

CITY OF MORGANTON ZONING ORDINANCE

ARTICLE 3 ZONING DISTRICTS AND USES

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ARTICLE 3 ZONING DISTRICTS AND USES

3.1 Base Zoning Districts

Base zoning districts are created to provide comprehensive land use regulations throughout Morganton. There are six (6) base zoning districts that provide for a variety of uses that are appropriate to the character of the areas in which they are located. For the purpose of this Ordinance, Morganton is hereby divided into the following base zoning districts. These districts shall comply with all of the general and specific requirements of this Ordinance.

3.1.1 Low Intensity District (LID)

The Low Intensity District is established primarily for single-family residential uses at a variety of densities depending on location and proximity to transportation corridors and services. It is also the intent of this district to allow for certain types of nonresidential community facilities and services that would not be detrimental to the residential character of the district.

3.1.2 Medium Intensity District (MID)

The Medium Intensity District is intended for a variety of medium to high density residential and low to medium intensity civic, institutional, office, service, and retail uses designed to keep the impact on adjacent residential areas at a minimum.

3.1.3 High Intensity District (HID)

The High Intensity District is established to accommodate high density residential and wide variety of civic, institutional, retail, service, and office uses along major arterials within the City and to ensure these uses are attractive, functional, and do not have a harmful effect on adjacent neighborhoods or other commercial areas of the City.

3.1.4 Central Business District (CBD)

The Central Business District is established to protect and promote the continued vitality of downtown Morganton. It is the intent of this district to provide a concentration of activities in a pedestrian-oriented setting. These activities include retail trade, office, and professional service uses as well as high density residential.

3.1.5 Exclusive Industrial District (EID)

The Exclusive Industrial District is established as a district intended to provide for manufacturing, warehousing, transportation, utility, and similar uses. The further growth of non-industrial development is prohibited to preserve land for industrial purposes.

3.1.6 State Institutional District (SID)

Due to the large amount of state-owned land within the City of Morganton, the State Institutional District is established to accommodate a variety of institutional and governmental uses on land owned by the State of North Carolina.

3.2 Overlay Districts

The base zoning districts established in this Chapter may also be subject to one (1) or more overlay districts as designated herein and as shown on the Official Zoning Map. In such case, the land is subject to not only the requirements of the underlying base zoning district, but also the additional requirements of the overlay district.

3.2.1 Neighborhood Conservation Overlay (NC-O)

3.2.1.1 Intent

The intent of this overlay is to protect and conserve established neighborhoods within the Low Intensity and Medium Intensity districts from more intensive or incompatible uses. Uses in the Neighborhood Conservation Overlay are primarily single-family residential.

3.2.1.2 Uses

Certain incompatible uses are excluded from the Neighborhood Conservation Overlay. These uses are indicated in the "Overlay Exceptions" column of the [Permitted Uses Table](#) in Section 3.3.

3.2.1.3 Development Standards

Properties within the Neighborhood Conservation Overlay shall follow the development standards as outlined throughout [ARTICLE 4](#) for setbacks, building height, fences, roofs, exterior materials, and garages.

3.2.2 Manufactured Home Overlay (MH-O)

3.2.2.1 Intent

The intent of this overlay is to allow for manufactured homes on individual lots and set minimum standards for their installation.

3.2.2.2 Uses

In addition to the uses allowed within the base zoning district of applicable properties, one (1) manufactured home per individual lot of record is permitted.

3.2.2.3 Development Standards

- A. The manufactured home shall be at least 24 feet by 40 feet (double-wide) excluding towing apparatus. The home shall have a length not exceeding four (4) times its width, with its length measured along the longest axis and its width measured at the most narrow part of the axis.
- B. The manufactured home shall have a minimum of 960 square feet of enclosed and heated living area.
- C. The pitch of the roof of the manufactured home shall have a minimum vertical rise of a nominal three (3) feet for each 12 feet of horizontal run and the roof shall be finished with a type of shingle that is commonly used in standard residential construction.
- D. All roof structures shall provide an eave projection of not less than six (6) inches, which may include a gutter.
- E. The exterior siding shall consist predominately of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of flat white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.
- F. The manufactured home shall set up in accordance with the standards established by the North Carolina Department of Insurance and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, shall be installed under the perimeter of the mobile home.
- G. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the house shall be installed or constructed in accordance with the standards established by the North Carolina Department of Insurance, attached firmly to the primary structure and anchored securely to the ground.
- H. The moving hitch, wheels and axles, and transporting lights shall be removed.
- I. The manufactured home shall be oriented on the site in such a manner that the side having the main entrance and by design is intended to be the front of the home is essentially parallel to the street abutting the site.

(Ord. No. [21-16](#), 05/03/2021)

Effective on: 5/3/2021

3.2.3 Corridor Overlay (C-O)

3.2.3.1 Intent

The intent of the Corridor Overlay is to establish a minimum standard of development along the main thoroughfares within the City to enhance the appearance of Morganton and promote attractive and stable economic development. Such development shall not interfere with the future widening or improvement of the corridor and shall meet the minimum standards for development as set forth in this section. This overlay shall apply to any portion of the property in the MID, HID, EID, and SID zoning districts within 250 feet of designated thoroughfares as shown on the Official Zoning Map. Designated thoroughfares include portions of NC Highway 18 (Sterling Street, Old NC Highway 18 (Enola Road), US Highway 70 (Fleming Drive and Carbon City Road), US Highway 70 Business (Union Street), US Highway 64 (Lenoir Road, Lenoir Street, Avery Avenue, and Burkemont Avenue), NC Highway 181 (Green Street), Independence Boulevard, Jamestown Road, Causby Road, Bethel Road, and Kirksey Drive.

3.2.3.2 Uses

Certain incompatible uses are excluded from the Corridor Overlay. These uses are indicated in the “Overlay Exceptions” column of the [Permitted Uses Table](#) in Section 3.3.

3.2.3.3 Development Standards

Non-residential and multi-family residential uses within the Corridor Overlay shall follow the development standards as outlined throughout [ARTICLE 4](#) for landscaping, sidewalks, building design, parking placement, paving, curb and gutter.

3.2.4 River District Overlay (RD-O)

3.2.4.1 Intent

The intent of the River District Overlay is to protect and conserve the natural setting of area in the vicinity of the Catawba River and Catawba Meadows Park and to promote compatible recreation and tourist-based development. This overlay shall apply to any portion of the property in the MID, HID, EID, and SID zoning districts within 250 feet of designated thoroughfares as shown on the official Zoning Map. Designated thoroughfares include portions of US Highway 70 (Carbon City Road), US Highway 70 Business (Union Street), US Highway 64 (Lenoir Road), NC Highway 181 (Green Street), Independence Boulevard, Bost Road, Sanford Drive, and Kirksey Drive.

3.2.4.2 Uses

Certain incompatible uses are excluded from the River District Overlay. These uses are indicated in the “Overlay Exceptions” column of the [Permitted Uses Table](#) in Section 3.3.

3.2.4.3 Development Standards

Non-residential and multi-family residential uses within the River District Overlay shall follow the development standards as outlined throughout [ARTICLE 4](#) for landscaping, sidewalks, building design, parking placement, paving, curb and gutter.

Effective on: 5/1/2023

3.2.5 Airport/Heliport Safety Overlay (AHS-O)

3.2.5.1 Intent

The Airport Heliport Safety District establishes standards to protect existing airports and heliports from height obstructions that can reduce the size of areas available for landing, takeoff and maneuvering of aircraft.

3.2.5.2 Zones

In order to carry out the purposes of the Airport Heliport Safety District there are hereby established certain zones which include certain areas and airspace within and above Morganton's zoning jurisdiction these areas and airspace directly effect the approach, departure and transitioning of aircraft at the Foothills Regional Airport, and the local hospital heliport. The source and the specific geometric design standards for these zones are defined in Part 77 of the Federal Aviation Administration (FAA) Manual, shown and incorporated upon the Official City of Morganton Airport Heliport Safety District (AHSD) Maps approved and recorded in the Burke County Register of Deeds Office. These zones are established as overlay zones, superimposed over the approved Morganton Zoning Map, being more specifically zones of airspace that do not affect the uses and activities of the zones shown upon the approved Morganton Zoning Map. An area located in more than one (1) of the following surface zones is considered to be only in the zone with the most restrictive height limitation. These zones are as follows:

- A. *Approach zone (AZ)*. A zone that extends upward and outward away from each end of the extended runway centerline at a slope and horizontal distance determined appropriate for that particular airport or heliport as set forth within Part 77 of the Federal Aviation Administration (FAA) Manual. The floor elevation of this zone is set by the primary surface of the particular airport or heliport.
- B. *Primary transitional zone (PTZ)*. A zone particular to the runway centerline that extends outward and upward on a 7 to 1 slope from the sides of the primary surface elevation up to the elevation of the horizontal surface zone.
- C. *Approach transitional zone (ATZ)*. A zone perpendicular to the approach zone that extends outward and upward on a 7 to 1 slope from the sides of the approach zone a horizontal distance of 5,000 feet.
- D. *Horizontal surface zone (HSZ)*. A horizontal plane lying 150 feet above the established airport or heliport elevation and extending a distance determined appropriate for that particular airport or heliport as set forth within Part 77 of the Federal Aviation Administration (FAA) Manual.
- E. *Conical zone (CZ)*. A zone extending outward and upward from the outer edge of the horizontal zone at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

3.2.5.3 Uses

Notwithstanding any other provision of this subsection, and within the area below the horizontal limits of any zone established by this subsection, no use may be made of land or water in such manner as to:

- A. Create electrical interference with navigational signals or radio communications between the airport and the aircraft;
- B. Diminish the ability of pilots to distinguish between airport or heliport lights and other lights;
- C. Result in glare in the eyes of pilots using the airport or heliport;
- D. Impair visibility in the vicinity of the airport or heliport;
- E. Create the potential for bird strike hazards; or
- F. Otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft in the vicinity of and intending to use the airport or heliport.

3.2.5.4 Nonconforming Uses

- A. The regulations prescribed by this subsection shall not require the removal, lowering or other change or alteration of any structure or vegetation not conforming to the regulations as of the effective date of this subsection, or otherwise interfere with the continuance of a nonconforming use. Nothing contained in this subsection shall require any change in construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this subsection and is diligently prosecuted.
- B. Notwithstanding the provision of subsection (A) above the owner of any existing nonconforming structure or vegetation is hereby required to permit the installation, operation and maintenance thereon of whatever markers and lights shall be installed, operated and maintained at the expense of the airport or heliport owners, and not the owner of the nonconforming structure in question.

3.2.5.5 Development Standards

- A. Except as otherwise provided in this article, in any zone created by this subsection no structure shall be erected, altered or maintained, and no vegetation shall be allowed to grow to a height so as to penetrate any referenced zone identified in subsection 3.2.5.2.
- B. Where there exists a conflict between any of the regulations or limitations prescribed in this subsection and other regulations applicable to the same subject, where the conflict is with respect to the height of structures or vegetation and the use of land, or any other matter, the more stringent limitation or requirement shall govern.

