

ARTICLE 2. ZONING DISTRICTS

§2.1. Districts Established

To carry out the provisions of this UDO, within the jurisdiction of Lincoln County, the following zoning districts are established:

§2.1.1. General Use Districts

A. Residential

1. R-R | Rural Residential

This district is composed of low density residential and related development and selected nonresidential uses, which are typically found in a rural residential area. The established regulations for this district are designed to maintain and promote a rural and semi-rural atmosphere in portions of the County in which public utilities are not available and will likely not be available in the foreseeable future.

2. R-T | Transitional Residential

Established to accommodate a wide variety of residential oriented uses in portions of the County which to date have not experienced significant amounts of growth. Areas zoned R-T should be viewed as development "holding zones". In general, such areas do not have public water and sewer facilities.

3. R-S | Residential Suburban

Established to encourage residential type development in portions of the County where one or more public utilities are currently in service or are anticipated to be installed in the future, residential subdivision development is somewhat more likely in this district than in the R-R or R-T districts. Given that residential will be the major use of land in this area, careful attention must be given to the list of nonresidential uses which can take place in order to maximize aesthetics and the overall quality of life in such areas.

4. R-SF | Residential Single Family

Established to provide for traditional single-family subdivisions and/or maintain areas in the County for traditional single-family residential uses, such areas, in general, do not presently contain mobile or manufactured homes, duplexes or multi-family dwelling developments. Since manufactured homes and other types of residential dwelling units are accommodated in many of the other residential districts, certain areas of the County can be set aside exclusively for single-family purposes. Unlike the R-S district where public utilities are currently in place or expected to be in the near future, the provision of public utilities is not a factor in the location of the R-SF district. Thus, the R-SF district may be applied to areas which have received both suburban and more rural types of development in the past.

5. R-CR | Residential and Commercial Recreational

Established to provide for a combination of residential uses and outdoor recreation uses and activities, the R-CR district is appropriate for application to larger sites adjacent to Lake Norman and other streams and bodies of water

General Use Districts

which lend themselves to the development of outdoor recreational areas and communities.

6. R-20 | Single-family-20

Established as a single-family residential district, the R-20 district is intended to provide a quality residential environment and protect the quality of life for its residents and other selected uses which are permitted by special use permit.

7. R-14 | Single-family-14

Established primarily as a single-family residential district. Since the purpose of this district is to maintain a quality residential atmosphere, uses permitted other than single-family are limited.

8. R-MR | Mixed Residential

Established to provide for higher density residential development in harmony with surrounding uses, the R-MR district allows zero lot line homes, duplexes, townhouse development and other selected uses compatible with such development. Density levels within the R-MR district may be allowed up to six units per acre.

9. R-MF | Multi-family Residential

Established to provide for higher density, multi-family residential development in harmony with surrounding uses and other selected uses compatible with such development, density levels within the R-MF district may be allowed up to six units per acre.

B. Nonresidential

1. O-R | Office Residential

The O-R district is intended to accommodate modest-scale professional occupations, along with mixed residential units, to serve as a neighborhood activity center and as a transition between residential and more intense commercial uses.

2. B-N | Neighborhood Business

The B-N district provides for small-scale commercial uses offering primarily convenience shopping and services for adjacent residential areas. Proximity to residences requires that commercial operations are low intensity, unobtrusive and conducted at a scale and density compatible with the surrounding neighborhood. There is a relatively low demand on public services, transportation and utilities.

3. B-G | General Business

The B-G district provides locations of offices, service uses, and businesses retailing durable and convenience goods for the community as a whole. Located on arterials or collectors, such uses are accessible to and serve the entire community. Such uses shall be designed in such a manner so as to promote aesthetics, the safe and efficient movement of traffic and not unduly burden adjacent thoroughfares. Site design and buffering mitigate impacts of traffic, operations and scale on adjacent businesses and residential neighborhoods.

4. Intentionally left blank

5. I-L | Industrial Light

The I-L district promotes the retention and growth of employment opportunities by providing areas where a broad range of industrial uses may locate and where options for complementary uses exist. Industries should be operated in a relatively clean and quiet manner, and should not be obnoxious to nearby residential or business districts, warehousing and wholesaling activities, and research facilities. The regulations of this district are intended to prohibit the use of land for industries that by their nature may create some nuisance to surrounding properties.

6. I-G | Industrial General

The I-G district promotes the retention and growth of employment opportunities by providing areas where a broad range of industrial uses may locate and where options for complementary uses exist. Intended for heavy industries that, by their nature, may create some nuisance, and which are not properly associated with or are compatible with nearby residential or business districts, warehousing and wholesaling activities, and research facilities.

C. Planned**1. PD-R | Planned Development-Residential**

The PD-R district is intended to provide for master-planned residential communities containing a mix of housing types, including associated amenities with appropriate perimeter buffering and recreation and open space. This district is primarily intended for large-scale residential projects that require either additional flexibility not available in the residential districts or greater scrutiny by the County due to their scale.

2. PD-C | Planned Development-Commercial

The PD-C district is intended to enhance the design of a commercial development by allowing for additional flexibility not available in the nonresidential districts. The district allows for innovations and special features in site development, including the location and type of structures, the conservation of natural features, the conservation of energy, and the efficient use of recreation and open space.

3. PD-I | Planned Development-Industrial

The PD-I district is intended to provide a means of achieving unified industrial complexes of high quality to promote amenities beyond those expected under conventional techniques, to achieve greater flexibility in design, to encourage well-planned industrial developments that provide for community needs, to provide for appropriate use of land which is significantly unique in its physical characteristics, location or other circumstances to warrant special methods of development, and to allow the expansion of existing industrial areas while safeguarding and maintaining the integrity of surrounding uses, especially those of a residential nature.

4. PD-MU | Planned Development-Mixed Use

The PD-MU district is intended to provide for coordinated mixed use developments which include light industrial, commercial, office, educational, civic, institutional, residential and service uses within a planned development with appropriate perimeter buffering and recreation and open space. The

Reserved

variety of land uses available in this district allows flexibility to respond to market demands and the needs of tenants, which provides for a variety of physically and functionally integrated land uses.

§2.1.2. Reserved

§2.1.3. Conditional Zoning Districts

A. Authority

Pursuant to G.S. § 160D-703(b), the Board of Commissioners may establish by ordinance various conditional zoning districts. Property may be placed in a conditional zoning district only in response to a petition by all owners of the property to be included.

B. Community Involvement Meeting (CIM)

Prior to final acceptance of an application by the Director, all applicants petitioning for conditional zoning districts shall hold a community involvement meeting (CIM) in accordance with the following requirements:

1. Only the initial application for conditional zoning districts shall require a CIM. Subsequent applications for subdivision or site plan review do not require further CIMs.
2. The purpose of the CIM shall be to inform the neighborhood of the nature of the proposed land use and development features, explain the site plan if any, and solicit comments.
3. The applicant shall provide notice by mail in accordance with §9.2.3.B.3. The notice shall be mailed at least ten days but not more than 25 days prior to the date of the CIM.
4. The applicant shall prepare and submit to the Director detailed minutes that outlines attendance, major points discussed, and any agreements reached between the parties involved.
5. Following the CIM, the applicant shall have the opportunity to make changes to the application to take into account information and comments received. One or more revised copies of the application shall be submitted to the Director for review. No additional fee shall be required to be paid for making such changes provided the Director receives the revised application within 30 days following the CIM. If a revised application is not received during said 30 day period, the Director shall review the original application submitted.
6. The Director may develop administrative rules pertaining to any additional requirements for the conduct of the meeting.

C. Minimum Requirements

All zoning regulations that apply to the general use district are minimum requirements for development within conditional zoning districts.

D. Conditions of Approval

1. Specific conditions may be proposed by the petitioner or the County or its agencies, but only those conditions mutually approved by the County and the petitioner may be incorporated into the zoning regulations. Conditions imposed in a conditional zoning district shall be limited to those that address

the conformance of the development and use of the site to county ordinances, plans adopted pursuant to G.C. 160D-501, or the impacts reasonably expected to be generated by the development or use of the sites. Unless consented to in by the petitioner in writing, the County may not require, enforce, or incorporate into the zoning regulations or permit requirements any condition or requirement not authorized by otherwise applicable law, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allows in G.S. 136-18(29), or other unauthorized limitations on development or use of land.

2. A conditional zoning district may provide for greater but not lesser setbacks than those applicable to the corresponding general use district, and may specify that only one or some of the uses allowed (either on a permitted or a special use basis) in the general use district are allowed in the conditional zoning district.

E. Effect of Approval; Zoning Map Designation

If a petition for a conditional zoning district is approved, the development and use of the property shall be governed by the UDO requirements applicable to the district's zoning classification, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the Zoning Map. Following the approval of the petition for a conditional zoning district, the subject property shall be identified on the Zoning Map by the appropriate district designation preceded by the letters CZ (i.e., CZ B-G).

F. Modifications to Conditional Zoning Districts

1. Minor changes in a conditional zoning district may be approved by the Director, provided such changes will not:
 - (a) Alter the basic relationship of the proposed development to adjacent property;
 - (b) Alter the uses permitted or increase the density or intensity of development; or
 - (c) Change the boundaries of the approved site.
 - (d) Substantially change the vehicular access or circulation.
 - (e) Substantially change the location of principal or accessory structures, or the location or size of open space and recreation facilities.
 - (f) Significantly alter the basic size, form, style, ornamentation, and appearance of principal and accessory structures as shown on the approved site plan or described in the applicant's narrative.
 - (g) Substantially reduce the degree or change the location of landscape buffers.
2. A major modification in a conditional zoning district shall be subject to approval in accordance with the procedure which governed the district's approval.

Overlay Districts

§2.1.4. Overlay Districts**A. Eastern Lincoln Development District (ELDD)**

The ELDD is established to address the growth opportunities in eastern Lincoln County, primarily along the NC 16 Business and NC 16 Bypass corridors. Due to the importance and special nature of these corridors and the development pressures in these areas, additional standards are needed beyond those applicable countywide and described in the general development standards of Article 3. The standards established in §2.5.1 apply to nonresidential, mixed-use, multi-family and planned development.

B. Watershed Protection Overlay (-WPO)

The -WPO district is established to protect the following designated watersheds: WS-II-CA (Critical Area); WS-II-BW (Balance of Watershed); WS-III-BW (Balance of Watershed); WS-IV-CA (Critical Area); WS-IV-PA (Protected Area). The designated watersheds under this district are defined and established by the overlay district “-WPO Watershed Protection Overlay” on the Zoning Map. Land use and development within the -WPO district must comply with all the requirements of both the underlying zoning district and the respective watersheds. The -WPO district is intended for application to lands designated as a Public Water Supply Watershed by the North Carolina Environmental Management Commission and as defined and established on the map entitled, "Watershed Protection Map of Lincoln County, North Carolina" (the Watershed Map). See §7.3 for watershed protection standards.

