
| 201-300 | 7 |
| 301-400 | 8 |
| 401-500 | 9 |
| 501-1,000 | 2% of total |
| 1,001 & over | 20, plus one for each 100 or fraction thereof over 1,000 |

Notes:
[1]Minimum number of accessible spaces may be included in the total number of required spaces.
[2]At least 10% but not less than one, of the patient and visitor parking spaces provided to serve hospital outpatient facilities shall be accessible.
[3]At least 20% but not less than one of the portion of patient and visitor parking spaces serving rehabilitation facilities specializing in treating conditions that affect mobility and outpatient physical therapy facilities shall be accessible.
[4]For every six or fraction of six accessible parking spaces, at least one shall be a van-accessible parking space.

# APPENDIX C FINAL PLAT CERTIFICATES AND ENDORSEMENTS

## Final Plat Certificates and Endorsements

The following Certificates and/or Endorsements, where applicable, shall be prominently located and signed on all Final Plats:

| Summary of Final Plat Certificates and Endorsements | | | | | |
|---|---|---|---|---|---|
| Type of Certificate | Subdivision Exemptions or Waivers | Minor Subdivisions | Major Subdivisions | Planned Developments (PDs) | See Item |
| Certificate of Survey and Accuracy | ✔ | ✔ | ✔ | ✔ | A |
| Certificate of Purpose of Plat | ✔ | ✔ | ✔ | ✔ | B |
| Review Officer Certification | ✔ | ✔ | ✔ | ✔ | C |
| Certificate of Ownership | | ✔ | ✔ | ✔ | D |
| | | | | | |
| Family Subdivision Exemption Statement | * | | | | A |
| Certificate of Approval for Installed Improvements | | * | * | * | B |
| Certificate of Approval for Financially Guaranteed Improvements | | * | * | * | C |
| Certificate of Approval for Non-County Utility Providers | | * | * | * | D |
| Road Maintenance Agreement Certificate | * | * | | | E |
| Maintenance Disclosure Statement Certificate for Public Subdivision Roads | | * | * | | F |
| Maintenance Disclosure Certificate for Private Subdivision/PD Roads | | * | * | | G |
| ✔Required<br>*If applicable | | | | | |

## Final Plat Certificates

The following certificates shall be prominently located and signed on all Final Plats:

### A. Certificate of Survey and Accuracy

I, _____, certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (deed etc.) (other); that the boundaries not surveyed are shown a broken lines plotted from information found in Book ____, Page ____, that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number, and seal this _____ day of _____, A.D., 20___.

_____
Surveyor

_____
Registration Number Seal or Stamp

### B. Certificate of Purpose of Plat

I, _____, Registered or Professional Land Surveyor, certify to one of the following:

a) That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;
b) That the survey is of an existing parcel of land.
c) That the survey is of another category, such as recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision;
d) That the information to the surveyor is such that the surveyor is unable to make a determination to the best of his/her professional ability as to provisions contained in (a) through (c) above.

_____
Registered or Professional Land Surveyor

**Commentary:** Certain activities may be eligible for an exemption/waiver from the subdivision standards (see Section 3.4.). If the activity being submitted meets one of the activities eligible for an exemption/waiver, item C above should be the selected certification.

### C. Review Officer Certification

State of North Carolina
I, _____, Review Officer of Brunswick County, certify that the map or plat which this certification is affixed meets all statutory requirements for recording.

_____ _____
Review Officer Date

### D. Certificate of Ownership

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon which was conveyed to me (us) by deed recorded in Book ____, Page____, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building lines, and dedicated all streets, alleys, walks, parks, drainage-ways, and other open spaces to public or private use as noted. Further, I (we) certify that the land as shown hereon is within the subdivision regulation jurisdiction of Brunswick County.