3.2.5.6 Permits

- A. No structure shall be erected or otherwise established in any zone created by this subsection unless a permit has been applied for and granted. Each application for a permit shall indicate the purpose for which desired and with sufficient geometric specificity to determine whether the resulting structure would conform to the regulations prescribed in this subsection. No permit for a structure inconsistent with this subsection shall be granted unless a variance has been approved as provided below in this subsection.
- B. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this subsection or any amendments thereto other than with relief as provided for in subsection 3.2.5.7.
- C. Whenever the Administrator determines that a nonconforming structure has been abandoned or more than 50 percent destroyed, physically deteriorated or decayed, no permit shall be granted that would enable such structure to be rebuilt, reconstructed or otherwise refurbished so as to exceed the applicable height limit or otherwise deviate from the zoning regulations contained in this subsection, except with the relief as provided for in 3.2.5.7.

3.2.5.7 Variances

- A. Any person desiring to erect or increase the height or size of any structure not in accordance with the regulations prescribed in this subsection may apply for a variance from such regulations to the Morganton Board of Adjustment (Board). No such variance shall be authorized except after notice and hearing, as required. Prior to being considered by the Board, the application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe efficient use of navigable airspace. Such variances shall only be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted will not be contrary to the public interest, will not create hazard to air navigation, will do substantial justice and will be in accordance with the spirit of this subsection.
- B. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this subsection and be so conditioned as to require the owner of the structure in question to install, operate and maintain, at the owner's expense, such markings and lights as may be deemed necessary by the Federal Aviation Administration or the Administrator. If deemed proper through the failure of the owner of the structure or with other reasonable cause by the Board, this condition may be modified to require the owner of the structure in question to permit the airport owner, at his own expense, to install, operate and maintain the necessary markings and lights.

3.2.6 Flood Damage Prevention Overlay (FDP-O)

Refer to the Flood Damage Prevention Ordinance.

3.2.7 Watershed Protection Overlay (WP-O)

Refer to the Watershed Protection Ordinance.

3.2.8 Phase II Stormwater Overlay (SW-O)

Refer to the Phase II Stormwater Regulations Ordinance.

3.2.9 Restricted Residential Overlay (RR-O)

(Ord. No. 20-43, 11/02/2020)

3.2.9.1 Intent

The intent and purpose of the Restricted Residential Overlay is to restrict uses in the overlay district to residential and ancillary uses while allowing higher densities associated with MID, HID and CBD zones. This is a tool to apply additional developmental standards as well as excluding uses which would otherwise be permitted within the underlying base zoning district.

(Ord. No. 20-43, 11/02/2020)

Effective on: 11/2/2020

3.2.9.2 Uses

Certain incompatible uses are excluded from the Restricted Residential Overlay. These uses are indicated in the “Overlay Exceptions” column of the Permitted Uses Table, Table 3.1.

(Ord. No. 20-43, 11/02/2020)

Effective on: 11/2/2020

3.2.9.3 Density and Dimensional Standards

Properties within the Restricted Residential Overlay shall follow the applicable density and dimensional standards as set forth in Tables 4.2 (Base Standards) and 4.3 (Performance Standards).

(Ord. No. 20-43, 11/02/2020)

Effective on: 11/2/2020

3.2.10 Active Frontages Overlay (AF-O)

(There are no ordinances associated with this section.)

3.2.10.1 Intent

The intent of this overlay is to promote active uses on the ground floor street frontages that are critical to a vibrant downtown. The restriction of residential uses on the ground floor street frontages within the Downtown Historic District will ensure a mix of uses that draw people in and out at a variety of times during the day and week. Uses in the Active Frontages Overlay are primarily retail, restaurants, bars, entertainment, personal services and limited other service uses. Refer to the table of Permitted Uses (3.3 Permitted Uses) for all allowable uses.

3.2.10.2 Boundary

The boundary of the Active Frontages Overlay shall be consistent with the boundary of the Downtown Historic District and shall apply only to the street frontage of a site.



3.2.10.3 Uses

Residential uses on street frontage, except for access to such uses, are excluded from the Active Frontages Overlay. These uses are indicated in the “Overlay Exceptions” column of the [Permitted Uses Table](#) in Section 3.3.

(There are no ordinances associated with this section.)

3.2.10.4 Development Standards

Properties within the Active Frontages Overlay shall follow the development standards as outlined throughout [ARTICLE 4](#) for density and dimensional standards and building design.

3.3 Permitted Uses

3.3.1 Intent

The [Permitted Uses Table](#) contains a listing of uses which may be permitted in one (1) or more of the various zoning districts. Uses are listed in alphabetical order within eight (8) categories as follows:

- A. Agricultural
- B. Residential
- C. Civic, Government, and Institutional
- D. Office and Service
- E. Retail and Wholesale
- F. Recreation and Entertainment
- G. Industrial, Transportation and Utility
- H. Other

3.3.2 Determining Uses

- A. The listings of permitted uses in the various districts in this Ordinance are considered to be specific in regard to the types of uses intended for each of the various districts. In determining proposed uses, the Administrator shall classify the form and function of the use. When a proposed use is not specifically listed in the [Permitted Uses Table](#), the Administrator shall determine if the use is the same as, or manifestly similar to, a listed use in form and function. If the Administrator finds that the proposed use is the same as, or manifestly similar to, a listed use, he shall classify the proposed use as the listed use. If the Administrator finds that a proposed use is not the same as, or is not manifestly similar to, a listed use, he shall classify the proposed use as not permitted. In order to assist the Administrator in interpretation of the Use Matrix, the North American Industrial Classification System (NAICS) shall be used to determine if a use is similarly material to a use in the [Permitted Uses Table](#).
- B. In determining what is a principal use, the principal use shall be considered as the primary purpose or function that a lot or structure services or is proposed to serve. An accessory use shall be considered a structure or use that:
 - 1. Is clearly incidental to and customarily found in connection with a principal building or use;
 - 2. Is subordinate to and serves a principal building or a principal use;
 - 3. Is subordinate in area, extent, or purpose to the principal building or principal use served;
 - 4. Contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served; and

- 5. Is located on the same lot and zones the same as the principal building or use served.
- C. Two (2) or more principal uses may occupy the same land or building as long as each use is a permitted use.

3.3.3 Table Key

The following is a list of the meanings of table entries:

- A. “P” indicates that the use is permitted by right in the zoning district.
- B. A blank space under a zoning district column indicates that a use is not permitted in that district.
- C. A section number listed in the “Conditions” column indicates that the use has additional conditions for the zoning district in which it is permitted. The section number refers to the regulations in Section 3.4.

Permitted Uses Table

TABLE 3.1: PERMITTED USES								
Agricultural Uses	Overlay Exceptions	LID	MID	HID	CBD	EID	SID	Limitations
Bona fide farms (excluding swine production, see Section 1.4.2 for ETJ exemption)	Not permitted in NC-O, RR-O	P	P	P		P	P	3.4.1 (C)
Equestrian uses (horseback riding, stables)		P	P	P		P	P	3.4.1 (A)
Livestock and fowl keeping (accessory to residential use)		P	P	P		P	P	3.4.1 (B)
Livestock and fowl keeping (principal use)	Not permitted in NC-O, RR-O	P						3.4.1 (C)
Greenhouse or horticultural nursery (no retail sales)	Not permitted in NC-O, RR-O	P		P		P	P	
Produce Stand (permanent)	Not permitted in NC-O, RR-O	P	P	P		P	P	3.4.1 (D)
Residential Uses	Overlay Exceptions	LID	MID	HID	CBD	EID	SID	Limitations
Accessory dwellings	Location restrictions in AF-O	P	P	P	P		P	3.4.2 (A)
Accessory structures (residential)	Location restrictions in AF-O	P	P	P	P		P	3.4.2 (B)
Bed & breakfast inns	Location restrictions in AF-O	P	P	P	P			3.4.2 (C)
Boarding and rooming houses	Not permitted in NC-O		P	P				
Family care homes	Location restrictions in AF-O	P	P	P	P		P	3.4.2 (D)
Home occupations, customary (includes daycare homes)	Location restrictions in AF-O	P	P	P	P		P	3.4.2 (E)
Home occupations, intensive	Not permitted in NC-O	P	P	P				3.4.2 (F)
Manufactured homes on individual lots-see Section 3.2.2	Only permitted in MH-O							
Multi-family dwellings (includes apartments & townhomes)	Location restrictions in AF-O Not permitted in NC-O	P	P	P	P		P	3.4.2 (G)
Single-family dwellings	Location restrictions in AF-O	P	P	P	P		P	3.4.2 (H)
Two-family dwellings (duplexes)	Location restrictions in AF-O Not permitted in NC-O	P	P	P	P		P	3.4.2. (I)
Civic, Government, & Institutional Uses	Overlay Exceptions	LID	MID	HID	CBD	EID	SID	Limitations
Cemeteries	Not permitted in NC-O, RR-O	P	P	P			P	3.4.3 (A)
Colleges, universities, & associated facilities				P	P		P	
Community outreach offices	Not permitted in NC-O	P	P	P	P		P	3.4.3 (A & B)
Correctional facilities	Not permitted in C-O, RD-O			P	P	P	P	
Daycare centers, child and adult	Not permitted in NC-O	P	P	P	P		P	3.4.3 (A)
Emergency services (fire, police, EMT, & similar uses)	Not permitted in NC-O	P	P	P	P	P	P	3.4.3 (A)
Government office buildings	Not permitted in NC-O		P	P	P	P	P	3.4.3 (A)
Hospitals, public and private				P	P		P	