C. Historic Overlay (-HO)

The -HO district is established to protect, enhance, and perpetuate landmarks or areas of historical and cultural importance and significance. Designation of historic overlay areas is necessary to promote the economic, cultural, educational, and general welfare of the public, because such areas represent the unique confluence of time and place that shaped the identity of generations of citizens, both collectively and individually, and produced significant historic, architectural, and cultural resources that constitute their heritage.

D. Airport Overlay (-AO)

The -AO district is established to prevent the creation or establishment of obstructions that are hazards to air navigation. Prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation. The prevention of the creation or establishment of hazards to air navigation or obstructions and the elimination, removal, alteration or mitigation of air hazards to air navigation or obstructions, or the marking and lighting of obstructions, are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

E. Reserved**§2.1.5. Interpretation of District Boundaries****A. Defined**

District boundaries as are shown upon the Zoning Map of the County, and the provisions of this UDO are hereby established and declared to be in effect upon all land included within the boundaries of each and every district shown on the map.

B. Rules for Interpretation

1. The Director is authorized to interpret the Zoning Map and to pass upon disputed questions of lot lines or district boundary lines and similar questions. If such questions arise in the context of an appeal from a decision of the Director, they shall be handled as provided in §9.19, Administrative Appeals.
2. An application for a Zoning Map interpretation shall be submitted by filing the application with the Director. The application shall contain sufficient information to enable the Director to make the necessary interpretation.
3. Where uncertainty exists as to the boundaries of any district shown on the Zoning Map, the following rules shall apply:
 - (a) Boundaries indicated as approximately following the centerlines of roads, alleys, highways, streams or railroads shall be construed to follow such centerlines.
 - (b) Boundaries indicated as approximately following lot lines, any municipal boundaries or extraterritorial jurisdiction boundary lines, shall be construed as following such lines, limits or boundaries; and
 - (c) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such changed shorelines.
4. Where a district boundary divides a lot or where distances are not specifically indicated on the Zoning Map, the boundary shall be determined by measurement, using the scale of the Zoning Map.
5. Where any road or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such road or alley added thereto by virtue of such vacation or abandonment.

Use Table

§2.2. Permitted Land Uses**§2.2.1. Use Table**

The use table is subject to the explanation as set forth below.

A. Key to Types of Use**1. Permitted**

A "P" indicates that a use is permitted in the respective district subject to the specific use standards in Article 4. Such uses are also subject to all other applicable requirements of this UDO.

2. Reserved**3. Special**

An "S" indicates a use that may be permitted in the respective general use district only where approved by the Board of Commissioners in accordance with §9.11. Special uses are subject to all other applicable requirements of this UDO, including the specific use standards contained in Article 4.

4. Use Standard

The "Use Standard" column on the table is a cross-reference to any specific use standard listed in Article 4. Where no cross-reference is shown, no additional use standard shall apply.

5. Uses Not Permitted

A blank cell in the use table indicates that a use is not permitted in the respective district.

B. Permitted Use Table

The following table lists the principal uses permitted by this UDO for general use districts. For conditional zoning districts, see §2.1.3; for overlay districts, see §2.5; for planned development districts, see §2.4.9, and for accessory structures and uses, see §4.6.

	R-R	R-T	R-S	R-SF	R-CR	R-14	R-20	R-MR	R-MF	O-R	B-N	B-G		I-L	I-G	Use Standard
P = Permitted S = Special Use (§9.10) * = Group of Uses (§2.3)																
Residential Uses¹	R-R	R-T	R-S	R-SF	R-CR	R-14	R-20	R-MR	R-MF	O-R	B-N	B-G		I-L	I-G	Use Standard
Single-family detached	P	P	P	P	P	P	P	P								
Modular (CABO)	P	P	P	P	P	P	P	P								
Alley-loaded house		P	P	P	P	P	P	P								§4.2.1
Zero lot line house								P	P							§4.2.2
Two-family house	P	P	P					P	P							§4.2.3
Townhouse			S		S			P	P	S	S					§4.2.4
Multi-family			S		S				P							§4.2.5
Upper-story residential										P	S	S				§4.2.6
Boarding house	P	P	P						P	P						§4.2.7
Manufactured home, Class A	P	P	P													§4.2.8
Manufactured home, Class B	P	P	P													§4.2.9
Manufactured home, Class C	P	P	S													§4.2.10
Manufactured home, Class D	S	S														§4.2.11
Manufactured home, Class E	P	P	S													§4.2.12
Manufactured home, Class F																§4.2.13
Manufactured home park (<20 units)	S	S														§4.2.14
Manufactured home park (>20 units)	S	S														§4.2.14
Storage, private (on <2 ac.)	S	S	S	S	S											
Storage, private (on >2 ac.)	P	P	P	P	P											
Civic Uses	R-R	R-T	R-S	R-SF	R-CR	R-14	R-20	R-MR	R-MF	O-R	B-N	B-G		I-L	I-G	Use Standard
Airport, public or private	S	S													S	
Adult care home	S	S	S						S	S	S					
Bus terminal, public	S	S										P		P	P	
Cemetery	P	P	S	S	S							S				§4.3.1
Civic club or community center	S	S	S	S	S					P	P	P			P	
Coliseums 1000+ seats												S				
College										P	S	S				
Correctional facility															S	
County facility	P	P	P	P	P	P	P	P	P	P	P	P		P	P	§4.3.5
Child care center, small group (1-6)	P	P	P	P	P			P	P	P	P	P				
Child care center (6+)	S	S	S	S	S			S	S	P	P	P		P	S	§4.3.2
Child care center (6+) as accessory use														P	P	
Family care home	P	P	P	P	P	P	P	P	P	P	P					§4.3.3
Hospital										S	P	P				
Museum (privately owned)										P	P	P				
Nursing home	S	S	S							S	S	S				
Place of worship, seating capacity<500	P	P	P	P	P					P	P	P				§4.3.4
Place of worship, seating capacity 500 to 1000	P	P	S	S	S						P	P				§4.3.4
Place of worship, seating capacity >1000											P	P				§4.3.4
State or federal facility not listed as S use										P	P	P		P	P	§4.3.5
Public safety facility	P	P	P	P	P	P	P	P	P	P	P	P		P	P	§4.3.5
Railroad terminal and yard															P	
School, elementary and secondary	P	P	P	P	P						S	S				§4.3.6
Solar farm	S	S										S		S	S	4.3.7
Technical, trade, business school	S	S								S		P		P		
Utility, minor *	P	P	P	P	P	P	P	P	P	P	P	P		P	P	
Utility, major *	S	S	S	S	S	S	S	S	S	S	S	S		S	S	

¹ Some residential uses listed in this table may only be allowed in cluster subdivisions (See §2.4.5 and §2.4.6)

Use Table

	R-R	R-T	R-S	R-SF	R-CR	R-14	R-20	R-MR	R-MF	O-R	B-N	B-G		I-L	I-G	Use Standard
P = Permitted S = Special Use (§9.10) * = Group of Uses (§2.3)																
Wireless facility and tower (up to 60 ft)	P	P	P	P	P	P			P	P	P	P		P	P	4.3.8
Wireless facility and tower (61-100 ft)	S	S	S	S	S	S				S	S	S		P	P	4.3.8
Wireless facility and tower (101-325 ft.)	S	S	S	S								S		S	S	4.3.8
Recreational Uses	R-R	R-T	R-S	R-SF	R-CR	R-14	R-20	R-MR	R-MF	O-R	B-N	B-G		I-L	I-G	
Amusement Center - Indoor											P	P				
Amusement Center - Outdoor											S	P				
Amusement Center Indoor and Outdoor											S	P				
Fitness Gym											P	P				
Golf Course/Golf Club	S	S	S	S							P	P				
Gymnasium												P				
Outdoor Recreation Fields	S	S	S	S							P	P				
Outdoor Private Swimming Pool	P	P	P	P	P							P				
Public Recreation facilities and Parks	P	P	P	P	P	P	P	P	P	P	P	P				
Recreational Fishing Lake	S	S										S				
Riding Stables	P	P	P	P	P	P	P	P	P	P	P	P		P	P	
Event Venue	S	S									S	P				
Commercial Uses	R-R	R-T	R-S	R-SF	R-CR	R-14	R-20	R-MR	R-MF	O-R	B-N	B-G		I-L	I-G	Use Standard
Adult establishment															S	§4.4.1
Agriculture*	P	P	P	P	P	P	P	P	P	P	P	P		P	P	
Agriculture (sales, processing) *	S	S													P	
Agricultural supply/equipment sales	S											P			P	
Animal shelter												S			S	
Artist studio, gallery										P	P	P				
Auctions, livestock or outdoor	S											S			S	
Bank or financial institution										P	P	P		S		
Bar or nightclub												S				§4.4.2
Bed & breakfast	S	S	S	S	S				P	P	P	P				§4.4.3
Cabinet shop														S	P	
Campground	S				S							S				
Catering, food												P		P	P	
Club, private	P	P	S	S	S	S	S	S				P				§4.4.4
Contractor's office												P		P	P	§4.4.5
Contractor's yard														P	P	
Convenience store without fuel sales											P	P		P	P	
Electronic gaming operation												S		S		§4.4.6
Farm stand	P	P	P	P							P	P		P	P	§4.4.7
Flea market												S		S	S	§4.4.8
Florist, wholesale												S		S	S	
Freezer lockers															P	
Funeral home											P	P		S		
Gas station with convenience retail											S	P		S	S	§4.4.9
Hotel, motel					S							P				§4.4.10
Kennel	S	S									S	S			S	§4.4.11