_____
Owners(s) /Date

## Final Plat Endorsements/Statements

Where applicable, the following endorsement(s) shall be shown and signed on all Final Plats:

### A. Family Subdivision Exemption Statement

**1.** The Grantor(s) and Grantee(s) certify that the Grantee(s) is within four (4) degrees of collateral kinship to the Grantor(s), and that the purpose of this waiver is not to circumvent the provisions of the Brunswick County Unified Development Ordinance (effective May 1, 2007), and that none of the lots shall be conveyed to non-family members for a period of not less than one (1) year.

**2.**

THE PROPOSED STREET(S) WILL NOT BE MAINTAINED BY BRUNSWICK COUNTY AND THE MAINTENANCE SHALL BE THE RESPONSIBILITY OF ALL ADJACENT PROPERTY OWNERS TO SAID STREET(S).

**3.**

**4.** _____ _____

**5.** Grantor(s) Grantee(s)

**6.**

### B. Certificate of Approval for Installed Improvements

The undersigned hereby certifies that the required improvements
(_____)
[List all infrastructure improvements that have been installed and approved by local jurisdiction]

have been installed in an acceptable manner and in accordance with the regulations of the Brunswick County Engineering and Utilities Departments and all requirements of the Brunswick County Unified Development Ordinance.

_____ _____
Developer or Authorized Agent Signature(s) Date

_____ _____
Brunswick County Engineering Director Date

### C. Certificate of Approval for Financially Guaranteed Improvements

A financial guarantee approved by the Brunswick County Engineering Director in the amount of $_____(equal to 125% of probable cost) has been posted with the County to assure completion of all required improvements in the case of default on the part of the Owner(s)/Developer(s)/Responsible Party(ies).

_____ _____
Brunswick County Engineering Director Date

### D. Certificate of Approval for Non-County Utility Providers

I hereby certify that the _____improvements have been
[Type(s) of utilities]

☐ installed in an acceptable manner ☐ a financial guarantee has been posted
[Please check appropriate box above]

in accordance with _____ standards and evidence of
[Name of Non-County Utility Provider]

such has been provided to and is on file with Brunswick County Engineering Services.

_____ _____
Developer or Authorized Agent Signature(s) Date

_____ _____
Signature and Title of Certifying Jurisdiction or Service Provider Date

### E. Road Maintenance Agreement Certificate

I hereby certify that a Road Maintenance Agreement shall be recorded with the Brunswick County Register of Deeds. The agreement shall bind the owners of all lots and any residual parcels remaining after creation of such lots to a road maintenance agreement. These road(s) are to be private and shall not be maintained by the North Carolina Department of Transportation or other public agency and the maintenance and improvements thereof shall be the mutual obligation of the landowners abutting said roads

_____ _____
Owner(s) or Authorized Agent Signature(s) Date

### F. Maintenance Disclosure Statement Certificate for Public Subdivision Roads

Certificate of Proposed Subdivision Road Construction Standards

N.C. Department of Transportation Division of Highways
Proposed Subdivision Road Construction Standards Certification Approved

_____ _____
Date District Engineer

### G. Maintenance Disclosure Certificate for Private Subdivision/PD Streets

I (we), the responsible party(ies) of _____
[Subdivision or PD Name]

hereby state that the subdivision streets in _____
[Subdivision/PD Name and Section/Phase if applicable]

are private streets. These road(s) are to be privately maintained and shall not be maintained by the North Carolina Department of Transportation, Brunswick County or other public agency. Ownership and maintenance of all private streets in the aforementioned Major Subdivision or Planned Development are the responsibility of

_____.
[Responsible Party(ies)]

_____ _____
Developer or Authorized POA Representative Signature(s) Date

## APPENDIX D IMPROVEMENT GUARANTEE AGREEMENT

The following templates shall be used (with modifications as appropriate) for all improvement guarantee submittals.