TABLE 3.1: PERMITTED USES

Libraries, museums, art galleries, & similar uses	Not permitted in NC-O, RR-O		P	P	P		P	3.4.3 (A)
Post offices	Not permitted in NC-O, RR-O		P	P	P		P	3.4.3 (A)
Religious institutions & related uses	Not permitted in NC-O, RR-O	P	P	P	P		P	3.4.3 (A)
Research facilities	Not permitted in RR-O			P	P	P	P	
Residential care facilities	Not permitted in NC-O		P	P			P	3.4.3 (A)
Residential shelters	Not permitted in NC-O		P	P			P	3.4.3 (A)
Schools, instructional (music, dance, martial arts, etc.)	Not permitted in NC-O	P	P	P	P	P	P	3.4.3 (A)
Schools & associated facilities (public & private)	Not permitted in NC-O	P	P	P	P	P	P	3.4.3 (A)
Schools (trade & vocational)	Not permitted in NC-O		P	P	P	P	P	3.4.3 (A)
Social, fraternal, & philanthropic clubs & lodges, & similar uses operated on a non-profit basis	Not permitted in NC-O		P	P	P		P	3.4.3 (A)
Office & Service Uses	Overlay Exceptions	LID	MID	HID	CBD	EID	SID	Limitations
Animal services (no outdoor kennels)	Not permitted in NC-O		P	P	P	P	P	3.4.4 (A)
Animal services (with outdoor kennels)	Not permitted in NC-O		P	P		P	P	3.4.4 (A & B)
Artists, craftsmen	Not permitted in NC-O		P	P	P	P		3.4.4 (A)
Banks, financial services	Not permitted in NC-O, RR-O		P	P	P		P	3.4.4 (A)
Body art establishment (tattoos & body piercing)	Not permitted in C-O, RD-O, RR-O			P	P			
Crematories				P		P	P	3.4.4 (C)
Dry cleaning and laundry services (non-industrial)	Not permitted in NC-O, RR-O		P	P	P			3.4.4 (A)
Funeral homes and mortuaries	Not permitted in NC-O, RR-O		P	P			P	3.4.4 (A)
Hotels and motels	Not permitted in RR-O			P	P			
Motion picture production	Not permitted in RR-O			P	P	P	P	
Motor vehicle and boat services (with or without outdoor storage, includes gas stations and car washes)	Not permitted in RR-O			P		P		3.4.8 (C)
Medical, dental, chiropractic, optical, psychiatric offices	Not permitted in NC-O, RR-O		P	P	P		P	
Personal service uses	Not permitted in NC-O, RR-O		P	P	P		P	3.4.4 (A)
Professional offices	Not permitted in NC-O, RR-O		P	P	P		P	3.4.4 (A)
Services, other (no outdoor storage)	Not permitted in NC-O, RR-O		P	P	P	P	P	3.4.4 (A)
Services, other (with outdoor storage)	Not permitted in RR-O			P		P		3.4.8 (C)
Retail & Wholesale Uses	Overlay Exceptions	LID	MID	HID	CBD	EID	SID	Limitations
Auction Houses	Not permitted in RD-O, RR-O			P	P	P		
Farmers' markets	Not permitted in NC-O, RR-O		P	P	P	P	P	3.4.5 (A)
Microbreweries and wineries (with on-site sales)	Not permitted in NC-O, RR-O		P	P	P	P		3.4.5 (A & B)
Motor vehicle or boat sales or rental	Not permitted in RR-O			P		P		3.4.5 (C)
Mobile Food Vendors			P	P	P			3.4.8 (D)(8)
Pawn shops	Not permitted in C-O, NC-O or RD-O, RR-O		P	P	P			
Restaurants (no drive-through)	Not permitted in NC-O, RR-O		P	P	P			3.4.5 (A) 3.4.8 (A & C)
Restaurants (with drive-through)	Not permitted in NC-O, RR-O		P	P				3.4.5 (A) 3.4.8 (A & C)
Retail uses (less than 3,000 square feet, inside fully enclosed building)	Not permitted in NC-O, RR-O		P	P	P			3.4.5 (A)
Retail uses (3,000 square feet or greater, inside fully enclosed building)	Not permitted in RR-O			P	P			
Retail uses (outside fully enclosed building)	Not permitted in RR-O			P				3.4.5 (D)

TABLE 3.1: PERMITTED USES

TABLE 3.1: PERMITTED USES								
Wholesale (inside fully enclosed building)	Not permitted in RR-O			P		P		
Wholesale (outside fully enclosed building)	Not permitted in RR-O					P		3.4.5 (D)
Recreation & Entertainment Uses	Overlay Exceptions	LID	MID	HID	CBD	EID	SID	Limitations
Adult oriented businesses	Not permitted in C-O, RD-O, RR-O			P				3.4.6 (B)
Auditorium, assembly hall	Not permitted in NC-O		P	P	P		P	3.4.6 (A)
Banquet, events facility	Not permitted in NC-O		P	P	P		P	3.4.6 (A)
Campgrounds	Not permitted in NC-O, C-O, RR-O		P	P			P	3.4.6 (A & C)
Electronic gaming operations	Not permitted in C-O, NC-O, RD-O, RR-O			P				3.4.6 (G)
Golf, tennis, swimming clubs & related uses (private, not in a development)	Not permitted in NC-O	P	P	P	P			3.4.6 (A)
Golf, tennis, swimming facilities, athletic fields & related uses (public)	Not permitted in NC-O	P	P	P	P	P	P	3.4.6 (A)
Motorsports competition and testing facilities	Not permitted in RR-O			P		P		3.4.6 (D)
Night clubs, bars	Not permitted in RR-O			P	P			
Parks (public)		P	P	P	P	P	P	
Private clubs	Not permitted in RR-O			P	P			
Recreation facilities associated with a residential development		P	P	P	P			
Recreation facilities (indoor, private)				P	P	P	P	
Recreation facilities (indoor, public)	Not permitted in NC-O	P	P	P	P	P	P	3.4.6 (A)
Recreation facilities (outdoor, private-including golf driving ranges, miniature golf, skateboard parks, water slides, batting cages, go cart tracks, & similar uses)	Not permitted in C-O			P		P	P	3.4.6 (E)
Shooting ranges (indoor)	Not permitted in RR-O			P		P	P	
Shooting ranges (outdoor-in association with local government only)	Not permitted in RR-O					P	P	3.4.6 (F)
Theater (drive-in)	Not permitted in RR-O			P		P		
Theater (indoor)	Not permitted in NC-O, RR-O		P	P	P		P	3.4.6 (A)
Theater (open-air)	Not permitted in NC-O, RR-O		P	P	P		P	3.4.6 (A & E)
Banquet and Events-Accessory Use			P	P	P		P	3.4.6 (H)
Industrial, Transportation, & Utility Uses	Overlay Exceptions	LID	MID	HID	CBD	EID	SID	Limitations
Airports and heliports	Not permitted in C-O, RD-O, RR-O			P		P		3.4.7 (B)
Asphalt plants, mixing plants, concrete and asphalt	Not permitted in C-O, RD-O, RR-O					P		3.4.7 (C)
Automobile parking lots or garages (principal use)	Not permitted in NC-O		P	P	P	P		3.4.7 (A)
Bus and train stations	Not permitted in NC-O, RR-O		P	P	P	P		3.4.7 (A)
Data centers	Not permitted in RR-O			P		P		3.4.7 (D)
Distribution centers	Not permitted in RR-O					P		
Electric transmission lines & appurtenances		P	P	P	P	P	P	
Electric substations		P	P	P	P	P	P	
Junkyards, salvage yards, recycling operations and similar uses	Not permitted in C-O, RD-O, RR-O					P		3.4.8 (C)
Landfill (construction, demolition, land clearing & inert debris)	Not permitted in RR-O							
Landfill (sanitary)	Not permitted in RR-O							

TABLE 3.1: PERMITTED USES

Manufacturing, processing, & assembly (inside fully enclosed building)	Not permitted in RR-O			P		P		
Manufacturing, processing, & assembly (outside fully enclosed building)	Not permitted in C-O, RD-O, RR-O					P		3.4.7 (E)
Mining & quarrying operations	Not permitted in RR-O							
Natural gas distribution lines & related appurtenances	Not permitted in RR-O	P	P	P	P	P	P	
Power generation/production facilities (not including wind and solar)	Not permitted in C-O, RD-O, RR-O			P		P	P	
Power generation/production, solar (individual use)	Not permitted in RR-O	P	P	P	P	P	P	3.4.7 (F)
Power generation/production, solar (solar farm)	Not permitted in C-O, RD-O					P	P	3.4.7 (F)
Power generation/production, wind (individual use)	Not permitted in C-O, RD-O					P	P	3.4.7 (G)
Power generation/production, wind (wind farm)								
Rail terminals or yards	Not permitted in RR-O					P		
Recycling centers (excluding recycling operations)				P		P	P	
Sewage collection lines, lift stations, & appurtenances		P	P	P	P	P	P	
Sewage treatment plants (non-government, public)	Not permitted in C-O, RR-O					P	P	
Taxicab services	Not permitted in RR-O			P	P	P		
Telecommunication lines & related appurtenances	Not permitted in RR-O	P	P	P	P	P	P	
Telecommunications towers (may require Board of Adjustment approval-see Section 3.4.7 (H))	Not permitted in NC-O, C-O, or RD-O, RR-O	P	P	P		P	P	3.4.7 (H)
Transit stops		P	P	P	P	P	P	3.4.7 (A)
Truck stops	Not permitted in C-O, RD-O, RR-O			P		P		3.4.7 (I)
Warehouse uses (excluding mini-warehouses)	Not permitted in RR-O			P	P	P	P	
Warehouse, mini	Not permitted in C-O, RD-O, RR-O			P		P		
Water distribution lines, pumps, storage, tanks, & appurtenances		P	P	P	P	P	P	
Water treatment plants (public)	Not permitted in RR-O					P	P	
Other Uses	Overlay Exceptions	LID	MID	HID	CBD	EID	SID	Limitations
Accessory structures (associated with permitted non-residential uses)		P	P	P	P	P	P	3.4.8 (A)
Business kiosks (ATMs, movies, ice vending, etc.)	Not permitted in NC-O		P	P				3.4.8 (A & B)
Drive-through/drive-in uses (associated with permitted use)	Not permitted in NC-O		P	P	P	P		
Outdoor storage (associated with a permitted use, excluding outdoor sales display)	Not permitted in C-O, RD-O			P	P	P		3.4.8 (C)
Temporary uses		P	P	P	P	P	P	3.4.8 (D)

(Ord. No. 20-43, 11/02/2020; Ord. No. 21-16, 05/03/2021)

Effective on: 5/1/2023

3.4 Additional Conditions for Certain Uses

3.4.1 Agricultural Uses

A. Equestrian facilities, riding/Boarding stables

1. A five (5) acre minimum lot size is required for equestrian uses.

2. Equestrian uses within the City limits shall be permitted and regulated by Article C of Chapter 2 of Part 8 of the Code of Ordinances.
3. Common barns and stables and manure storage areas shall be located a minimum of 100 feet from any adjacent residentially used property.
4. All unpaved areas shall be maintained in a manner to prevent dust from adversely impacting adjacent properties.
5. Outdoor lighting structures shall be located, angled, shielded, or limited in intensity so as to cast no direct light on adjacent property and to avoid the creation of a visual safety hazard to any adjacent right-of-way.

B. Livestock and Fowl Keeping (accessory to residential use)

1. A two (2) acre minimum lot size is required for the keeping of livestock and fowl of greater than 15 pounds as an accessory use to a residential use. A one-half (1/2) acre minimum lot size is required for the keeping of livestock and fowl of 15 pounds or under as an accessory use to a residential use.
2. The keeping of livestock and fowl as an accessory to a residential use shall not include commercial production.
3. The raising of livestock, fowl, and rabbits within the City limits shall be permitted and regulated by Article C of Chapter 2 of Part 8 of the Code of Ordinances. Swine are prohibited.
4. No structure or barn for the keeping of livestock or fowl shall be located closer than 50 feet to any property line and 100 feet to any dwelling unit other than the owner's residence.