	R-R	R-T	R-S	R-SF	R-CR	R-14	R-20	R-MR	R-MF	O-R	B-N	B-G	I-L	I-G	Use Standard
P = Permitted S = Special Use (§9.10) * = Group of Uses (§2.3)															
Marina					S										
Microbrewery											P	P			§4.4.12
Microbrewery combined with restaurant											P	P			§4.4.13
Newspaper publisher											S	P	P	P	
Office, general *										P	P	P	P	P	
Office, professional										P	P	P	P	P	
Office, medical *										P	P	P	P	P	
Parking lot, commercial														P	
Photo finishing laboratory												P	P	P	
Post office										S	P	P	P	P	
Postal/parcel processing													P	P	
Racetrack	S													S	§4.4.14
Radio or television studio												P	P		
Recreational club, private					S							P			§4.4.15
Restaurant, general					S						P	P	S		§4.4.16
Restaurant, fast food												P	S		
Retail, neighborhood *											P	P			§4.4.17
Retail, general *											P	P			§4.4.17
Self-storage facility												S	S	P	§4.4.19
Service, neighborhood *											P	P	P		§4.4.20
Service, general *											P	P	P	P	§4.4.20
Shooting range, indoor											S	S			§4.4.21
Shooting range, outdoor	S											S			
Tattoo parlor/body piercing establishment												S			
Vehicle repair *														P	§4.4.22
Vehicle sales *												S	S	S	§4.4.23
Vehicle service *											S	P	P	P	§4.4.24
Vending supply														P	
Veterinarian, animal hospital											P	P	S		§4.4.25
Winery	S	S	S	S	S										§4.4.26
P = Permitted S = Special Use (§9.11) * = Group of Uses (§2.3)															
Industrial Uses	R-R	R-T	R-S	R-SF	R-CR	R-14	R-20	R-MR	R-MF	O-R	B-N	B-G	I-L	I-G	Use Standard
2022 NAICS Classifications															
Mining, oil and gas extraction															
2111 Oil and gas extraction														S	§4.5.1
2121 Coal mining														S	§4.5.1
2122 Metal ore mining														S	§4.5.1
2123 Nonmetallic mineral mining														S	§4.5.1
2124 Support activities for mining														S	§4.5.1
Manufacturing															
3111 Animal food														S	
3112 Grain and oilseed milling														S	
3113 Sugar and confectionery product														P	
3114 Fruit and vegetable preserving, etc.														P	
3115 Dairy product														P	
3116 Animal slaughtering and processing														S	
3117 Seafood product preparation														S	
3118 Bakeries and tortilla													P	P	
3119 Other food														S	
3121 Beverage														P	
3122 Tobacco														S	
3131 Fiber, yarn and thread													P	P	

Use Table

	R-R	R-T	R-S	R-SF	R-CR	R-14	R-20	R-MR	R-MF	O-R	B-N	B-G		I-L	I-G	Use Standard
P = Permitted S = Special Use (§9.10) * = Group of Uses (§2.3)																
3132 Fabric														P	P	
3133 Textile and fabric finishing															S	
3141 Textile furnishings														P	P	
3149 Other textile product														P	P	
3151 Apparel knitting														P	P	
3152 Cut and sew apparel														P	P	
3159 Apparel accessories, other apparel														P	P	
3161 Leather and hide tanning															S	
3162 Footwear															P	
3169 Other leather and allied product															P	
3211 Sawmills and wood preservation															S	
3212 Veneer, plywood, etc.															P	
3219 Other wood product															P	
3221 Pulp, paper and paperboard																
3222 Converted paper product														S	S	
3231 Printing, related support activities														P	P	
3241 Petroleum and coal products															S	
3251 Basic chemical															S	
3252 Resin, synthetic rubber, etc.															S	
3253 Pesticides, fertilizer, etc.															S	
3254 Pharmaceutical and medicine														P	P	
3255 Paint, coating and adhesive															S	
3256 Soap, cleaning compound, etc.															S	
3259 Other chemical product															S	
3261 Plastics product															P	
3262 Rubber product															S	
3271 Clay product and refractory														S	S	
3272 Glass and glass product															S	
3273 Cement and concrete product															S	
3274 Lime and gypsum product															S	
3279 Other nonmetallic mineral product															S	
3311 Iron and steel mills															S	
3312 Steel product manufacturing															P	
3313 Alumina and aluminum production															S	
3314 Other nonferrous metal production															S	
3315 Foundries															S	
3321 Forging and stamping															P	
3322 Cutlery and handtool														P	P	
3323 Architectural and structural metals															P	
3324 Boiler, tank and shipping container															P	
3325 Hardware manufacturing														P	P	
3326 Spring and wire product														P	P	
3327 Machine shops; turned product														P	P	
3328 Coating, engraving, heat treating														S	S	
3329 Other fabricated metal product															S	
3331 Agriculture, construction machinery															P	
3332 Industrial machinery															P	
3333 Commercial and service machinery														P	P	

	R-R	R-T	R-S	R-SF	R-CR	R-14	R-20	R-MR	R-MF	O-R	B-N	B-G	I-L	I-G	Use Standard
P = Permitted S = Special Use (§9.10) * = Group of Uses (§2.3)															
3334 HVAC and commercial refrigeration													P	P	
3335 Metalworking machinery													P	P	
3336 Engine, turbine equipment														P	
3339 Other general purpose machinery														S	
3341 Computer and peripheral equipment													P	P	
3342 Communications equipment													P	P	
3343 Audio and video equipment													P	P	
3344 Semiconductor, other component													S	S	
3345 Measuring and control instruments													P	P	
3346 Magnetic and optical media													P	P	
3351 Electric lighting equipment													P	P	
3352 Household appliances													P	P	
3353 Electrical equipment														P	
3359 Other electrical component														S	
3361 Motor vehicle manufacturing														S	
3362 Motor vehicle body and trailer													S	P	
3363 Motor vehicle parts													S	P	
3364 Aerospace product and parts													S	P	
3365 Railroad rolling stock														S	
3366 Ship and boat building														S	
3369 Other transportation equipment														S	
3371 Household and institutional furniture														P	
3372 Office furniture (including fixtures)														P	
3379 Other furniture-related product														P	
3391 Medical equipment and supplies													P	P	
3399 Other miscellaneous manufacturing													S	S	
Wholesale trade															
4231 Motor vehicle, parts and supplies													S	P	
4232 Furniture and home furnishing													S	P	
4233 Lumber, construction materials													S	P	
4234 Profession, commercial equipment													S	P	
4235 Metal and mineral													S	P	
4236 Electrical and electronic goods													S	P	
4237 Hardware, plumbing and heating													S	P	
4238 Machinery, equipment and supplies													S	P	
4239 Miscellaneous durable goods													S	P	
4241 Paper and paper product													S	P	
4242 Drugs and druggists sundries													S	P	
4243 Apparel, piece goods and notions													S	P	
4244 Grocery and related product													S	P	
4245 Farm product raw material													S	P	
4246 Chemical and allied products													S	S	
4247 Petroleum, petroleum products													S	S	
4248 Alcoholic beverage													S	P	
4249 Miscellaneous nondurable goods													S	P	
4251 Wholesale electronic markets													S	P	
Transportation and warehousing															
4841 General freight trucking														P	
4842 Specialized freight trucking														S	
4855 Charter bus														P	
4931 Warehousing and storage														P	
Other uses															

Grouping of Uses

	R-R	R-T	R-S	R-SF	R-CR	R-14	R-20	R-MR	R-MF	O-R	B-N	B-G		I-L	I-G	Use Standard
P = Permitted S = Special Use (§9.10) * = Group of Uses (§2.3)																
Battery storage																S
Bulk storage of flammable liquids																S
Building material sales, lumberyards												S		P		P
Crematorium														P		P
Data center												P		P		P
Process of Dry cleaning and laundry														S		P
Junkyard/salvage																S
Laboratories														P		P
Motor sports/team racing														S		P
Product distributing plant														S		P
Recycling facility, indoor														S		P
Repair and servicing of machinery, equipment or products														P		P
Retail sales as an accessory use to a manufacturing or distribution plant														P		P
Research and development *														P		P
Sawmill Only (no wood preservation)	S	S	S											P		P
Septic service																P
Supply houses														P		P
Tire recapping shop																P
Vehicle storage																P
Waste service*																S §4.5.1

§2.3. Use Interpretation

§2.3.1. Grouping of Uses

As set forth in the Permitted Land Use Table (see §2.2.1), certain uses are grouped together based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions. Grouping uses provides a systematic basis for assigning uses to appropriate general use districts. Any use not specifically set forth in this UDO is expressly prohibited, unless determined otherwise as set forth in paragraph §2.3.6 below.

§2.3.2. Uses Not Grouped

As set forth in the Permitted Land Use Table (see §2.2.1), due to their specific nature and characteristics, certain uses have not been grouped. Individual uses may be defined in Article 12, Definitions.

§2.3.3. Civic Use Groups

Airport and Bus Terminals: Transportation services and facilities for the landing and takeoff of airplanes and helicopters, fixed base operations, flying schools, air shipment warehouses, passenger terminals for bus service, and associated loading and unloading areas.

Parks and Open Areas: Uses focusing on natural areas consisting mostly of open vegetation, passive or active outdoor recreation areas, or community gardens, and having few structures. Parks and open areas shall include the following: tot lot and playgrounds;

mini-parks; plazas; squares; greens; neighborhood parks; botanical gardens; nature preserves and recreation trails; or any similar use.

Utility, Major: A large-scale utility such as water or wastewater treatment plant, water tower, electrical generation plant, or transmission facility or any similar use. “Solar farm” is specifically excluded from the definition of “Major Utility.”

Utility, Minor: All utility facilities not considered major, including, but not limited to neighborhood-serving facilities such as utility distribution lines, sewage collection lines, pump stations, telephone exchanges, lift stations, and stormwater detention facilities, or any similar use.

§2.3.4. Commercial Use Groups

Agriculture: Bona fide farm purposes as defined by N.C. General Statutes 160D-903(a), including the production and activities relating to or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry and all other forms of agricultural products having a domestic or foreign market.

Indoor Recreation: Amusement or recreational activities carried on wholly within a building, including dance hall, theater, health club and activities of a similar nature. This does not include an adult-oriented business or amusement center.

Office, General: A facility generally focusing on business, government, professional or financial services. General office shall include the following: advertising office; bank; business management consulting; data processing; financial business such as lender, investment or brokerage house; collection agency; real estate or insurance agent; professional service such as lawyer, accountant, bookkeeper, engineer, or architect; sales office, travel agency or any similar use.

Office, Medical: A medical facility in which a doctor, dentist, psychiatrist, physician’s assistant, nurse practitioner or similar medical provider treats or counsels patients.

Outdoor Recreation: Any recreational facility where activity takes place primarily outdoors, including miniature golf courses, batting cages, swimming pool, driving range or a similar facility. This definition does not include riding stables, racetracks or shooting ranges.

Retail, General: A facility involved in the wholesale or retail sale, lease, or rental of new or used products to through traffic as well as the surrounding neighborhood. General retail shall include the selling, leasing or renting of the following goods: antiques; art; art supplies; bicycles; building supplies; cameras; carpet and floor coverings; crafts; clothing; computers; dry goods; electronic equipment; fabric; furniture; garden supplies; hardware; household products; jewelry; medical supplies; musical instruments; music; pets; pet supplies; printed materials; sporting goods; or any similar use. The retail sale of automobile parts shall be considered retail general provided no on-site automobile service or repair is provided. This definition does not include any adult entertainment establishment.