### Improvement Guarantee Agreement Template

**IMPROVEMENT GUARANTEE AGREEMENT**
**STATE OF NORTH CAROLINA**
**COUNTY OF BRUNSWICK**

THIS AGREEMENT MADE AND ENTERED INTO this _____ day of _____, 20____ by and between _____ (enter the developer's name here) hereinafter known as "the Subdivider", and the County of Brunswick County, hereinafter known as "the County of Brunswick."

WITNESSETH:
WHEREAS, the Subdivider is attempting to secure approval of a Final Plat of a proposed subdivision to be known as the _____ Subdivision to be located in Brunswick County, North Carolina; and

WHEREAS, a County ordinance entitled Unified Development Ordinance for the County of Brunswick as adopted by the Board of Commissioners for the County of Brunswick on the **1st day of May, 2007**, (and as subsequently amended), requires the completion of certain improvements prior to Final Plat approval; and

WHEREAS, said Ordinance also allows the County of Brunswick, at its discretion, to permit the Subdivision to *(please check appropriate box below):*

☐ Surety Performance Bond ☐ Irrevocable Letter of Credit
☐ Cash Deposit ☐ Other Instrument: (please name:_____)

readily convertible into cash at face value with the County of Brunswick to guarantee the completion of said required improvements; and

WHEREAS, the County of Brunswick desires to approve said Final Plat and, in lieu of requiring completion of all improvements prior to said approval, will accept from the Subdivider the filing of a *(please check appropriate box below):*

☐ Surety Performance Bond ☐ Irrevocable Letter of Credit
☐ Cash Deposit ☐ Other Instrument: (please name:_____)

to guarantee and secure completion of said improvements.

IT IS THEREFORE, AGREED AS FOLLOWS:

1 The Subdivider will in a time period not to exceed 24 months, on or before the _____ day of _____ 20___, complete as required the following improvements in the _____ Subdivision:

2 The Subdivider shall file with the County of Brunswick through the Director of Engineering Services a *(please check appropriate box below):*

☐ Surety Performance Bond ☐ Irrevocable Letter of Credit

☐ Cash Deposit ☐ Other Instrument: (please name:_____)

securing and guaranteeing completion of said improvements by the required date; and

3 When the *(please check appropriate box below):*

☐ Surety Performance Bond ☐ Irrevocable Letter of Credit

☐ Cash Deposit ☐ Other Instrument: (please name:_____)

is filed and other requirements of said Ordinance are met, then the Staff will approve the Final Plat of the _____ Subdivision please indicate Phase{s}, if applicable.

(provide or attach detailed list of all infrastructure improvements to be completed)

The Brunswick County Planning Board has, by appropriate Board action, caused this Agreement to be executed by the Director of Engineering Services or other authorized member and attested, and the _____(Name of company) has, by appropriate action of and attested by its _____ Secretary under corporate seal this the _____ day of _____, 20___.

DIRECTOR OF ENGINEERING SERVICES

Attest: BY_____
Director of Engineering Services

Attest: BY_____
(witness to Director of Engineering Service signature- print name here)

(Name of corporation)_____

Attest: BY_____
(President, Secretary, or other Authorized Member)

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

I, _____, Notary Public for said State and County certify that _____(<- insert name of authorized member), personally came before me this day and acknowledge that (s)he is _____ (<- insert position of authorized member) of _____, a corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its _____ (<- insert position of authorized member).
Witness my hand and notarial seal, this the _____ day of _____, 20___.

_____

Notary Public
My Commission Expires:_____

(This Agreement may be appropriately modified for execution by a subdivider who is not incorporated).

## PERFORMANCE BOND TEMPLATE

**PERFORMANCE BOND**

**STATE OF NORTH CAROLINA**

**COUNTY OF BRUNSWICK**

KNOW ALL MEN BY THESE PRESENTS that we, _____ (<- insert the name of the Subdivider) as Principal, and _____(<- insert the Name of the Bonding Company) as Surety, are held and firmly bound unto the County of Brunswick, a political subdivision of the State of North Carolina, and a body politic and corporate, in the sum of $_____, lawful money of the United States of America, for the payment of which, well and truly be made, we, and each of us, bind ourselves and each of us, our successors and assigns, jointly and severally, by these presents.