C. Livestock and Fowl Keeping (principal use)

1. A 10 acre minimum lot size is required for the keeping of livestock and fowl as a principal use.
2. The raising of livestock, fowl, and rabbits within the City limits shall be permitted and regulated by Article C of Chapter 2 of Part 8 of the Code of Ordinances. Swine are prohibited.
3. No structure or barn for the keeping of livestock or fowl shall be located closer than 50 feet to any property line and 100 feet to any dwelling unit other than the owner's residence.

D. Produce Stands-permanent (See Section 3.4.8 (D) (4) for temporary produce stand requirements)

1. A permanent produce stand shall be allowed as an accessory use to a bona fide farm operation only. All produce sold shall be grown on a lot under the same ownership as the lot upon which the produce stand is located. Permanent produce stands shall only be located on streets classified as collectors, minor arterials, or major arterials. All other produce stands shall be considered temporary uses and shall follow the special requirements for temporary uses.
2. A produce stand shall not be located in a street right-of-way.
3. A produce stand shall not be located closer than 10 feet to any side lot line unless a greater setback is required for the zoning district in which it is located.
4. Signs for a produce stand shall not be illuminated, nor shall they exceed four (4) square feet in area. Off-premises signs are not permitted.
5. During the times of the year in which the produce stand is not in operation, the stand shall be properly closed up and maintained.

Effective on: 5/1/2023

3.4.2 Residential Uses

A. Accessory Dwellings - Accessory apartments may be created on the same property as a single-family residential dwelling as an accessory use, only if such units comply with the following requirements:

1. The accessory dwelling must meet all standards of the minimum housing code for an independent living unit.
2. Detached accessory dwellings shall only be located in the side or rear yard of the principal dwelling.
3. No additional doors may be installed on the front façade of the principal dwelling to access the accessory dwelling.
4. Detached accessory structures shall be similar in design and materials to the principal dwelling unit where visible from the public street.

5. The accessory dwelling shall not exceed one-half (½) of the total area of the principal dwelling or 900 square feet, whichever is greater, but in no case shall exceed that of the principal dwelling.
6. Accessory dwellings shall meet the principal structure setbacks as set forth for the zoning district in which it is located in Section 3.4.
7. Accessory dwellings shall be built to North Carolina Building Standards.
8. Accessory dwelling are not permitted on the ground floor street frontage in the Active Frontages Overlay; however, access to such dwelling shall be permitted from the ground floor street frontage.
9. Any residential development in the Active Frontage Overlay must be able to be independently accessed from other development on the same lot.

B. Accessory Structures (Residential)

1. No accessory structure shall be erected in any front yard as defined by this Ordinance, unless located on a lot of greater than two (2) acres and set back a minimum of 150 feet from the fronting street.
2. Accessory structures shall be set back a minimum of six (6) feet from the side and rear property lines. Accessory structures on corner lots shall meet the principal structure front setback on the side street for the district in which it is located.
3. No residential lot within the LID and MID zoning districts shall have more than two (2) accessory structures (excluding swimming pools). The total area of all accessory structures on a residential lot shall not exceed one-half (1/2) of the total square footage of the building footprint. In the LID and the MID, lots two (2) acres or greater in size are exempt from these limitations on number and size of accessory structures, provided that any structure that exceeds the limitations shall be set back a minimum of 20 feet from any property line. The accessory structure size and number restrictions stated herein do not apply to the HID zoning district.
4. The maximum height for accessory structures shall be the height of the principal structure, except that the maximum height for accessory structures on lots of greater than two (2) acres shall be the maximum district height.
5. Detached accessory structures shall be similar in design and materials to the principal dwelling unit where visible from the public street.
6. Mailboxes, newspaper boxes, birdhouses, flagpoles, satellite dishes of less than two (2) feet in diameter and pump covers may be placed in any yard, and no zoning permit is needed for these structures.
7. No accessory structure shall be permitted that involves or requires any external features which are not primarily residential in nature or character.
8. Under no circumstances may a vehicle, tractor trailer, manufactured home, recreational vehicle, POD or similar container be used as an accessory structure.
9. Swimming pools shall meet the requirements of Appendix G of the North Carolina Residential Building Code.
10. Temporary health care structures as defined by NCGS 160D-915 are permitted as residential accessory structures provided that the following limitations are met:
 - a. The structure is primarily assembled at a location other than its site of installation.
 - b. There is no more than one (1) occupant who shall be the mentally or physically impaired person.
 - c. The structure has no more than 300 gross square feet.
 - d. The structure complies with applicable provisions of the State Building Code and G.S. 143-139.1(b). A permanent foundation shall not be required or permitted.
 - e. The permit for such structure shall be renewed annually upon demonstrating continued compliance with this Section.
 - f. The structure shall be connected to water, sewer, and electric utilities to comply with State law.
 - g. No signage is permitted.

h. The structure shall be removed within 60 days of a mentally or physically impaired person no longer receiving assistance from the structure.

C. Bed and Breakfast Inns

1. Shall be prohibited from Neighborhood Conservation Overlays (NC-O) within the LID Zoning district.
2. Within the LID and the MID the use shall only be permitted if access is taken from streets classified as collectors and arterials as shown on the Morganton Thoroughfare Classification Map.
3. The maximum number of rooms for rent shall be five (5).
4. Accessory structures may be used for rooms.
5. No more than two (2) employees not residents on the property shall be employed at the facility and the operator shall reside on the premises.
6. Shall not be used as a restaurant, assembly hall or meeting facility or other non-traditional single family residential activity.
7. Bed and breakfast inns are not permitted on the ground floor street frontage in the Active Frontages Overlay; however, access to such use shall be permitted from the ground floor street frontage.
8. Bed and breakfast inns in the Active Frontages Overlay, must be able to be independently accessed from other development on the same lot.

D. Family Care Homes

In accordance with NC General Statute Chapters 122C, 131D and 168, these uses are deemed residential uses and are permitted in all residential districts subject to the following limitations:

1. No more than six (6) residents other than the operator and operator's immediate family are permitted to live in a Family Care Home.
2. A Family Care Home must be licensed with the NC Department of Health and Human Services Division of Facility Services before operating.
3. No Family Care Home may be located within a Low Intensity District (LID) or within a Neighborhood Conservation Overlay (NC-O) if it is within a one-half (1/2) mile radius of any other family care home.
4. No exterior signage is permitted.
5. No lockdown, violent, or dangerous residents.
6. Only incidental and occasional medical care may be provided.
7. Family care homes are not permitted on the ground floor street frontage in the Active Frontages Overlay; however, access to such use shall be permitted from the ground floor street frontage.
8. Family care homes in the Active Frontages Overlay must be able to be independently accessed from other development on the same lot.

E. Home Occupation, Customary

1. Only professional uses which do not involve retail trade shall be allowed on premises.
2. Only one (1) person other than those residing in the home shall be engaged in the occupation.
3. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation. Accessory structures equaling no more than 25 percent of the size of the dwelling unit may be used as part of a customary home occupation.
4. Sufficient off-street parking shall be provided to ensure that all vehicles will be parked off of the public right-of-way within a driveway or other on-site designated parking area.
5. Traffic generated by a customary home occupation shall not exceed volumes normally expected in a residential neighborhood.

6. There shall be no changes in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation except one (1) on-premises non-illuminated sign not exceeding four (4) square feet.
7. Clients shall only visit the home occupation between the hours of 7:00am and 9:00pm.
8. No equipment or process shall be used in such home occupation, which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or which causes fluctuations in line voltage off the premises.
9. A family day care home with five (5) or fewer pre-school aged children and/or three (3) or fewer school aged children may be operated as a customary home occupation, provided that any outdoor play areas shall be screened from adjacent residentially-used property by a Type 1 buffer in accordance with Section 4.4.3.1 or an opaque fence that meets the requirements of Section 4.4.9.
10. Tattoo and/or body piercing operations shall not be considered as home occupations.
11. Home occupations, customary are not permitted on the ground floor street frontage in the Active Frontages Overlay; however, access to a dwelling containing that use shall be permitted from the ground floor street frontage.

F. Home Occupation, Intensive

1. Intensive home occupations shall not be permitted in multi-family residential dwellings.
2. Only "animal services (no outdoor kennels)", "artists, craftsmen", "personal service uses", "professional offices", and "services, other (no outdoor storage)" as defined by this Ordinance shall be allowed on premises. Such home occupations shall not involve retail trade.
3. No more than two (2) persons other than those residing in the home shall be engaged in the occupation.
4. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
5. An accessory structure meeting the requirements of subsection (B) may be used for an intensive home occupation.
6. Sufficient off-street parking shall be provided to ensure that all vehicles will be parked off of the public right-of-way within a driveway or other on-site designated parking area.
7. There shall be no changes in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation except one (1) non-illuminated sign not exceeding four (4) square feet. Any outdoor storage shall be screened in accordance with the requirements of Section 4.4.7.
8. Clients shall only visit the home occupation between the hours of 7:00am and 9:00pm.
9. No equipment or process shall be used in such home occupation, which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or which causes fluctuations in line voltage off the premises.
10. Tattoo and/or body piercing operations shall not be considered as home occupations.

G. Multi-Family Dwellings

In addition to the Performance Standards for residential uses in [ARTICLE 4](#), multi-family dwelling shall meet the following requirements:

1. Within the LID and MID zoning districts, no multi-family dwellings or series of attached dwellings, multi-family building or other such arrangements shall exceed a length of 150 feet when measured along the longest axis of the building or series of attached units. Within all other zoning districts where such uses are allowed, no such structures shall exceed a length of 175 feet when measured along the longest axis of the building or series of attached units; except, however, if the structure meets the multi-family residential performance standards for wall

materials as set out in Section 4.8.5.1(A), and for façade articulation as set out in Section 4.8.5.1(D), then such structure may be constructed up to a length of 250 feet.