Retail, Neighborhood: A facility involved in the sale, lease, or rental of new or used products primarily to local traffic in the surrounding neighborhood. Neighborhood retail shall include the selling, leasing or renting of the following goods: books; health and

Industrial Use Groups

beauty products; photo finishing; crafts; flowers; gifts or souvenirs; groceries; plants; picture frames; produce; stationery; tobacco; videos or any similar use. Also includes preparation and sale of baked goods, coffee, ice cream, fountain drinks, confections and similar products whose preparation does not require installation of an exhaust hood.

Service, General: A facility involved in providing personal or repair services to through traffic as well as the surrounding neighborhood. General services shall include the following personal services: animal grooming; dance, martial arts, photographic, music studio or classroom; photocopy, blueprint, quick-sign service; psychic or medium; security service; taxidermist; catering service or any similar use. General services shall also include the following repair services: bicycles; mopeds, canvas products; clocks; computers; jewelry; musical instruments; office equipment; radios; shoes; televisions; furniture; watches or any similar use. Also includes a tailor, milliner, upholsterer or locksmith. This definition does not include any adult entertainment establishment.

Service, Neighborhood: A facility involved in providing limited personal services to local traffic in the surrounding neighborhood. Neighborhood services shall include the following: personal care services such as hair, nail, tanning, massage therapy; laundromat; dry cleaning and laundry pickup station; pack and ship facility; or any similar use.

Vehicle Sales: A facility involved in providing direct sales, renting or leasing of motor vehicles, light and medium trucks, tractor trailers, recreational vehicles; construction equipment; motorcycles and boats, or any similar use.

Vehicle Service: A facility involved in providing limited service to passenger vehicles and other small consumer vehicles. Such minor operations are primarily provided while customers wait for their vehicles. Limited vehicle service shall include the following: alignment shop; quick lubrication facilities; brake service, battery sales and installation; outdoor car wash; auto detailing and tire sales and mounting; or any similar use.

Vehicle Repair: A facility involved in providing repair services to passenger vehicles, light and medium trucks, tractor trailers, recreational vehicles, earthmoving equipment; construction equipment; vehicle painting; upholstery repair; farming equipment; and other consumer motor vehicles such as motorcycles and boats, or any similar use.

§2.3.5. Industrial Use Groups

Research and Development: A facility focused primarily on the research and development of new products. Research and development shall include: laboratories, offices, and other facilities used for research and development by or for any individual, organization, or concern, whether public or private; prototype production facilities that manufacture a limited amount of a product in order to fully investigate the merits of such a product; pilot plants used to test manufacturing processes planned for use in production elsewhere; production facilities and operations with a high degree of scientific input; facilities and operations in which the input of science, technology, research, and other forms of concepts or ideas constitute a major element of the value added by manufacture per unit of product.

Waste Service: A facility that generally receives solid or liquid wastes from others for transfer to another location, collects sanitary waste or manufactures a product from the composting of organic material. Waste-related service shall include the following: animal waste processing; landfill, incinerator; manufacture and production of goods from composting organic material; outdoor recycle processing center; outdoor storage of recyclable material, including construction material; transfer station; or any similar use.

§2.3.6. Uses Not Specifically Listed

- A.** Any use not specifically listed in this UDO is expressly prohibited, unless the Director determines in accordance with §9.17, Written Interpretation, that the use is similar to a permitted individual use or permitted group of uses as listed in this UDO. Where such similar permitted individual use or permitted group of uses is subject to a use standard contained in this article or special use review, the proposed use shall also be subject to such standard or approval. The Director shall not amend this UDO by adding to or eliminating any use standard for the proposed use.
- B.** Where a use not listed is found by the Director not to be similar to any other permitted individual use or permitted group of uses, the use shall be permitted only following a text amendment in accordance with §9.3. The decision of the Director may be appealed to the Board of Adjustment.
- C.** When considering the appropriate districts for a use not listed in the Permitted Land Use Table, the district intent statements (see §2.1) shall be taken into consideration.
- D.** Determination of an appropriate group of uses for a proposed use not currently listed shall be made by applying the following criteria.
 1. The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category.
 2. The relative amount of site area or floor space and equipment devoted to the activity.
 3. Relative amounts of sales from each activity.
 4. The customer type for each activity.
 5. The relative number of employees in each activity.
 6. Hours of operation.
 7. Building and site arrangement.
 8. Types of vehicles used and their parking requirements.
 9. The relative number of vehicle trips generated.
 10. Signs.
 11. How the use is advertised.
 12. The likely impact on surrounding properties.
 13. Whether the activity is likely to be found independent of the other activities on the site.

Developments with Multiple Principal Uses**§2.3.7. Developments with Multiple Principal Uses**

- A.** Except as set forth in §4.1, Complexes, no more than one principal building or use may be erected on a single lot of record.
- B.** When all principal uses of a development fall within one use category, the entire development shall be assigned to that use category.
- C.** When the principal uses of a development fall within different groups of uses or no group of uses, each principal use shall be classified in the applicable group of uses or treated as an individual use and each use shall be subject to all applicable regulations for that group of uses or individual use.
- D.** A development comprised of uses regulated by separate rows on the Permitted Land Use Table shall be reviewed using the most restrictive process from among the proposed uses.
- E.** Where a use requiring approval as a special use lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to review, not the entire project. However, where the separate legal parcel is an outparcel, the applicant shall describe the relationship of the outparcel to the remaining site.

§2.4. General Use District Standards

§2.4.1. Intent

The general use district development standards establish lot sizes and certain restrictions for residential and nonresidential development. These standards allow for variety in housing types while maintaining the overall character of neighborhoods and commercial areas of the County. Separate standards are established to regulate development in each general use district. This approach to district development standards has several public benefits:

- A. It allows for development that is more sensitive to the environment and allows for the preservation of open and natural areas.
- B. It promotes quality site layout and energy-efficient development.
- C. It promotes affordable and life-cycle housing.
- D. It promotes development intensities that match existing and proposed infrastructure investments.

§2.4.2. Resource Conservation Areas

- A. No resource conservation area (see §7.2) shall be counted towards lot area required by this article. This shall not preclude the platting of lots in such areas, provided that adequate lot area outside the resource conservation area is provided to meet the minimum lot area requirements of this article.
- B. Resource conservation area shall be counted towards the recreation and open space requirements to the extent specified in §3.3.

§2.4.3. How to Use this Section

This section is divided into the following:

PART 1. RESIDENTIAL DISTRICTS.

This Part sets forth specific standards for development in residential districts.

§2.4.4 through §2.4.7

PART 2. NONRESIDENTIAL DISTRICTS.

This Part sets forth specific standards for development in nonresidential districts.

§2.4.8

PART 3. PLANNED DEVELOPMENT DISTRICTS.

This Part sets forth specific standards for development in planned development districts.

§2.4.9

Residential Subdivision Types

PART I. RESIDENTIAL DISTRICTS

§2.4.4. Residential Subdivision Types

Development within the residential districts allows a variety of subdivision types. Two types of residential subdivisions are permitted, as follows.

A. Conventional Residential Subdivision

Conventional residential subdivision is a pattern of residential development that provides a majority of property owners with substantial yards on their own property.



Figure 1. Conventional Residential Subdivision

B. Cluster Residential Subdivision

Cluster residential subdivisions trade conventional minimum lot size and dimensions for additional common recreation and open space. A cluster residential subdivision shall be a sufficient size to ensure adequate common recreation and open space can be incorporated into the subdivision design. A cluster residential subdivision may allow additional density provided certain enhancements are incorporated into the design of the subdivision.

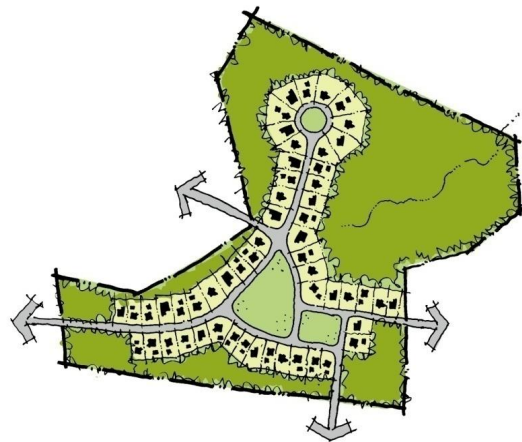


Figure 2. Cluster Residential Subdivision

§2.4.5. Conventional Subdivision Standards

A. Applicability

A conventional residential subdivision is permitted in all residential districts subject to the following standards.

B. Development Standards

Applicants utilizing the conventional residential subdivision option shall meet all applicable development standards as set forth in Article 3, General Development Standards and Article 7, Natural Resource Protection. Applicants shall comply with all other provisions in this UDO and all other applicable laws.

C. Dimensional Standards

Applicants utilizing the conventional residential subdivision option shall meet the following standards. Applicants shall comply with all other provisions in this UDO

and all other applicable laws. Dimensional standards for manufactured homes shall be the same as for single-family detached in the applicable district.

Conventional Residential Subdivision

R-R	Single-family Detached	Zero Lot Line	Alley-loaded	Two-family	Townhouse	Multi-family
Use	Permitted	Not Permitted	Not Permitted	Permitted	Not Permitted	Not Permitted
Site (min.)						
Area (acres)	None			None		
Recreation/open space (sq. ft.)	N/A			N/A		
Lot (without public water/sewer)						
Lot area (min. sq. ft.)	43,560			43,560		
Lot width (min. ft.)	100			100		
Lot (with public water/sewer)						
Lot area (min. sq. ft.)	43,560			43,560		
Lot width (min. ft.)	100			100		
Yards (min. ft.)						
Road yard	30			30		
Side yard (interior)	10			10		
Side yard (total)	20			20		
Side yard (road)	20			20		
Rear yard	40			40		
Bulk (max.)						
Height (ft.)	35			35		
Building coverage	35%			35%		
Impervious surface	50%			50%		

R-T	Single-family Detached	Zero Lot Line	Alley-loaded	Two-family	Townhouse	Multi-family
Use	Permitted	Not Permitted	Not Permitted	Permitted	Not Permitted	Not Permitted
Site (min.)						
Area (acres)	None			None		
Recreation/open space (sq. ft.)	N/A			N/A		
Lot (without public water/sewer)						
Lot area (min. sq. ft.)	43,560			43,560		
Lot width (min. ft.)	100			100		
Lot (with public water/sewer)						
Lot area (min. sq. ft.)	43,560			43,560		
Lot width (min. ft.)	100			100		
Yards (min. ft.)						
Road yard	30			30		
Side yard (interior)	10			15		
Side yard (total)	20			30		
Side yard (road)	20			25		
Rear yard	40			40		
Bulk (max.)						
Height (ft.)	35			35		
Building coverage	35%			35%		
Impervious surface	50%			50%		