THE CONDITIONS OF THIS OBLIGATION ARE SUCH THAT:

WHEREAS, the Principal has submitted a Final Plat of the subdivision known as _____ Subdivision (insert Phase/Section, if applicable), located in Brunswick County, North Carolina, for approval by the Brunswick County Planning Board, an agency of the County of Brunswick, which approval is a condition precedent to the right of said Principal to have said Final Plat registered in the Office of the Register of Deeds for Brunswick County; and

WHEREAS, the County of Brunswick is unable, pursuant to County ordinance, to approve said Final Plat of said Subdivision for registration until all required improvements are completed or until a guarantee of completion of said required improvements is filed with the County of Brunswick through the Director of Engineering Services; and

WHEREAS, the Director of Engineering Services and the Principal have this date entered into an Agreement which said Board will approve Principal's Final Plat for the _____ Subdivision prior to the completion of required improvements, and the Principal has agreed to file a Surety Bond in the amount of $_____ securing to the County of Brunswick, through said Board, the actual completion of said required improvements not to exceed 24 months from execution of this instrument and to be completed on or before the _____ day of _____, 20____, which Agreement is attached hereto as Exhibit A and made a part hereof; and

WHEREAS, the improvements required and agreed to be completed are set forth in said Exhibit A.

NOW THEREFORE, if the Principal shall fully comply with all the terms hereof, including the requirements of that Agreement attached hereto as Exhibit A and by which the Principal agrees to complete certain improvements on or before the _____ day of _____, 20____, then this obligation shall be null and void; otherwise, it shall remain in full force and effect.

IN WITNESS WHEREOF the said Principal and Surety have hereunto set their hands and seals this the _____ day of _____, 20___.

Attest BY: _____
Principal

Attest BY:_____(SEAL)
President

_____
Surety

_____(SEAL)
Attorney-in-fact
(Power of Attorney attached)

## IRREVOCABLE LETTER OF CREDIT TEMPLATE

**IRREVOCABLE LETTER OF CREDIT**
**STATE OF NORTH CAROLINA**
**COUNTY OF BRUNSWICK**

NO._____

Name of Bank: _____
(include branch, if any)

Address:_____

Date:_____

TO: The County of Brunswick

We hereby open our irrevocable credit in your favor available by your drafts at sight on us for a sum not exceeding $_____ for the account of _____ hereinafter known as "Customer". When presented for negotiation, drafts must be accompanied by the signed statement of the Director of Engineering Services that drawing is due to default or failure to perform by Customer, the following improvements within a two-year period from the execution of this instrument in the _____ Subdivision on or before the _____ day of _____, 20___:

(Provide list of the required improvements)

The term of this irrevocable credit is either through and including the _____ day of _____, 20____ or upon written notice from the Director of Engineering Services that the required improvements have been timely completed, whichever is earlier.

Acting through the Director of Engineering Services, you will notify us when either of the following occurs:

1 The required improvements have been timely completed and the credit may be released; or
2 The Customer has failed to perform or is in default thereunder.

All drafts shown hereunder must be marked as follows:

The amount of any draft drawn under this credit must, concurrently with negotiation, be endorsed on the reverse side hereof, and the presentation of any such draft shall be a warranty by the negotiating bank that such endorsement has been made.

This Letter of Credit shall be transferable and/or assignable. This Letter of Credit, except as otherwise expressly provided herein, is governed by the Uniform Commercial Code in force in the State of North Carolina on the date hereof,

Very truly yours,

_____
(Name of Financial Institution)

Attest BY:_____
(Authorized Signature)

## APPENDIX E EXCEPTIONAL DESIGN GUIDE AND RESOURCE REFERENCE

This Appendix is Commentary and intended to aid with clarification and interpretation of Ordinance Provisions.