2. Developments that are proposed to be developed under the North Carolina Unit Ownership Act shall meet the requirements of that Act by recording the declaration and plan with the Register of Deeds. Where land is to be conveyed in accordance with such declaration and plan, the developer shall comply with the development requirements of this Ordinance.
3. In no case shall any building be closer than 20 feet to any other building in the development. Furthermore, buildings shall not be arranged in straight rows oriented in such a way as to resemble rows of barracks.
4. All main utility lines, meters, taps and other appurtenances, up to and including the meter for each individual unit, (but not including the service lines and other facilities extending service to each individual unit) shall be built to the same standard as required for developments. All such facilities, together with an easement of sufficient width, shall be conveyed to and/or dedicated to the City for public use and maintenance. All utilities shall be placed underground.
5. Each unit shall be individually metered for all utilities, except to the extent master metering is allowed and chosen. In cases where master metering is the preferred method, approval must be granted by the City Engineer.
6. All streets or access ways providing ingress and egress from the development to an existing public street system shall comply with the current standards being required by the infrastructure regulations of the Subdivision Ordinance.
 - a. Any multifamily development proposed with over 10 dwelling units shall have direct access on a collector street, or minor/major arterial street, shown on the Morganton Thoroughfare Classification Map.
7. Stationary sanitary containers shall be located so as not to interfere with sight distance or the free movement of vehicles on streets or service drives and so as to allow collector trucks adequate maneuvering space to empty the containers and to leave the property without excessive backing. Such containers shall be screened in accordance with Section 4.4.7.
8. Sidewalks shall be required for internal pedestrian traffic within a multi-family development. The internal sidewalk shall connect to the public sidewalk system on the public street by which the site gains access. If there is no sidewalk present, a sidewalk shall be required on the street frontage. A minimum four (4) foot planting strip shall be located between the sidewalk and the street (back of curb) for the internal sidewalk system. The planting strip shall be planted with grass. Sidewalks shall be installed in accordance with the requirements of the City of Morganton Engineering Standards and Specifications. Sidewalks required on the public street frontage shall have a minimum six (6) foot planting strip shall be located between the sidewalk and the street (back of curb). The planting strip shall be planted with grass. Sidewalks shall be installed in accordance with the requirements of the City of Morganton Engineering Standards and Specifications.
9. Multi-family dwellings are not permitted on the ground floor street frontage in the Active Frontages Overlay; however, access to such dwellings shall be permitted from the ground floor street frontage.
10. Multi-family dwellings in the Active Frontages Overlay must be able to be independently accessed from other development on the same lot.

H. Single-Family Dwellings

1. Single-family dwellings are not permitted on the ground floor street frontage in the Active Frontages Overlay; however, access to such dwellings shall be permitted from the ground floor street frontage.
2. Single family dwellings in the Active Frontages Overlay must be able to be independently accessed from other development on the same lot.

I. Two-Family Dwellings

1. Two-family dwellings are not permitted on the ground floor street frontage in the Active Frontages Overlay; however, access to such dwellings shall be permitted from the ground floor street frontage.

2. Two-family dwellings in the Active Frontages Overlay must be able to be independently accessed from other development on the same lot.

(Ord. No. 21-15, 05/03/2021; Ord. No. 21-16, 05/03/2021)

Effective on: 5/1/2023

3.4.3 Civic, Government and Institutional Uses

A. Civic, Government, and Institutional Uses in the LID and MID Districts

1. All such uses within LID or MID districts shall be on a minimum lot size of 20,000 square feet and shall not be within a Neighborhood Conservation Overlay. All structures shall be set back a minimum of 50 feet from any Neighborhood Conservation Overlay.
2. Such uses shall only take their access directly from streets that meet commercial street standards as set forth in the City of Morganton Engineering Standards and Specifications. The uses indicated in the table below shall only take their access from streets classified as collectors and arterials as shown on the Morganton Thoroughfare Classification Map:

Use	Collector Street	Minor or Major Arterial
Emergency services	✓	✓
Government office buildings	✓	✓
Libraries, museums, art galleries, & similar uses	✓	✓
Post Office		✓
Religious institutions & related uses	✓	✓
Residential care facilities	✓	✓
Residential shelters	✓	✓
Schools, instructional	✓	✓
Schools (public & private)	✓	✓
Schools (trade & vocational)		✓
Social, fraternal, & philanthropic clubs & lodges, & similar uses		✓

3. Such uses shall meet the performance standards of [ARTICLE 4](#). In addition to the non-residential building design standards in Section 4.8.6, non-residential buildings in the LID and MID districts within 250 feet of residential structures (whether or not they are currently being used for residential purposes) shall have a pitched roof and use wood or vinyl siding as a secondary building material on 25-50 percent of the primary and secondary facades.

B. Community Outreach Office

Community Outreach Offices are permitted subject to requirements of subsection (A) above and the following:

1. No 24-hour occupancy shall occur at a community outreach office location.
2. No more than two (2) cars per counselor/teacher and one (1) other employee with a limit of five parking spaces (no on-street parking)
3. Hours of operation. Hours of operation limited to the non-peak hours between 8am and 6pm.
4. One freestanding sign no larger than four (4) square feet shall be allowed. No other type of signage shall be permitted.
5. All operation shall take place within the principal structure only.
6. For apartments or developments (subdivisions, townhomes) which have a centralized building intended for use by residents, this building may be used for this purpose.

- Facilities such as churches and schools intended for common use by all residents within a particular area may be used for this purpose.

3.4.4 Office and Service Uses

A. Office and Service Uses in the LID and MID Zoning Districts

- All such uses within the LID and MID districts shall be a minimum lot size of 20,000 square feet and shall not be within a Neighborhood Conservation Overlay. All structures shall be set back a minimum of 50 feet from any Neighborhood Conservation Overlay.
- Such uses shall only take their access directly from streets that meet commercial street standards as set forth in the City of Morganton Engineering Standards and Specifications. The uses indicated in the table below shall only take their access from streets classified as collectors and arterials as shown on the Morganton Thoroughfare Classification Map:

Use	Collector Street	Minor or Major Arterial
Animal services (with and without outdoor kennels)		✓
Artists, craftsmen	✓	✓
Banks, financial services		✓
Dry cleaning and laundry services		✓
Funeral homes & mortuaries		✓
Medical, dental, chiropractic, optical, psychiatric clinics, offices, & laboratories		✓
Personal service uses	✓	✓
Services (no outdoor storage)		✓

- Such uses shall meet the performance standards of [ARTICLE 4](#). In addition to the non-residential building design standards in Section [4.8.6](#), non-residential buildings in the LID and MID districts within 250 feet of residential structures (whether or not they are currently being used for residential purposes) shall have a pitched roof and use wood or vinyl siding as a secondary building material on 25-50 percent of the primary and secondary facades.

B. Animal Services (with outdoor kennels)

- No outdoor containment of animals shall be located less than 250 feet from any LID or NC-O district and 50 feet from any other adjacent property line.
- Kennel areas must be surrounded by an opaque fence of not less than six (6) feet in height and enclosed as to prevent escape.
- Kennels shall be designed to effectively buffer noise audible to surrounding properties.

C. Crematories

- No crematory shall be established in the HID district, except as an accessory use to a funeral home or animal services establishment properly licensed by the State of North Carolina and shall not contain more than one cremation chamber.
- All crematories shall have a licensed crematory manager on staff and obtain and keep in full force and effect all other license required under the North Carolina Crematory Act, as amended or superseded from time to time.
- No crematory use may be established on a lot or parcel within 400 feet of any LID district.
- A crematory must comply and remain in compliance with all applicable public health and environmental laws and rules and must contain the equipment and meet all of the standards established by the North Carolina

Crematory Act, as amended or superseded, and any additional rules and regulations issued by the North Carolina Board of Funeral Services.

5. A crematory must comply and remain in compliance with all applicable public health and environmental laws and rules and must contain the equipment and meet all of the standards established by the North Carolina Crematory Act, as amended or superseded, and any additional rules and regulations issued by the North Carolina Board of Funeral Services.

3.4.5 Retail and Wholesale Uses

A. Retail Uses within the MID District

1. All such uses within the MID district shall have a minimum lot size of 20,000 square foot and shall not be within a Neighborhood Conservation Overlay. All structures shall be set back a minimum of 50 feet from any Neighborhood Conservation Overlay.
2. Such uses shall only take their access directly from streets that meet commercial street standards as set forth in the City of Morganton Engineering Standards and Specifications. The uses indicated in the table below shall only take their access from streets classified as arterials as shown on the Morganton Thoroughfare Classification Map:

Use	Collector Street	Minor or Major Arterial
Farmer’s Markets		✓
Microbreweries & Wineries		✓
Pawn shops		✓
Restaurants		✓
Retail uses		✓
Farmer’s Markets		✓
Microbreweries & Wineries		✓
Pawn shops		✓

3. Such uses shall meet the performance standards of [ARTICLE 4](#). In addition to the non-residential building design standards in [Section 4.8.6](#), non-residential buildings in the LID and MID districts within 250 feet of residential structures (whether or not they are currently being used for residential purposes) shall have a pitched roof and use wood or vinyl siding as a secondary building material on 25-50 percent of the primary and secondary facades.

B. Microbreweries and Wineries

Such uses are permitted within the Central Business District (CBD) only if:

1. Such operations meet federal standards for breweries or wineries.
2. Production does not exceed 1,000,000 gallons per year.
3. Production space on the premises does not exceed 12,000 square feet.
4. The use shall have no more than two(2) loading docks, which must not be located directly on the principal street front.
5. The maximum height of accessory structures associated with microbreweries and wineries in the CBD shall be the maximum height for any structure within the district as set forth in [Section 4.2.4](#).

C. Motor Vehicle or Boat Sales or Rental

1. Restroom facilities built in accordance with NC Building Code shall be located on the premises.
2. The lot shall front on a collector or arterial street and have direct access thereto.

3. No outdoor sound system shall be permitted which can be heard beyond the boundaries of the property.
4. No vehicle or boat shall be stored or displayed within the right-of-way of any public street.
5. A North Carolina auto manufacturer dealership license shall be obtained prior to occupancy and shall be prominently displayed at the place of business.

D. Retail Sales (outside fully enclosed building)

1. Restroom facilities built in accordance with NC Building Code shall be located on the premises.
2. Items for sale shall not be displayed within any right-of-way.
3. No outdoor sound system shall be permitted which can be heard beyond the boundaries of the property.

3.4.6 Recreation and Entertainment Uses

A. Recreation and Entertainment Uses within the LID and MID Districts

1. All such uses within the LID and MID districts shall have a minimum of one (1) acre and shall not be within a Neighborhood Conservation Overlay. All structures shall be set back a minimum of 50 feet from any Neighborhood Conservation Overlay.
2. Such uses shall only take their access directly from streets meet that meet commercial street standards as set forth in the City of Morganton Engineering Standards and Specifications. The uses indicated in the table below shall only take their access from streets classified as arterials as shown on the Morganton Thoroughfare Classification Map:

TABLE 3.5: RECREATION AND ENTERTAINMENT USES STREET ACCESS

Use	Collector Street	Minor or Major Arterial
Auditorium, assembly hall		✓
Banquet, events facility		✓
Campgrounds		✓
Recreation Facilities, indoor		✓
Theater, Open Air		✓

3. Such uses shall meet the performance standards of [ARTICLE 4](#). In addition to the non-residential building design standards in [Section 4.8.6](#), non-residential buildings in the LID and MID districts within 250 feet of residential structures (whether or not they are currently being used for residential purposes) shall have a pitched roof and use wood or vinyl siding as a secondary building material on 25-50 percent of the primary and secondary facades.