Conventional Subdivision Standards

Conventional Residential Subdivision

R-S	Single-family Detached	Zero Lot Line	Alley-loaded	Two-family	Townhouse	Multi-family⁽¹⁾
Use	Permitted	Not Permitted	Not Permitted	Permitted	Special Use	Special Use
Density (max. units/acre)						
Without public water/sewer	--			--		4
With public water or sewer	--			--		6
With public water/sewer	--			--		8
Site (min.)						
Area (acres)	None			None		None
Recreation/open space (sq. ft.)	N/A			N/A		N/A
Parcel (min.)						
Area per building				43,560		43,560
	--					
Lot (without public water/sewer)						
Lot area (min. sq. ft.)	43,560			43,560		43,560
Lot width (min. ft.)	100			100		100
Lot (with public water/sewer)						
Lot area (min. sq. ft.)	43,560			43,560		43,560
Lot width (min. ft.)	100			100		100
Yards (min. ft.)						
Road yard	30			30		30
Side yard (interior)	10			10		10
Side yard (total)	20			20		20
Side yard (road)	20			40		40
Rear yard	40			40		40
Bulk (max.)						
Height (ft.)	35			35		35
Building coverage	35%			35%		35%
Impervious surface	50%			50%		50%

R-SF	Single-family Detached	Zero Lot Line	Alley-loaded	Two-family	Townhouse	Multi-family
	Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Site (min.)						
Area (acres)	None					
Recreation/open space (sq. ft.)	N/A					
Lot (without public water/sewer)						
Lot area (min. sq. ft.)	43,560					
Lot width (min. ft.)	100					
Lot (with public water/sewer)						
Lot area (min. sq. ft.)	43,560					
Lot width (min. ft.)	100					
Yards (min. ft.)						
Road yard	30					
Side yard (interior)	10					
Side yard (total)	20					
Side yard (road)	20					
Rear yard	40					
Bulk (max.)						
Height (ft.)	35					
Building coverage	35%					
Impervious surface	50%					

⁽¹⁾ More than one building may be established on a single lot (see §4.1, Complexes)

Conventional Residential Subdivision

R-CR	Single-family Detached	Zero Lot Line	Alley-loaded	Two-family	Townhouse⁽¹⁾	Multi-family⁽¹⁾
Use	Permitted	Not Permitted	Not Permitted	Not Permitted	Special Use	Special Use
Density (max. units/acre)	--				10	10
Site (min.)						
Area (acres)	None				43,560	43,560
Recreation/open space (sq. ft.)	N/A				N/A	N/A
Parcel (min. sq. ft.)					43,560	43,560
Area per building	--					
Lot (without public water/sewer)					Set by Special Use Process	Set by Special Use Process
Lot area (min. sq. ft.)	43,560					
Lot width (min. ft.)	100					
Lot (with public water or sewer)					Set by Special Use Process	Set by Special Use Process
Lot area (min. acres)	43,560					
Lot width (min. ft.)	100					
Lot (with public water/sewer)					Set by Special Use Process	Set by Special Use Process
Lot area (min. sq. ft.)	43,560					
Lot width (min. ft.)	100					
Yards (min. ft.)					Set by Special Use Process	Set by Special Use Process
Road yard	30					
Side yard (interior)	10					
Side yard (total)	20					
Side yard (road)	20					
Rear yard	40					
Bulk (max.)					Set by Special Use Process	Set by Special Use Process
Height (ft.)	35					
Building coverage	35%					
Impervious surface	50%					

R-20	Single-family Detached	Zero Lot Line	Alley-loaded	Two-family	Townhouse	Multi-family
Use	Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Site (min.)						
Area (acres)	None					
Recreation/open space (sq. ft.)	N/A					
Parcel (min. sq. ft.)						
Area per building	--					
Lot (min.)	43,560					
Lot area (sq. ft.)						
Lot width (ft.)	100					
Water/sewer, public	Required					
Yards (min. ft.)						
Road yard	30					
Side yard (interior)	10					
Side yard (total)	20					
Side yard (road)	20					
Rear yard	30					
Bulk (max.)						
Height (ft.)	35					
Building coverage	35%					
Impervious surface	55%					

Conventional Subdivision Standards

Conventional Residential Subdivision

R-14	Single-family Detached	Zero Lot Line	Alley-loaded	Two-family	Townhouse	Multi-family
Use	Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Site (min.)						
Area (acres)	None					
Recreation/open space (sq. ft.)	N/A					
Parcel (min. sq. ft.)						
Area per building	--					
Lot (min.)						
Lot area (sq. ft.)	43,560					
Lot width (ft.)	100					
Water/sewer, public	Required					
Yards (min. ft.)						
Road yard	30					
Side yard (interior)	10					
Side yard (total)	20					
Side yard (road)	20					
Rear yard	30					
Bulk (max.)						
Height (ft.)	35					
Building coverage	35%					
Impervious surface	55%					

R-MR	Single-family Detached	Zero Lot Line	Alley-loaded	Two-family	Townhouse⁽¹⁾	Multi-family⁽¹⁾
Use	Permitted	Permitted	Not Permitted	Permitted	Special Use	Not Permitted
Density (max. units/acre)	--	--			6	
Site (min.)						
Area (sq. ft.)	None	None		None	43,560	
Recreation/open space (sq. ft.)	N/A	N/A		N/A	N/A	
Parcel (min. sq. ft.)					43,560	
Area per building	--	--		--		
Lot (min.)						
Lot area (sq. ft.)	43,560	43,560		43,560	Set by Special Use Process	
Lot width (ft.)	100	100		100		
Water/sewer, public	Required	Required		Required		
Yards (min. ft.)						
Road yard	15	15		15		
Side yard (interior)	6	0		6	Set by Special Use Process	
Side yard (total)	12	10		12		
Side yard (road)	10	10		10		
Rear yard	20	20		20		
Bulk (max.)						
Height (ft.)	35	35		35	Set by Special Use Process	
Building coverage	35%	35%		35%		
Impervious surface	50%	50%		50%		

⁽¹⁾ More than one building may be established on a single lot (see §4.1, Complexes)

Conventional Residential Subdivision

R-MF	Single-family Detached	Zero Lot Line	Alley-loaded	Two-family	Townhouse⁽¹⁾	Multi-family⁽¹⁾
Use	Not Permitted	Not Permitted	Not Permitted	Permitted	Permitted	Permitted
Density (max. units/acre)					6	6
Site (min.)						
Area (acres)				None	4	4
Recreation/open space (sq. ft.)				N/A	N/A	N/A
Parcel (min. sq. ft.)					43,560	43,560
Area per building				--		
Lot (min.)						
Lot area (sq. ft.)				43,560		
Lot width (ft.)				100		
Water/sewer, public				Required		
Yards (min. ft.)						
Road yard				20		
Side yard (interior)				6		
Side yard (total)				12		
Side yard (road)				10		
Rear yard				20		
Bulk (max.)						
Height (ft.)				35		
Building coverage				35%		
Impervious surface				60%		

⁽¹⁾ More than one building may be established on a single lot (see §4.1, Complexes)

§2.4.6. Cluster Subdivision Standards

A. Intent

The intent of a cluster residential subdivision is to provide a development alternative to a conventional subdivision. A cluster residential subdivision involves placing a cluster of home sites within a portion of the development site, allowing housing units on smaller lots than those permitted in a conventional residential subdivision to promote environmental sensitivity, make more efficient use of the land and provide additional common recreation and open space. Cluster subdivision development is encouraged by Lincoln County in the form of these flexible design and maximum density provisions. Other purposes of a cluster residential subdivision include the following:

1. To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.
2. To preserve important historic and archaeological sites.
3. To permit clustering of houses and structures in a manner that will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
4. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.
5. To promote interconnected greenways and corridors throughout the community, and create contiguous green space within and adjacent to development sites.
6. To protect scenic views.

Cluster Subdivision Standards

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

B. Applicability

A cluster residential subdivision is permitted in the R-R, R-T, R-SF, R-20 and R-14 districts subject to the following standards.

C. Subdivision Design Process

Cluster option subdivisions shall be designed around recreation and open space. The design process should be “land-based”, and commence with the delineation of all potential open space, after which potential building sites are located. Following that, road alignments are identified, with lot lines being drawn as the final step. This “four-step” design process is further described below:

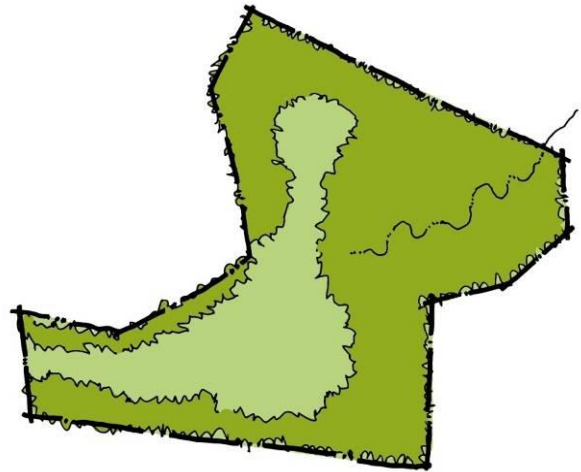


Figure 3. Subdivision Design Process

STEP I: OPEN SPACE DESIGNATION

All potential conservation areas shall be identified using a Site Analysis Map. See §3.3.3 for using conservation areas to meet minimum open space requirements.

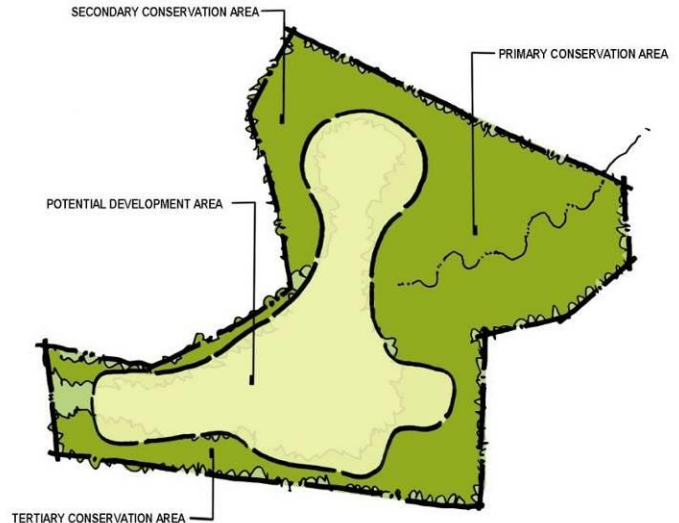


Figure 4. Step 1: Open Space Designation

STEP 2: BUILDING SITE LOCATION

During the second step, potential building sites are tentatively located, taking into consideration the locations of existing cleared areas, slope, etc.