Information in this Appendix is provided as a resource to aid developers and project planners/designers in the use of accepted exceptional design methods and best management practices in the preparation of site plans consistent with the requirements as outlined in the ordinance. Material in this section will be updated as new information becomes available.

I. General/Introduction – Exceptional Design Development Mission Statement

II. Optional Design Development Session with County Staff

III. Commercial/Mixed Use Site Plan Preparation
- A. Initial Project Site Preparation
  - i. Clearing and Grading
    1. Minimizing site impacts
    2. Using existing topography/hydrology
    3. See Brunswick County LID Manual – Chapter 2 http://www.brunsco.net/Portals/0/bcfiles/eng/en_Brunswick_County_LID_Guidance_Manual.pdf
- B. Structures and Architectural Elements
  - i. Building Façade – Section 6.8 of the UDO
  - ii. Cost Saving Programs
    1. LEED - http://www.usgbc.org/LEED/
    2. Energy Star - http://www.energystar.gov/
- C. Stormwater
  - i. Stormwater Ponds
    1. Landscaping and aesthetics
    2. Recreational uses – See UDO Section 6.4.4
  - ii. Low Impact Development (LID)
    1. Overview - http://water.epa.gov/polwaste/green/index.cfm
    2. Site Assessment/Inventory
    3. Design Elements
       - a. Bioretention/Bioswales
       - b. Methods for Reductions in Impervious Area
         - i. Pervious pavement
         - ii. Alternative/reduced/shared parking layout
         - iii. Minimize building area footprint
         - iv. Consider site soil conditions
       - c. Limit Site Disturbance
         - i. Clearing and grading
         - ii. Utilizing existing topography and natural hydrology

4. References
    a. Brunswick County LID Manual
        http://www.brunsco.net/Portals/0/bcfiles/eng/en_Brunswick_County_LID_Guidance_Manual.pdf
    b. NC State University LID Guidebook
        http://www.ces.ncsu.edu/depts/agecon/WECO/lid/documents/NC_LID_Guidebook.pdf

D. Buffers and Landscaping
    i. Buffer widths and opacities
        1. UDO Requirements – Reference Buffer Section 6.3
        2. Riparian and other types of buffers
            a. Wildlife Resources recommendations –
                http://www.ncwildlife.org/Conserving/Programs/GreenGrowthToolbox.aspx
    ii. Heritage Tree Preservation
        1. UDO Requirements – Reference Buffer Section 6.1.3
    iii. Landscaping
        1. UDO Requirements – Reference Landscaping Section 6.1.5
        2. Plantings Species List – See Appendix A

E. Circulation
    i. Importance of meeting with NCDOT to discuss connections.
    ii. NCDOT Division 3 - http://www.ncdot.gov/doh/divisions/?id=3
    iii. Efficient internal automobile and pedestrian traffic flow.

F. Parking
    i. Alternative parking plans – See UDO Section 6.12.5
    ii. Low Impact Design – See LID references

G. Natural Resources Conservation
    i. Wetland and Wildlife Conservation Recommendations - http://www.ncwildlife.org/Portals/0/Conserving/documents/GGT/Manual/Green%20Growth%20Toolbox_Section%203.pdf

IV. Residential Use Site Plan Preparation

A. Characteristics of a Great Neighborhood
    i. Has a variety of functional attributes that contribute to a resident's day-to-day living (i.e. residential, commercial, or mixed-uses).
    ii. Accommodates multi-modal transportation (i.e. pedestrians, bicyclists, drivers).
    iii. Has design and architectural features that are visually interesting.
    iv. Encourages human contact and social activities.
    v. Promotes community involvement and maintains a secure environment.
    vi. Promotes environmental sensitivity.
    vii. Has a memorable character.
    viii. Reference - http://www.epa.gov/smartgrowth/pdf/sg_guidelines.pdf