B. Adult Oriented Businesses

1. No adult establishment shall be located within 500 feet of any residentially-used property or any LID or MID zoning district; and/or within 1,000 feet of a property line of any school, park, church, or similar place of religious service; and/or within one-half mile of any other adult establishment.
2. No adult establishment shall be issued a zoning permit until all City license requirements, set forth in 6-1201 of the Morganton Code of Ordinances, have been met. Further the establishment must comply with all requirements set forth in Article 26A Section 14-202.11 of the NC General Statutes as amended.
3. The adult establishment must be conducted within an enclosed building so that viewing, display, or sound from inside the building cannot be experienced outside the walls of the building.
4. Any building containing an adult establishment must be at least 50 feet from all property lines.
5. Signs shall not contain materials, words, objects, images or displays that suggest or relate to specified anatomical areas and/or specified sexual activities as defined by NCGS 14-202.10, or contain display that has been determined by community standards to be harmful to minors as defined by NCGS 14-190.13-15.

C. Campgrounds

1. The following yard requirements are hereby established:
 - a. Along any public street or public right-of-way, a setback of at least 40 feet from the edge of the public right-of-way shall be maintained.
 - b. A distance of at least 10 feet shall be maintained between trailers, tents, and/or structures. Any accessory structures such as attached awnings, carports or individual storage facilities, shall for the purpose of this requirement, be considered a part of the trailer, tent, or structure.
2. A recreational area of not less than 10 percent of the gross site area or 2,500 square feet, whichever is greater, shall be maintained in a central and convenient location to all trailer spaces.
3. The lot for the campground shall be a minimum of five (5) acres.
4. The density shall not exceed 15 camping spaces per acre of gross area.
5. Adequate off-street parking and maneuvering space shall be provided on site. The use of any public street, sidewalk or right-of-way or any other private grounds not a part of the travel trailer parking area for the parking or maneuvering of vehicles is prohibited.
6. All internal roadways shall be stabilized and of adequate width to accommodate the volume and type of anticipated traffic, and in any event, shall comply with the following minimum requirements:
 - a. Internal one-way roadway and roadways on which parking is prohibited shall not extend for more than 500 feet in total length; serve less than 25 trailer spaces; and be at least 11 feet in width.
 - b. Internal one-way roadway and roadways on which parking is permitted on one side and two-way roadways which do not allow parking shall be at least 24 feet in width.
 - c. Internal two-way roadways which permit parking on one side only shall be at least 27 feet in width.
 - d. Internal two-way roadways which permit parking on both sides shall be at least 34 feet in width.
7. Each camping space for travel trailer parking area shall be connected to an approved water supply system which provides an accessible, adequate, safe and potable supply of water.
8. An adequate and safe sewer system shall be provided in all camping areas. Such system shall be designed, constructed and maintained in accordance with all City, county and state requirements.
9. A central service building containing all necessary toilets, bathhouses and other plumbing fixtures specified in the most current edition of the North Carolina State Plumbing Code, as amended, shall be provided in all travel trailer parking areas. Service building shall be conveniently located within a radius of 300 feet to spaces which it serves.
10. The storage, collection and disposal of trash and reuse in the travel trailer parking area shall comply with all applicable City, county and state regulations.
11. Neither any person nor any mobile unit shall occupy a trailer space or the travel trailer parking area for a period in excess of 30 days within any three (3) month period. A register of all occupants, the space occupied, and the time of arrival and departure shall be maintained.

D. Motorsports Competition and Testing Facilities

1. Minimum lot size for all such developments shall be five (5) acres.
2. No such facility or improvements shall be located within 100 feet of any property line.
3. Buildings in which competitions or testing are taking place shall be adequately sound insulated so that noise outside of buildings shall not exceed the ambient noise levels at adjacent property lines.
4. No outdoor equipment, machinery, or mechanical device of any kind may be operated within 2,500 feet of any LID or MID zoned property or residentially used property line.

E. Recreation Facilities (outdoor, private-including golf driving ranges, miniature golf, skateboard parks, water parks, batting cages and similar uses)

1. Minimum lot size for all such developments shall be one (1) acre.

2. No such facility or improvements shall be located within 50 feet of any property line.
3. No amusement equipment, machinery, or mechanical device of any kind may be operated within 200 feet of any LID or MID zoned property or residentially, used property.

F. Shooting Ranges (outdoor-in association with government only)

1. No such facility shall locate within a 500 foot radius of any LID, MID, HID, CBD district or any residentially-used property.
2. Security fencing shall be provided along the entire boundary of such a facility.
3. The facility and its operation shall observe all Fire Prevention and Protection requirements.

G. Electronic Gaming Operations

1. No Electronic Gaming establishment shall be located within 500 feet of any residentially used property or any LID or MID zoning district; and/ or within 1,000 feet of a property line of any school, park, church, or similar place of religious service; and/or within one-half mile of any other Electronic Gaming Operation establishment.

H. Banquet and Events-Accessory Use

1. Banquets and Events shall be accessory to the principle permitted use.
2. All structures for this use shall be set back a minimum of 50 feet from any Neighborhood Conservation Overlay.
3. Such uses shall only take their access directly from streets that meet commercial street standards as set forth in the City of Morganton Engineering Standards and Specifications. The uses indicated in the table below shall only take their access from streets classified as arterials as shown on the Morganton Thoroughfare Classification Map:
4. Such uses shall meet the performance standards of [ARTICLE 4](#). In addition to the non-residential building design standards in Section [4.8.6](#), non-residential buildings in the LID and MID districts within 250 feet of residential structures (whether or not they are currently being used for residential purposes) shall have a pitched roof and use wood or vinyl siding as a secondary building material on 25-50 percent of the primary and secondary facades.

3.4.7 Industrial, Transportation, and Utility Uses

A. Industrial, Transportation, and Utility Uses within the MID District

1. All such uses within the LID and MID districts shall have a minimum of one (1) acre and a maximum of three (3) acres shall not be within a Neighborhood Conservation Overlay. All structures shall be set back a minimum of 50 feet from any Neighborhood Conservation Overlay.
2. Such uses shall only take their access directly from streets meet that meet commercial street standards as set forth in the City of Morganton Engineering Standards and Specifications. The uses indicated in the table below shall only take their access from streets classified as arterials as shown on the Morganton Thoroughfare Classification Map:

TABLE 3.6: INDUSTRIAL, TRANSPORTATION, & UTILITIES USES STREET ACCESS

Use	Collector Street	Minor or Major Arterial
Bus and train stations		✓

3. Such uses shall meet the performance standards of [ARTICLE 4](#).

B. Airports and Heliports

1. A configuration diagram depicting the layout of runways, taxiways, approach zones and overrun areas shall be submitted with the application. These diagrams shall also be depicted on aerial photographs that also show the area within five (5) miles of the proposed site.

2. A plan indicating isotonic contours that show the effects of aircraft operations upon land within one (1) mile of the boundary of the proposed site shall be submitted with the application.
3. The number and type of aircraft proposed to be stored including the storage area for aircraft, fuel and motor vehicles and service areas for the aircraft shall be documented in the application and on the submitted site plan.
4. A statement as to how on-site fire and rescue services will be provided, and a letter from the appropriate agency stating services are available and adequate to protect the proposed facility, shall be submitted with the application.
5. A list of land uses within the final approach zones of the airport/heliport shall be submitted with the application.
6. A certification that all Federal Aviation Administration (FAA) and State standards and requirements have been, or will be, met shall be submitted with the Zoning Permit application.
7. A minimum of 50 acres is required for Basic Utility Stage 1 airports with a 2,000-foot runway. Additional area is required for larger airports.
8. Airport and heliport size and layout shall conform to FAA Advisory Circular 150/5300-4B.
9. There shall be a minimum 300-foot distance between the airport/heliport facility and the nearest residence.
10. Security fencing shall be provided that is sufficient to control access to runways and taxiways. The fencing shall be a minimum of six (6) feet in height.
11. The site and its operations shall not adversely affect existing adjacent land uses.
12. The land required for the provision of approach zones and overrun areas shall be owned or controlled by the applicant.
13. Adequate land area shall be provided for all of the proposed uses, buildings and storage areas.
14. Screening of buildings, storage and maintenance areas shall be provided from adjacent LID, MID, HID, CBD or residentially-used land.
15. A finding shall be made that compatible land uses are located in the final approach areas of the airport.

C. Asphalt Plants, Mixing Plants, Concrete and Asphalt

1. Any asphalt plant operations shall be located at least 50 feet from any property line.
2. Security fencing, a minimum of six (6) feet in height, shall be provided around the perimeter of the operation.
3. Within one year after the cessation of production, all equipment and stockpiles incidental to such operation shall be dismantled and removed by and at the expense of the owner.
4. The site shall be drained to prevent the accumulation of standing water, and channelization of the drainage shall be designed and controlled so as not to cause erosion of silting neighborhood properties or public drainage ways, nor to appreciably increase the turbidity of any natural water course, or to occlude any existing drainage course.
5. All unpaved storage areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.
6. Access roads leading to any part of the operation shall be constructed with a gravel or asphalt stone surface and maintained in a dust-free manner.
7. Access roads shall be located no closer than 15 feet to any property line other than a railroad right-of-way.
8. Truck routes to and from the site shall be followed to minimize impacts on residential areas, schools, or other uses negatively affected by truck traffic.

D. Data Centers & Call Centers

Data centers and call centers shall not be larger than 10,000 square feet of gross floor area within the CBD zoning district.

E. Manufacturing (outside of a fully enclosed building)

Any manufacturing that takes place outside of fully enclosed building shall be set back a minimum of 500 feet from any adjacent street right-of-way or LID, MID, HID or CBD zoned or residentially used property and shall not emit any smoke, dust, odor, noise, or vibration perceptible to regular senses at the property line.

F. Power Generation, solar (individual and farm)

1. A maximum of 50 percent of a parcel may be used for a solar farm.
2. Systems, equipment and structures that are part of a solar farm shall not exceed 15 feet in height when ground mounted.
3. Except in the EID zoning district, roof mounted systems shall not exceed the maximum height for the applicable zoning district and shall not project more than one (1) foot above the surface of the roof on pitched roofs, and shall not project above the parapet wall on flat roofs.
4. Ground-mounted solar energy systems as part of a solar farm shall meet the minimum zoning setback for the zoning district in which it is located.
5. To the extent practical, all new distribution lines to any building, structure or utility connection shall be located below ground.
6. It is the responsibility of the system owner or property owner to remove all obsolete or unused systems within 12 months of cessation of operations.