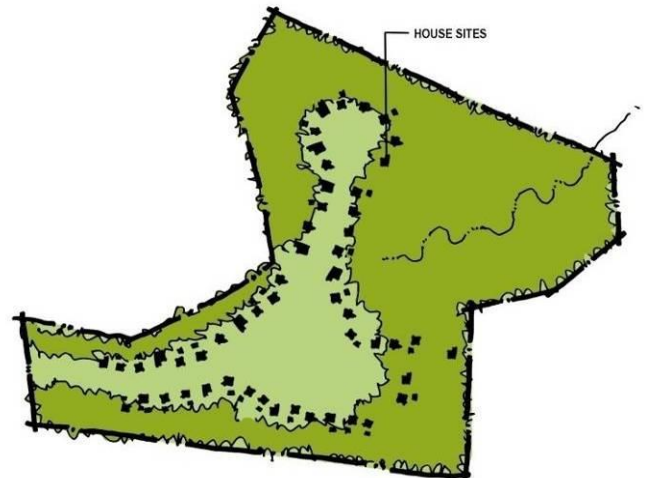
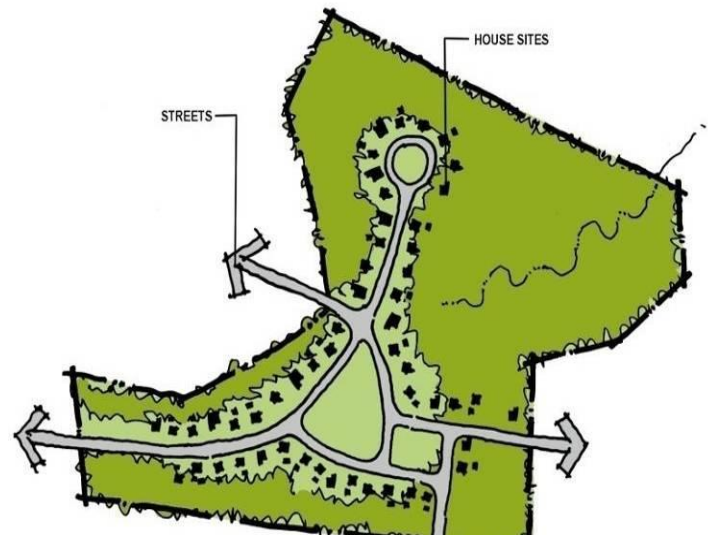


Figure 5. Step 2: Building Site Location

STEP 3: ROAD AND LOT LAYOUT

The third step consists of aligning proposed roads to provide vehicular access to each building in the most reasonable and economical manner. When access roads are laid out, they shall be located in such a way that avoids or at least minimizes impacts on the Primary, Secondary, and Tertiary Conservation Areas.

**STEP 4: DRAWING IN LOT LINES**

The fourth step consists of drawing in lot lines around potential building sites. Each lot must meet the requirements of §2.4.6.H,

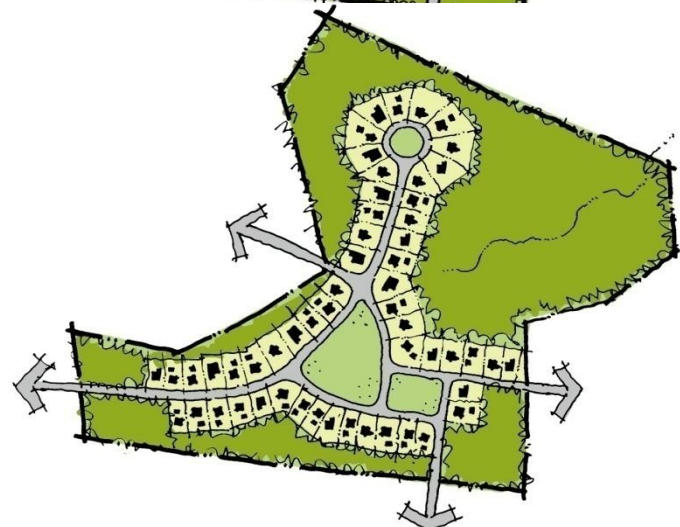


Figure 7. Step 4: Drawing in Lot Lines

Cluster Subdivision Standards

Dimensional Standards, and shall contain a buildable area of sufficient size to accommodate intended structures (i.e. Dwelling units and customary accessory uses including but not limited to, storage buildings and garages, patios and decks, and driveways.)

D. Mix of Housing Types

Two-family and townhouse residential units may comprise no more than 50 percent of the total dwelling units of a proposed cluster residential subdivision.

E. Density

In no case shall the district density be exceeded for the overall site. (See §2.4)

F. Public Water/Sewer

Public water and sewer is required, unless otherwise approved by the County Health Department.

G. Development Standards

Applicants utilizing the cluster residential subdivision option shall meet all applicable development standards as set forth in Article 3, General Development Standards, and Article 7, Natural Resource Protection. Applicants shall comply with all other provisions in this UDO and all other applicable laws.

H. Dimensional Standards

Applicants utilizing the cluster residential subdivision option shall meet the following standards. Applicants shall comply with all other provisions of this UDO and all other applicable laws. Dimensional standards for manufactured homes shall be the same as for single-family detached in the applicable district.

Cluster Residential Subdivision

R-R	Single-family Detached	Zero Lot Line	Alley-loaded	Two-family	Townhouse	Multi-family
Use	Permitted	Not Permitted	Not Permitted	Permitted	Not Permitted	Not Permitted
Density (max. units/acre)	1.1			1.1		
Site (min.)						
Area (acres)	5			5		
Recreation/open space (sq. ft.)	50%			50%		
Lot (min.)						
Lot area (min. sq. ft.)	43,560			43,560		
Lot width (min. ft.)	100			100		
Water/sewer, public	Required			Required		
Yards (min. ft.)						
Road yard	30			30		
Side yard (interior)	10			10		
Side yard (total)	20			20		
Side yard (road)	20			20		
Rear yard	30			30		
Bulk (max.)						
Height (ft.)	35			35		
Building coverage	30%			30%		
Impervious surface	35%			35%		

Cluster Subdivision Standards

Cluster Residential Subdivision

R-T	Single- family Detached	Zero Lot Line	Alley-loaded	Two-family	Townhouse	Multi-family
Use	Permitted	Not Permitted	Permitted	Permitted	Not Permitted	Not Permitted
Density (max. units/acre)	1.5		1.5	1.5		
Site (min.)						
Area (acres)	5		5	5		
Recreation/open space (sq. ft.)	50%		50%	50%		
Lot (min.)						
Lot area (min. sq. ft.)	43,560		43,560	43,560		
Lot width (min. ft.)	100		100	100		
Water/sewer, public	Required		Required	Required		
Yards (min. ft.)						
Road yard	25		15	25		
Side yard (interior)	5		5	10		
Side yard (total)	10		10	20		
Side yard (road)	15		10	15		
Rear yard	20		20	20		
Bulk (max.)						
Height (ft.)	35		35	35		
Building coverage	30%		30%	30%		
Impervious surface	35%		35%	35%		

R-S	Single- family Detached	Zero Lot Line	Alley-loaded	Two-family	Townhouse (1)	Multi-family (1)
Use	Permitted	Not Permitted	Permitted	Permitted	Special Use	Special Use
Density (max. units/acre)	1.5		1.5	1.5	1.5	8.8
Site (min.)						
Area (acres)	5		5	5	5	5
Recreation/open space (sq. ft.)	50%		50%	50%	50%	50%
Parcel (min. sq. ft.)						
Area per building	--	--	--	--	7,500	Set by Special Use Process
Lot						
Lot area (min. sq. ft.)	43,560		43,560	43,560	43,560	Set by Special Use Process
Lot width (min. ft.)	100		100	100	100	Set by Special Use Process
Water/sewer, public	Required		Required	Required	Required	
Yards (min. ft.)						
Road yard	15		15	15	15	
Side yard (interior)	5		5	5	5	
Side yard (total)	10		10	10	10	
Side yard (road)	10		10	10	10	Set by Special Use Process
Rear yard	15		15	15	15	
Garage setback from R.O.W.	20		--	20	20	
Bulk (max.)						
Height (ft.)	35		35	35	35	Set by Special Use Process
Building coverage	35%		35%	35%	35%	Set by Special Use Process
Impervious surface	50%		50%	50%	50%	

(1) More than one building may be established on a single lot (see §4.1, Complexes)

Cluster Residential Subdivision

R-SF	Single- family Detached	Zero Lot Line	Alley-loaded	Two-family	Townhouse	Multi-family
Use	Permitted	Not Permitted	Permitted	Not Permitted	Not Permitted	Not Permitted
Density (max. units/acre)	1.5		1.5			
Site (min.)						
Area (acres)	5		5			
Recreation/open space (sq. ft.)	50%		50%			
Parcel (min. sq. ft.)						
Area per building	--		--			
Lot						
Lot area (min. sq. ft.)	43,560		43,560			
Lot width (min. ft.)	100		100			
Water/sewer, public	Required		Required			
Yards (min. ft.)						
Road yard	15		10			
Side yard (interior)	5		5			
Side yard (total)	10		10			
Side yard (road)	10		10			
Rear yard	15		15			
Garage setback from R.O.W.	20		--			
Bulk (max.)						
Height (ft.)	35		35			
Building coverage	35%		35%			
Impervious surface	50%		50%			

R-20	Single- family Detached	Zero Lot Line	Alley-loaded	Two-family	Townhouse	Multi-family
Use	Permitted	Not Permitted	Permitted	Not Permitted	Not Permitted	Not Permitted
Density (max. units/acre)	2.2		2.2			
Site (min.)						
Area (acres)	5		5			
Recreation/open space (sq. ft.)	50%		50%			
Parcel (min. sq. ft.)						
Area per building	--		--			
Lot (min.)						
Lot area (sq. ft.)	43,560		43,560			
Lot width (ft.)	100		100			
Water/sewer, public	Required		Required			
Yards (min. ft.)						
Road yard	15		10			
Side yard (interior)	5		5			
Side yard (total)	10		10			
Side yard (road)	10		10			
Rear yard	15		15			
Bulk (max.)						
Height (ft.)	35		35			
Building coverage	35%		35%			
Impervious surface	50%		50%			

Cluster Subdivision Standards

Cluster Residential Subdivision

R-14	Single- family Detached	Zero Lot Line	Alley-loaded	Two-family	Townhouse	Multi-family
Use	Permitted	Not Permitted	Permitted	Not Permitted	Not Permitted	Not Permitted
Density (max. units/acre)	3.5		3.5			
Site (min.)						
Area (acres)	5		5			
Recreation/open space (sq. ft.)	50%		50%			
Parcel (min. sq. ft.)						
Area per building	--		--			
Lot (min.)						
Lot area (sq. ft.)	43,560		43,560			
Lot width (ft.)	100		100			
Water/sewer, public	Required		Required			
Yards (min. ft.)						
Road yard	15		10			
Side yard (interior)	5		5			
Side yard (total)	10		10			
Side yard (road)	10		10			
Rear yard	15		15			
Bulk (max.)						
Height (ft.)	35		35			
Building coverage	35%		35%			
Impervious surface	50%		50%			

I. Project Boundary Buffer

1. No buffer is required where the width of the project’s perimeter lots is equal to or greater than the minimum lot width of the adjoining development or the minimum lot width required by the zoning district applied to any adjoining undeveloped parcel.
2. Where narrower lot widths are provided, a Class C buffer shall be provided (see §3.4, Landscaping, Screening and Buffering) along all project boundaries of a cluster subdivision.