B. Initial Project Site Preparation
   i. Clearing and Grading
      1. Minimizing site impacts
      2. Using existing topography/hydrology
      3. See Brunswick County LID Manual – Chapter 2 http://www.brunsco.net/Portals/0/bcfiles/eng/en_Brunswick_County_LID_Guidance_Manual.pdf

C. Structures and Architectural Elements
   i. Cost Saving Programs
      1. LEED - http://www.usgbc.org/LEED/
      2. Energy Star - http://www.energystar.gov/

D. Stormwater
   i. Stormwater Ponds
      1. Landscaping and aesthetics
      2. Recreational uses – See UDO Section 6.4.4
   ii. Low Impact Development (LID)
      1. Overview - http://water.epa.gov/polwaste/green/index.cfm
      2. Site Assessment/Inventory
      3. Design Elements
         a. Bioretention/Bioswales
         b. Methods for Reductions in Impervious Area
            i. Pervious pavement
            ii. Reduced front setback for shorter driveways
            iii. Shared driveways
            iv. One sided sidewalks
            v. Alternative/reduced/shared parking layout
            vi. Cul-de-sac islands
            vii. Minimize building area footprint
            viii. Redirect rooftop runoff/directional downspouts
            ix. Consider site soil conditions
         c. Limit Site Disturbance
            i. Clearing and grading
            ii. Utilizing existing topography and natural hydrology
      4. References
         a. Brunswick County LID Manual http://www.brunsco.net/Portals/0/bcfiles/eng/en_Brunswick_County_LID_Guidance_Manual.pdf
         b. NC State University LID Guidebook http://www.ces.ncsu.edu/depts/agecon/WECO/lid/documents/NC_LID_Guidebook.pdf

E. Buffers and Landscaping
   i. Buffer widths and opacities
      1. UDO Requirements – Reference Buffer Section 6.3

2. Riparian and other types of buffers
    a. Wildlife Resources recommendations – http://www.ncwildlife.org/Conserving/Programs/GreenGrowthToolbox.aspx

ii. Heritage Tree Preservation
1. UDO Requirements – Reference Buffer Section 6.1.3

iii. Landscaping
1. UDO Requirements – Reference Landscaping Section 6.1.5
2. Plantings Species List – See Appendix A

F. Open Space
i. Recreation Space
1. UDO Requirements – Reference Open Space Section 6.4.4

ii. Preservation of natural resources in open space areas http://www.ncwildlife.org/Portals/0/Conserving/documents/GGT/Manual/Green%20Growth%20Toolbox_Section%203.pdf

iii. Connectivity – Link open space areas

iv. Workforce Housing Credit for increased density – See UDO Section 4.3.2

G. Circulation
i. Project connectivity and internal circulation design – See UDO Section 6.11.3

ii. Connecting to NCDOT roads – driveway permitting
1. NCDOT Division 3 - http://www.ncdot.gov/doh/divisions/?id=3

iii. Street Design
1. Street layout and on-street parking
2. Traffic calming measures – curvilinear street pattern, bulb-outs, etc.
3. References - http://www.epa.gov/smartgrowth/pdf/sg_guidelines.pdf

iv. Pedestrian Circulation/Walkable Communities
1. Sidewalks, Trails and Greenways
    a. Connect internal open space areas
    b. Pedestrian connections to local commercial areas and mixed use developments
    c. Safe Routes to Schools Program
    d. References - http://www.epa.gov/smartgrowth/pdf/sg_guidelines.pdf http://saferoutespartnership.org/state/srts-in-your-state/northcarolina

H. Natural Resources Conservation
i. Wetland and environmentally sensitive area protection

ii. Wildlife Protection

iii. References - http://www.ncwildlife.org/Portals/0/Conserving/documents/GGT/Manual/Green%20Growth%20Toolbox_Section%203.pdf

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