G. Power Generation, wind

1. An individual use wind power generation facility shall be a single system designed to supplement other electricity sources as an accessory use to existing buildings or facilities, wherein the power generated is used primarily for on-site consumption. A small wind energy conversion system consists of a single wind turbine, a tower, and associated control or conversion electronics, which has a total rated capacity of 10 kW or less.
2. Setbacks for Wind Energy Facilities shall be as follows:

TABLE 3.7: WIND TURBINE SETBACKS			
Minimum Setback Multiplier ¹			
From Occupied Buildings on Participating Landowner Property	From Occupied Buildings on Non-Participating Landowner Property	From Property Lines on Non-Participating Landowner Property	From Public Roads
2	2.5	2	2

¹ The setback is calculated by multiplying the required setback number by the wind turbine height and measured from the center of the wind turbine base to the property line, Public Road, or nearest point on the foundation of an occupied building.

3. The visual appearance of wind turbines shall at a minimum:
 - a. Be a non-obtrusive color such as white, off-white or gray;
 - b. Not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety; and,
 - c. Not display advertising (including flags, streamers or decorative items), except for identification of the turbine manufacturer, facility owner and operator.
4. The wind turbine owner shall have six (6) months to complete decommissioning of the turbine if no electricity is generated for a continuous period of 12 months. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, and any other associated facilities.

H. Telecommunications Towers

1. **Findings.** The proliferation of telecommunication towers create visual blight that detracts from the natural and historical scenic beauty of this area. Further, towers which are not properly erected are subject to collapse and create a risk of damage to property as well as personal injury. Because of the effects that telecommunication towers may have on the general health, happiness, welfare and safety of Morganton and its citizens, reasonable regulations will balance the need for some regulation and the need for telecommunication systems.
2. **Policy.** It is the policy of the City of Morganton that the visual impact of telecommunication towers and/or antenna should be minimized through the use, where feasible, of alternative tower structures. If alternative tower structures are not available or it is technically or economically not feasible to use an alternative tower structure, then the joint or multiple use of a single tower in less objectionable locations by different communication companies (sometimes called “co-location”) should be and is encouraged, so as to minimize the need to construct new towers and to minimize the overall number of towers throughout the City. This section is intended to implement that policy.
3. **Approval Required.** No telecommunication tower and/or antenna shall be erected, located, constructed or relocated within the zoning jurisdiction of the City of Morganton without first obtaining a special use permit issued in accordance with this section. The permit may be issued by the Zoning Administrator under the circumstances set forth in Paragraph (4) below. Otherwise, the permit may be issued by the Board of Adjustment in accordance with Paragraph (5) below. All permits shall be subject to the requirements at Paragraph (6) and those requirements shall be deemed to be a part of the permit. Notwithstanding the above, permits shall not be required for residential television antennas, satellite dishes, and satellite earth stations or amateur radio towers owned and operated by an amateur radio operator licensed by the Federal Communication Commission (FCC) if such antenna are used for residential purposes only and are not used for commercial purposes. The application for the permit shall be made on the form provided by the Zoning Administrator. All information requested on the permit shall be accurately set forth specifically including an inventory of the applicants, existing tower sites, proposed tower sites, and the relevant location by grid, height, and design of each site located within the zoning jurisdiction.
4. **Administrative Approval.** The Development and Design Services Department, as administrator, shall have the authority to issue a special use permit under this section if the application is complete; that the proposed tower will comply with the specific requirements of Paragraph (6) below; and, that the application seeks approval of a tower for one or more of the following situations:

In issuing the permit authorized above, the Administrator may attach reasonable limitations to the permit to assure continued compliance with this section and may waive any requirement of Paragraph (6) which (in the discretion of the Administrator) is not applicable.

- a. The installation of an additional antenna on any pre-existing tower (co-location) or on any nonresidential structure (i.e., a commercial building, sign, light pole, water tower, etc.) so long as the additional antenna does not result in more than a 20 percent increase in the total height of the existing tower or structure. New buildings used for the additional antenna shall comply with the same requirements as a principal building within the zoning district proposed.
 - b. The construction of any new telecommunications tower within any EID zoning district provided that the tower shall comply with all other requirements within that district.
 - c. The installation of any alternative tower structure, within a permitted district up to 100 feet that is consistent with the surrounding community, buildings, and environment.
 - d. The replacement of any existing telecommunication tower which adds no more than 20 feet to the overall height of the existing structure.
5. **Board of Adjustment Approval.** The Board of Adjustment shall consider and issue, if appropriate, special use permits for the location, construction, erection, or relocation of telecommunication towers and/or antennas in all cases where the Administrator is without authority to issue such permits. Based upon the information

and record before the Board of Adjustment, the Board shall issue the permit if the Board finds that the application is complete; that the proposed tower will meet all of the requirements of Paragraph (6); and, that the issuance of the permit will help accomplish the policy set forth in Paragraph (2).

In making its determination as to whether the permit should be issued allowing the construction of a telecommunications tower in the MID or HID zoning districts the Board shall, among other things, consider and make appropriate findings regarding the following:

In considering the application and for the purpose of establishing a factual basis for its findings, the Board may require the applicant to provide evidence in support of the application including, among other things:

Based upon its findings, the Board of Adjustment shall have the authority to attach additional limitations to the issuance of its permit in order to assure compliance with this section and may waive or vary any requirements of this section which are not applicable to that specific application or which interferes with the implementation of the policy set forth in Paragraph (2).

- The availability of alternative tower structures;
 - The availability of co-location of joint use facilities;
 - Whether the proposed location will provide a minimum level or optimum level of signal coverage (the maximum level being desirable);
 - The technical requirements that the proposed tower be located on the proposed site; and
 - The visual impact on the surrounding area, especially naturally scenic areas or historic districts.
- a. Copies of letters sent to owners of all existing towers within one mile radius of the proposed site, requesting (i) tower height, (ii) existing and planned tower users, (iii) whether the proposed antenna cannot be accommodated on the existing tower, (iv) any assessment as to whether the existing tower could be structurally strengthened or whether the antennas, transmitters and related equipment could be protected from electromagnetic interference, and (v) a general description of the means and projected costs of the shared use of existing tower space.
 - b. A summary explanation as to why the applicant believes the proposed facility cannot be located on an existing tower including technical specifications and engineering assessments.
 - c. A summary explanation as to why the applicant believes that the use of an alternative tower structure is not feasible.
 - d. Engineering reports, studies and assessments demonstrating that the location of the tower in the proposed district is necessary in the interest of public safety or is a practical necessity or technical requirement and will provide the highest optimum level of coverage.
 - e. Evidence that the proposed tower is structurally designed to support at least one additional user together with a statement that the owner of the tower is willing to permit one or more other users to attach its antennas to the towers on a commercially reasonable basis which will not interfere with the primary purpose of the tower.
 - f. A site plan indicating compliance with Paragraph (6) below. The site plan shall indicate a location for at least one equipment building in addition to that proposed for use by the applicant.
6. **Specific Requirements.** The following requirements are applicable to telecommunication towers and antennas erected or constructed after April 7, 1997 and unless specifically waived or varied, the applicant and/or the owner of such tower shall be responsible for seeing that the tower remains in compliance with the requirements at all times:
- a. Antennas and towers may be considered either principal or accessory uses.
 - b. Communication towers shall be constructed and shall at all times remain in compliance with the applicable building codes, safety codes and other rules and regulations issued by the FAA, the FCC, or any other federal, state or local authority. Further, communication towers shall not be located or

operated in a manner that restricts or interferes with air traffic or air travel to or from any existing or proposed airport including local airports. Specifically, an approval letter issued by the FAA shall be required for each new tower site.

- c. The base of the tower shall be enclosed by a decay resistant security fence or wall at least eight (8) feet in height unless the tower and all guy anchors are mounted entirely on a limited access building at least eight (8) feet in height. Anti-climbing devices shall be installed on all towers.
- d. Unless specifically required or authorized by either the FCC or the FAA or by some other federal or state authority, no illumination shall be permitted on any antenna or tower.
- e. The outside storage of personal property, materials and equipment is prohibited and the entire tower site shall comply with all local ordinances relating to nuisances and the proper maintenance of the premises.
- f. All towers shall either maintain a galvanized steel finish, or, subject to any other applicable standards of the FAA, FCC or other federal or state regulatory authority, be painted a neutral color so as to minimize any adverse visual impact.
- g. New towers shall comply with a minimum setback of 50 feet; except, where the tower is adjacent to property used for residential purposes, the setback shall equal one (1) foot for each foot in tower height.
- h. All new telecommunication towers or relocated telecommunication towers shall be structurally designed to support at least one additional user. The applicant or owner shall provide a statement that the owner is willing to permit an additional user to attach communication facilities, on a commercially reasonable basis, to the tower so long as the additional user does not interfere with the primary purpose of the tower. The site plan shall indicate a location for at least one additional equipment building for use by a second user. The statement and site plan shall be attached to the permit.
- i. Standard screening in accordance with Section 4.4.7 shall be installed around the perimeter of all improvements on the tower site.
- j. Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned and shall be removed. If such antenna or tower is not removed within 60 days of receipt of written notice from the City, the City may remove such tower and/or antenna and place a lien upon the property for the cost of removal.

I. Truck Stops

- 1. All structures including secondary, accessory structures, or parking areas shall be located no closer than 250 feet from any LID or MID zoning district or the property line of any residentially-used property.
- 2. The property shall have direct frontage on a major arterial street that has a fully dedicated center turn lane. All access drives shall be oriented toward the arterial street.

(Ord. No. 21-16, 05/03/2021)

Effective on: 5/3/2021

3.4.8 Other Uses

A. Accessory Structures (non-residential)

- 1. Non-residential accessory structures within the EID zoning district are exempt from the requirements below.
- 2. No accessory structure shall be erected in any front yard, as defined by this Ordinance.
- 3. Accessory structures shall be set back a minimum of six (6) feet from the side and rear property lines. Accessory structures on corner lots shall meet the principal structure front setback on the side street for the district in which it is located.
- 4. No accessory building shall be erected within 10 feet of any other building.

5. There shall be a principal structure on any lot for which there is an accessory structure.
6. The maximum height for accessory structures shall be the height of the principal structure. Gas station canopies may exceed the height of the principal structure to the maximum height necessary to achieve vehicle clearance for the tallest vehicle served.
7. Vehicles, trailers, PODs or similar containers shall not be used as accessory structures, except in the EID and HID zoning districts. This type of storage containers may only be used in the EID and HID districts if located in the rear yard and screened from view from adjacent properties and any public right-of-way.