Nonresidential Dimensional Standards in Residential Districts

§2.4.7. Nonresidential Dimensional Standards in Residential Districts

As set forth in the Permitted Land Use Table (see §2.2.1), certain nonresidential uses are permitted in residential districts. Permitted nonresidential uses shall meet the following dimensional standards. Applicants shall comply with all other provisions of this UDO and all other applicable laws. More restrictive standards may apply to specific uses (See Article 4, Specific Use Standards)

	R-R	R-T	R-S	R-SF	R-CR	R-20	R-14	R-MR	R-MF
Lot (with public water/sewer)									
Lot area (min. sq. ft.)	43,560	32,500	22,500	22,500	14,000	20,000	14,000	14,000	14,000
Lot width (min. ft.)	100	100	100	100	100	100	100	100	100
Lot (without public water or sewer)									
Lot area (min. sq. ft.)	43,560	32,500	32,500	32,500	20,000	20,000	14,000	14,000	14,000
Lot width (min. ft.)	100	100	100	100	100	100	100	100	100
Lot (without water/sewer)									
Lot area (min. sq. ft.)	43,560	32,500	32,500	32,500	22,500	20,000	14,000	14,000	14,000
Lot width (min. ft.)	100	100	100	100	100	100	100	100	100
Yards (min. ft.)									
Road yard	30	30	30	30	30	30	30	30	30
Side yard (interior)	25	20	10	10	10	10	10	10	10
Side yard (total)	50	40	20	20	20	20	20	20	20
Side yard (road)	40	40	40	40	40	40	40	40	40
Rear yard	40	40	40	40	40	40	40	40	40
Bulk (max.)									
Height (ft.)	35	35	35	35	35	35	35	35	35
Building coverage	35%	35%	35%	35%	35%	35%	35%	35%	35%
Impervious surface	50%	50%	55%	55%	55%	55%	55%	55%	55%

PART 2. NONRESIDENTIAL DISTRICTS**§2.4.8. Nonresidential District Standards****A. Development Standards**

Applicants shall meet all applicable development standards as set forth in Article 3, General Development Standards and Article 7, Natural Resource Protection.

Applicants shall comply with all other provisions in this UDO and all other applicable laws.

Nonresidential District Standards

B. Nonresidential Dimensional Standards in Nonresidential Districts

1. As set forth in the Permitted Land Use Table (see §2.2.1) certain nonresidential uses are permitted in nonresidential districts. Permitted nonresidential uses shall meet the following dimensional standards. Applicants shall comply with all other provisions of this UDO and all other applicable laws.

	O-R	B-N	B-G	B-C	I-L	I-G
Parcel (min.)						
Parcel area (sq. ft.)	10,000	22,500	32,500	32,500	1 acre	1 acre
Parcel width (ft.)	50	70	70	70	100	100
Water/sewer	Required	Required	Required	Required	Required	Required
Yards (min. ft.)						
Road yard (min.)	20	20	30	30	50	50
Road yard (max.)	30	90	150	N/A	N/A	N/A
Side yard (interior)	10	10	15	15	20	20
Abutting residential district	30	20	30	30	50	50
Side yard (road)	20	20	30	30	30	30
Rear yard	20	20	25	25	30	30
Abutting residential district	30	30	30	30	50	50
Building Separation	20	20	20	20	20	20
Bulk (max.)						
Height (ft.)	35	35	60	60	60	60
Gross floor area (sq. ft.)	10,000	10,000	50,000	50,000	N/A	N/A
Building coverage	50%	50%	50%	50%	50%	50%
Impervious surface	75%	75%	75%	75%	75%	75%

2. More than one building may be permitted on a single lot (see §4.1, Complexes). Interior side yards for attached buildings may be reduced to zero as part of a planned development, provided that where buildings are not attached, the minimum building spacing requirements of §4.1.7 shall apply. (See §9.5 and §2.4.9 for more information).
3. The Board of Commissioners may approve greater maximum floor area than above via Planned Development procedures of §9.5.
4. Public water and sewer services are required to be used for all nonresidential (commercial, office and industrial) projects where services are available.

C. Residential Dimensional Standards in Nonresidential Districts

1. As set forth in the Permitted Land Use Table (see §2.2.1) certain residential uses are permitted in nonresidential districts. Dimensional standards for townhouses and multi-family are established through the special use process (see §9.11). No townhouse or multi-family shall be established on a parcel less than 20,000 square feet in area; lots may be as small as 2,500 square feet.
2. Upper-story residential is permitted on the upper floors of a nonresidential building and shall conform to all lot, yard and bulk requirements of the principal building.
3. Townhouse and multi-family parcels and upper-story residential units shall not exceed a density of ten units per acre.

PART 3. PLANNED DEVELOPMENT DISTRICTS**§2.4.9. Planned Development District Standards****A. General Provisions for all Planned Developments (PD-R, PD-C, PD-I, PD-MU)****1. Rezoning Criteria**

In approving a rezoning for a planned development, the Board of Commissioners shall find the district designation and planned development master plan comply with the general standards for all planned development in this section and the specific standards for the proposed planned development listed in paragraphs B through E below, respectively.

2. Planned Development Master Plan

The development proposed in the master plan is compatible with the character of surrounding land uses and maintains and enhances the value of surrounding properties. The master plan shall be prepared by a design professional as defined in Article 12.

3. Design Guidelines and Dimensional Standards

Each planned development shall provide a comprehensive set of design guidelines that demonstrate the project will be appropriate within the context of the surrounding properties and the larger community. All bulk, area and dimensional standards shall be established by the Board of Commissioners at the time of approval.

4. Development Standards

Unless specifically waived by the Board of Commissioners, all standards specified in Article 3, General Development Standards, and Article 7, Natural Resource Protection, shall apply.

5. Recreation and Open Space

The planned development master plan shall include a minimum of 12.5 percent recreation and open space. (See §3.3).

6. Stormwater Management

When determined necessary by the Board of Commissioners, the planned development master plan shall contain a comprehensive stormwater management plan prepared by a professional engineer, geologist and land surveyor licensed in the State of North Carolina.

7. Phasing

If development is proposed to occur in phases, the planned development master plan shall include a phasing plan for the development, and if appropriate, with specific build-out dates. Unless waived by the Board of Commissioners, site improvements or amenities that are part of the master plan shall be constructed with the first phase of the project or by the platting of 25% of the lots proposed in the development, whichever comes first. Any monetary contributions in lieu of constructing off-site improvements or donations of land that are included in the master plan shall be made prior to platting the first phase of the development.

Planned Development District Standards**B. Planned Development-Residential (PD-R) District****1. Minimum Requirements**

The Planned Development-Residential District is an option provided to encourage a mix of housing options within a comprehensively planned development.

2. Permitted Uses

All uses permitted by right and as special uses in residential districts are permitted in a PD-R District (§2.2.1), subject to approval by the Board of Commissioners.

3. Project Boundary Buffer

An undisturbed buffer at least 50 feet in width and meeting the standards for a Class B buffer (see §3.4, Landscaping, Screening and Buffering) shall be maintained along all project boundaries.

4. Exterior Sidewalks

In addition to the requirements of §5.5, sidewalks shall be installed along all existing roads that abut and provide access to the project. All required sidewalks shall be a minimum five feet in width.

5. Minimum Lot Sizes

Lot area and width within the PD-R district must conform to the standards established in §2.4.5 for the R-S (Residential Suburban) district.

C. Planned Development-Commercial (PD-C) District**1. Minimum Requirements**

The Planned Development-Commercial District is an option provided to enhance the design of a commercial development within a comprehensively planned development by allowing for additional flexibility not available in nonresidential districts.

2. Permitted Uses

All uses permitted by right and as special uses in the O-R, B-N, and B-G districts are permitted in a PD-C District (§2.2.1), subject to approval by the Board of Commissioners.

3. Project Boundary Buffer

(a) Unless waived by the Board of Commissioners, a Class B buffer (see §3.4, Landscaping, Screening and Buffering) shall be provided along all project boundaries abutting a nonresidential district.

(b) Unless waived by the Board of Commissioners, a Class C buffer (see §3.4, Landscaping, Screening and Buffering) shall be provided along all project boundaries abutting a residential district.

4. Exterior Sidewalks

In addition to the requirements of §5.5, sidewalks shall be installed along all existing roads that abut and provide access to the project. All required sidewalks shall be a minimum five feet in width.

D. Planned Development-Industrial (PD-I) District**1. Minimum Requirements**

The Planned Development-Industrial District is an option provided to encourage unified industrial complexes of high quality by allowing for additional flexibility not available in nonresidential districts.

2. Permitted Uses

(a) All uses permitted by right and as special uses in the B-N, B-G, I-L, and I-G districts are permitted in a PD-I District (§2.2.1), subject to approval by the Board of Commissioners.

(b) Non-industrial or non-manufacturing uses located in a PD-I District are intended to serve the needs of the development and not the needs of a surrounding area. Areas designated for non-industrial and non-manufacturing activities shall be oriented towards the interior of the project and shall not be located on exterior or perimeter roads or property boundaries, but shall be centrally located within the project to serve the employees of the district.

3. Project Boundary Buffer

A Class C buffer shall be provided (see §3.4, Landscaping, Screening and Buffering) along all project boundaries.

4. Landscape Area and Tree Canopy

Landscaping area and tree canopy requirements shall be in accordance with §3.4, unless otherwise approved by the Board of Commissioners.

5. Building Design

Building design shall be in accordance with §3.2, unless otherwise approved by the Board of Commissioners.

E. Planned Development-Mixed Use (PD-MU) District**1. Minimum Requirements**

The Planned Development-Mixed Use District is an option provided to encourage coordinated mixed use developments.

2. Permitted Uses

(a) All uses permitted by right and as special uses in the Permitted Use Table are permitted in a PD-MU District (§2.2.1), subject to approval by the Board of Commissioners.

(b) The mix of uses shall be established by the Board of Commissioners at the time of approval.

3. Project Boundary Buffer

Unless waived by the Board of Commissioners, a Class C buffer shall be provided (see §3.4, Landscaping, Screening and Buffering) along all project boundaries.