B. Business Kiosks (ATMs, ice vending, etc.)

1. Stand-alone business kiosks and ATMs are permitted as accessory uses within the parking area for any shopping center located in the HID and MID zoning districts provided that the following conditions are met. For purposes of these conditions, a business kiosk is defined as a free standing structure of no greater than 200 square feet located within the parking lots of established shopping centers.
2. A business kiosk may only be occupied for a retail use permitted in the HID zoning district and may only take its access from a minor or major arterial street as classified on the City of Morganton Thoroughfare Classification Map.
3. The erection or installation of a kiosk on the property of a shopping center shall not eliminate or reduce the number of parking spaces required for the businesses within the particular shopping center.
4. A business kiosk shall maintain the same setbacks as required for all other non-residential accessory structures located within the particular zoning district.
5. Freestanding signs identifying the kiosk and/or its services shall not be allowed. Wall signage only shall be permitted provided the wall signs comply with [ARTICLE 5](#) of this Zoning Ordinance.
6. Space for stacking at least four (4) vehicles for each service window shall be provided; however, such space shall not eliminate or reduce the minimum number of parking spaces required for the shopping center nor require the stacking of vehicles in such a manner that travel within the driving lanes and internal passageways are impeded.
7. All utility connections shall be underground.
8. Any landscaping or landscaping islands or areas eliminated or reduced in order to accommodate a business kiosk shall be replaced elsewhere within the shopping center parking lot at a location approved by the Development and Design Services Department.
9. The location of the kiosk and travel lanes for motor vehicles to and from the kiosk shall not obstruct or interfere with existing traffic flow patterns within the shopping center. Any alteration of existing traffic flow patterns shall require the approval of the Development and Design Services Department.

C. Outdoor Storage (associated with a permitted use, excluding outdoor sales display)

1. All outdoor storage shall be located in the rear yard only.
2. No outdoor storage shall be located within 50 feet of the street right-of-way or adjacent LID, MID, CBD zoned or residentially-used property.
3. All outdoor storage shall be screened from view of the street with a screening device as set forth in Section [4.4.7](#). No items shall project above the screening device within 100 feet of the property line or shall exceed at total height of 20 feet.

D. Temporary Uses

Temporary structures and uses, when in compliance with all applicable provisions of this Ordinance and all other ordinances of the City of Morganton, shall be allowed. No portion of the temporary use may be located within the public street right of way unless expressly allowed under a sub-section of this section. Temporary uses shall present proof of property owner approval prior to the issuance of a permit. The site shall have adequate parking for the temporary use in addition to parking for any permanent use located on the property. The following temporary structures and uses shall be permitted subject to the issuance of a Zoning Permit for a temporary use.

1. Construction Trailers

Construction trailers used in conjunction with construction projects provided that the following requirements are met:

- a. Such construction trailers may be located at a building site where there is a valid building permit for the construction project, or, in the case of a residential development, a valid building permit for at least one (1) of the residential units being constructed.
- b. All construction trailers shall be located at least 10 feet off any street right-of-way and not be placed in any required rear or side yard setback.
- c. In addition to construction trailers, security guard houses may be installed. Use of such structures may include overnight stay provided adequate sanitary facilities are provided and the same conditions for construction trailers are met.

2. Residential Sales Offices

- a. Structures, whether temporary or permanent, located in a development containing 20 or more lots and used as sales offices for the development are permitted.
- b. Any temporary structure used as a sales office shall be located on a lot which is in compliance with the regulations of this Ordinance and shall meet all yard requirements for the applicable zoning district.
- c. At least five (5) off-street parking spaces shall be provided on the lot to accommodate persons using the sales office.
- d. If a permanent residential structure is used as the sales office, future use of said structure shall be for residential purposes.
- e. A trailer may be used as a temporary sales office, provided that the following conditions are met:
 - i. The trailer shall be provided with underpinning, from the bottom of the walls to the ground, made of masonry, vinyl, pre-painted aluminum material, or other similar material.
 - ii. Landscaping shall be provided around the base of the trailer.
 - iii. At the completion of the sales in a tract, or two (2) years from the date the temporary sales office began operation, whichever is sooner, said sales office shall cease operation unless the Administrator determines that substantial progress is being made in the selling and/or marketing of the lots and/or homes in the development. In such case, one (1) or more extensions (each not to exceed one (1) year in duration) may be so authorized by the Administrator. If a temporary structure is used as the sales office, it shall be removed after its use as a sales office is terminated. Immediately after the structure is removed, the lot shall be returned to a natural state. Any paved or graveled driveway and/or parking area associated with the sales office shall also be removed. All bare soil areas on the lot shall be returned to a natural vegetative state (reseeded or sodded) immediately after removal of the sales office and driveway/parking area.

3. School Manufactured Units

Public or private schools may install temporary manufactured classroom units with the issuance of a zoning permit for two-year renewable periods.

4. Temporary Retail Sales (including temporary produce stands, Christmas tree sales and similar uses)

- a. See Itinerant Merchant standards in the City of Morganton Code of Ordinance.
- b. Temporary retail sales shall be limited to the MID, HID, and SID zoning districts only, not located within a Neighborhood Conservation Overlay.
- c. Only one (1) temporary vendor shall be located on a lot of record at any time.
- d. Temporary vendors shall renew the Zoning Permit for the temporary use every 180 days for any one (1) location.
- e. This use shall not include flea markets or yard sales.

f. Truck trailers and flat beds shall not be parked on site as part of the temporary use except for short-term delivery services.

5. Promotional Activities for Businesses

- a. Permanent businesses established on a site may hold temporary promotional activities for the business for up to 14 days up to four (4) times per year.
- b. Promotional activities or sales taking place on a sidewalk shall leave a minimum sidewalk clearance of five (5) feet. Any promotional activities taking place on a public sidewalk shall also obtain an encroachment permit.

6. Temporary Homeless Shelters

In all zoning districts:

- a. No temporary homeless shelter shall be established except as an accessory use to a qualified religious institution as established by the North Carolina Building Code.
- b. Temporary homeless shelters shall not accommodate more than 20 persons.
- c. All temporary homeless shelters shall be conducted in the principal building.
- d. A temporary homeless shelter must comply and remain in compliance with all applicable public health and environmental laws and rules and must contain the equipment and meet all of the standards established by the State of North Carolina, as amended or superseded, and any additional rules and regulations issued by the North Carolina Department of Insurance.

7. Yard Sales

- a. A yard sale may be conducted by civic or religious organization, an individual occupant of a residence on-site, or in cooperation with neighbors of a residential community for the purpose of selling surplus household items for profit or for charitable purposes.
- b. Yard sales shall not be conducted at the same location or by the same organizer(s) more than two (2) days, twice in one calendar year for a total of four (4) days per calendar year, otherwise the sale is considered a commercial operation and is subject to the requirement of this Ordinance and the licensing regulations of Section 6-1151 (C) of the Code of Ordinances.

8. Mobile Food Vendors

a. Definition

Mobile Food Vendors ("Food Trucks") are defined as a mobile food service establishment that prepares and serves food and/or beverages for sale to the general public from a truck, or vehicle-mounted or vehicle towed piece of equipment designed to be readily moved.

b. Location of Vendors

- i. Mobile Food Vendors may conduct sales while parked on a public street when the City Council has approved a temporary street closing for a City sponsored or civic event such as a street festival/fair, or the vendor has been permitted individually by the City of Morganton's Main Street Department at one of the City's designated lots or parking spots.
- ii. Mobile Food Vendors must be parked at least 15 feet from any fire hydrant, and 5 feet away from any driveway, utility box or vault, handicapped ramp, building entrance or exit, or emergency call box. These minimum distance requirements are all measured in a straight line from the closest point of the proposed food truck location to the closest point from the buffered point.
- iii. Mobile Food Vendors must be positioned at least one hundred (100') feet from the closest point of the primary customer entrance of any existing restaurant during its hours of operation when permitted at a private lot (not a designated public spot set by The Main Street Department), unless the vendor can provide written consent from the restaurant owner for a closer proximity.
- iv. Mobile Food Vendors may only be located in a zoning district which allows for restaurants as a permitted use unless a special event permit is established by City Council.

- v. A Mobile Food Vendor is permitted to vend at more than a single site but each location must be approved by individual permit when located on private lots and not the City's designated public locations in the Central Business District.

c. Permit Required for Operation

- i. A zoning permit is required for each site and must be signed by the property owner, completed and submitted along with a site plan or plot plan. If a property owner has a property large enough to accommodate more than one food truck, only one zoning permit is required to be submitted showing the location of all food truck(s). The plot plan must show the limits of the property, the location(s) of the proposed food truck, and label adjoining uses on neighboring properties. For public locations in the CBD permitted by the City of Morganton Main Street Department, each food truck must be permitted separately with a zoning permit from the Development and Design Department.
- ii. Proof of permit by a county health department within the State of North Carolina must be provided with the application. The applicant shall provide proof that contact has been established with the Burke County Health Department and an official from said department has cleared the applicant for operating a food truck within Burke County.
- iii. A copy of the zoning permit shall be kept on the food truck at all times. These permits must each be renewed annually on July 1st.

d. Standards Associated with Operation

- i. Mobile Food Vendors are subject to the City noise ordinances, and may not use audio amplification. All equipment associated with such vendors must be located within three (3) feet of the food truck. The owner or individual in charge of the food preparation/service facility is responsible for disposing of all trash associated with the operation of the Mobile Food Vendor. City trash receptacles may not be used to dispose trash or waste, nor should private trash receptacles without the owner's permission. All areas within proximity of the food truck must be kept clean. Grease and liquid waste may not be disposed in tree pits, storm drains, the sanitary sewer system or public streets.
- ii. In addition to signage displayed directly on the vehicle, a Mobile Food Vendor may display only one sign attached to the ground, or menu board sign, which shall not exceed four feet in height or eight square feet of surface area. Such a sign shall be placed within ten feet of the mobile food unit or vehicle and must be removed when outside hours of operation.
- iii. The sale of alcoholic beverages shall not be permitted by any Mobile Food Vendor, absent the issuance of the requisite special event permit and required licensure from the State of North Carolina.
- iv. Temporary outdoor seating for food trucks may be utilized provided there is a minimum of 5 feet of clearance on any public sidewalks, and the seating may not be located in a public street unless part of an approved street closure.
- v. Food trucks and associated outdoor seating shall be removed from all permitted locations during impermissible hours of operation and shall not be stored, parked, or left overnight on any public street or sidewalk.
- vi. A fire extinguisher of minimum Class 2A, 10B and C grade will be kept on the Mobile Food Vendor's vehicle. If deep frying is proposed, a Class K fire extinguisher must be kept on the truck/trailer.
- vii. Electric direct wiring hookups may not be used unless permitted by the City of Morganton at a designated location or on a private lot with the owner's permission. Any necessary electrical trade permits must be obtained prior to the opening for business by the mobile food vendor.
- viii. A copy of vehicle or trailer registration, and location of approved grease disposal facility must be maintained on the truck as well.
- ix. If the Mobile Food Vendor is operating after dark, the vendor shall provide appropriate lighting in a manner that minimizes negative impacts to adjacent properties or motorists.

- x. If any of these standards are not met or satisfied by the Mobile Food Vendor, permits may be revoked at any time by the City of Morganton.

Effective on: 5/1/2023