4. Exterior Sidewalks

In addition to the requirements of §5.5, sidewalks shall be installed along all existing roads that abut and provide access to the project. All required

Eastern Lincoln Development District

sidewalks shall be a minimum five feet in width.

5. Minimum Lot Sizes

Residential lot area and width within the PD-MU district must conform to the standards established in §2.4.5 for the R-S (Residential Suburban) district.

§2.5. Overlay District Standards

§2.5.1. Eastern Lincoln Development District

A. Purpose and Intent

1. The purpose of Development Districts is to address the growth opportunities in the rapidly developing areas of Lincoln County in a more adequate manner than addressed by the Unified Development Ordinance base document. This is in keeping with the Lincoln County Land Use Plan.

2. The Eastern Lincoln Development District is established to provide additional development standards in eastern Lincoln County, primarily along the NC16 Business and NC16 Bypass corridors, and will address the building, site, traffic and other development needs of the growing community.

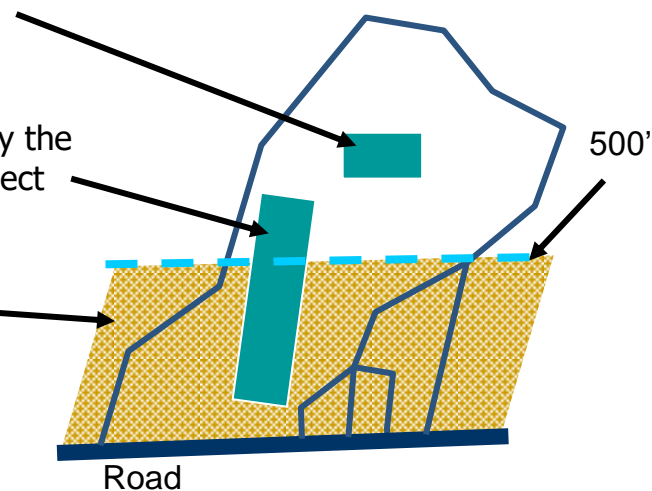
B. Applicability

This section applies to all land designated in the Eastern Lincoln Development District on the Zoning Map (Boundaries are generally limited to the first 500 feet of the property from the edge of the presumed road right-of-way and any properties or portions thereof beyond the 500 feet are not subject to the ELDD standards. However, any buildings split by district boundaries are considered to be wholly within the district.) Below is an example:

Buildings which lie wholly outside the boundary are not subject to the ELDD standards.

Buildings wholly within or split by the 500' District boundaries are subject to the ELDD standards.

Only the shaded area of the properties are subject to the ELDD standards.



This section also applies to activity on developed or undeveloped land as of the effective date of this section:

1. Development of land, including multi-family, mixed-use, commercial or industrial subdivisions, and all planned developments
2. This section does not apply to single family homes, duplexes or manufactured homes that are used for residential purposes as of the date of this ordinance. Existing homes as listed above may be rebuilt or repaired as a matter of right as permitted by the underlying zoning and standards of the UDO

C. Reserved

D. Alternative Means of Compliance

Strict interpretation and application of the standards may create particular difficulties in areas of unusual topographic condition, or in retrofitting existing developed properties which are expanded. The Planning Board may approve a site plan for any proposed development which does not meet any specific standard of this section as an alternate means of compliance, subject to making the following findings:

1. The proposed development attempts to meet the intent of the Eastern Lincoln Development District.
2. There are physical conditions, not only economic considerations, which prevent the proposed development from meeting the specific standards of this Eastern Lincoln Development District.
3. The proposed development will be designed to meet the standards of this section to the fullest extent possible.

In determining alternative means of compliance, the Planning Board may consider various features such as width in relation to opacity of landscaping in road yard, number of required parking spaces, and driveway locations and/or distances from nearby intersections.

E. Permitted Uses

Land uses in the Eastern Lincoln Development District shall be subject to the Use Table contained in Section 2.2.1 and to the following table. In addition, any use which has an anticipated peak hour trip generation of 100 trips or greater, based on the latest edition of the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, shall be considered a special use and shall be subject to the review requirements of Section 9.11.

F. Permitted Use Chart

Eastern Lincoln Development District Uses		ELDD
P = PERMITTED	S = SPECIAL (9.11)	
Residential Uses²		

Eastern Lincoln Development District

Single family detached	P
Modular (CAPO)	P
Alley-loaded house	P
Zero lot line house	S
Two-family house	S
Townhouse	S
Multi-family	S
Upper-story residential	S
Boarding house	S
Manufactured home, Class A	P
Manufactured home, Class B	P
Manufactured home, Class C	P
Manufactured home, Class D	P
Manufactured home, Class E	P
Manufactured home, Class F	P
Manufactured home park (<20 units)	
Manufactured home park (>20 units)	
Civic Uses	
Airport, public or private	
Adult care home	S
Bus terminal, public	S
Cemetery	P
Civic club or community center	S
Coliseums 1000+ seats	S
College	S
Correctional facility	
Child care center, small group (1-6)	P
Child care center (6+)	S
Family care home	P
Hospital	S
Museum, library	P
Nursing home	S
Park, open area *	P
Place of worship, seating capacity<500	P
Place of worship, seating capacity 500 to 1000	S
Place of worship, seating capacity >1000	S
Public facility	P
Railroad terminal and yard	
Recreation facilities, private	S
Recreation facilities, public	S
School, elementary and secondary	P
Solar farm	S
Technical, trade, business school	S
Utility, minor *	P
Utility, major *	S
Wireless facility and tower (up to 60 ft)	P
Wireless facility and tower (60-100 ft)	S
Wireless facility and tower (101-325 ft.)	
Commercial Uses	
Adult establishment	S
Agriculture (involving livestock) *	
Agriculture (sales, processing) *	

Agricultural supply/equipment sales	S
Amusement center, indoor	S
Animal shelter	
Artist studio, gallery	S
Auctions, live stock or outdoor	
Bank or financial institution	P
Bar or nightclub	S
Bed & breakfast	S
Cabinet shop	S
Campground	
Catering, food	S
Club, private	S
Contractor's office	S
Contractor's yard	S
Convenience store without fuel sales	P/S**
Commercial fishing lake	
Farm stand	S
Flea market	S
Florist, wholesale	S
Freezer lockers	
Funeral home	P/S**
Gas station with convenience retail	S
Hotel, motel	S
Indoor Recreation *	S
Kennel	S
Machinery repair	S
Marina	
Microbrewery	P
Microbrewery combined with restaurant	P
Newspaper publisher	S
Office, general *	P
Office, professional	P
Office, medical *	P
Outdoor recreation, private *	S
Outdoor recreation, public *	S
Parking lot, commercial	
Photo finishing laboratory	S
Post office	P
Postal/parcel processing	S
Racetrack	
Radio or television studio	S
Recreational club, private	S
Restaurant, fast food	P/S**
Restaurant, general	P/S**
Retail, neighborhood *	P
Retail, general *	P/S**
Riding stable	S
Self-storage facility	S
Service, neighborhood *	S
Service, general *	P/S**
Shooting range, indoor	S
Shooting range, outdoor	
Storage, private (on <2 ac.)	
Storage, private (on 2+ ac.)	
Vehicle repair *	S
Vehicle sales *	S
Vehicle service *	S
Vending supply	S
Veterinarian, animal hospital	P/S**

Eastern Lincoln Development District

Warehouse/freight movement *	S
Winery	
Industrial Uses (NAICS Codes)	
Oil & Gas Extraction (2111)	S
Nonmetallic Mineral Mining & Quarrying (2123)	S
Support Activities for Mining (2131)	S
Animal Foods (3111)	
Grain & Oilseed Milling Products (3112)	
Sugar & Confectionery Products (3113)	P
Sugar Manufacturing (311311)	S
Fruit & Vegetable Preserves & Specialty Foods (3114)	P
Fruit & Vegetable Canning (311421)	S
Dairy Products (3115)	P
Meat Products & Meat Packaging Products (3116)	
Seafood Products Prepared, Canned & Packaged (3117)	
Bakery & Tortilla Products (3118)	P
Foods, NESOI (3119)	S
Beverages (3121)	P
Ice Production (312113)	S
Breweries (31212)	S
Wineries (31213)	S
Distilleries (31214)	S
Tobacco Products (3122)	S
Fibers, Yarns & Threads (3131)	P
Fabrics (3132)	P
Finished & Coated Textile Fabrics (3133)	S
Textile Furnishings (3141)	P
Other Textile Products (3149)	P
Knit Apparel (3151)	P
Apparel (3152)	P
Apparel Accessories (3159)	P
Leather & Hide Tanning (3161)	
Footwear (3162)	P
Other Leather Products (3169)	P
Sawmill & Wood Products (3211)	S
Veneer, Plywood & Engineered Wood Products (3212)	S
Other Wood Products (3219)	S
Pulp, Paper & Paperboard Mill Products (3221)	
Converted Paper Products (3222)	P
Printed Matter & Related Products, NESOI (3231)	P
Petroleum & Coal Products (3241)	
Basic Chemicals (3251)	S
Resin, Synthetic Rubber & Artificial & Synthetic Fibers & Filament (3252)	S
Pesticides, Fertilizers & Other Agricultural Chemicals (3253)	
Pharmaceuticals & Medicines (3254)	P
Paints, Coatings & Adhesives (3255)	S
Soaps, Cleaning Compounds & Toilet Preparations (3256)	S
Other Chemical Products & Preparations (3259)	S
Plastic Products (3261)	S
Rubber Products (3262)	S
Clay & Refractory Products (3271)	S
Glass & Glass Products (3272)	S
Cement & Concrete Products (3273)	S
Lime & Gypsum Products (3274)	
Other Nonmetallic Mineral Products (3279)	S

Iron & Steel & Ferroalloy (3311)	
Steel Products From Purchased Steel (3312)	P
Alumina & Aluminum & Processing (3313)	S
Nonferrous Metal (Except Aluminum) & Processing (3314)	S
Foundries (3315)	
Crowns, Closures, Seals & Other Packing Accessories (3321)	
Crowns & Closures (bottle caps, Jar lids, etc.) (332115)	P
Metal Stamping (332116)	S
Research & Development Cutlery & Hand Tools (3322)	P
Architectural & Structural Metals (3323)	S
Boilers, Tanks & Shipping Containers (3324)	
Metal Can, Box, & Other Metal Containers (Light Gauge) Manufacturing (33243)	S
Hardware (3325)	P
Springs & Wire Products (3326)	P
Bolts, Nuts, Screws, Rivets, Washers & Other Turned Products (3327)	P
Coating, Engraving, Heat Treating, and Allied Activities (3328)	S
Other Fabricated Metal Products (3329)	P
Small Arms Ammunition (332992)	S
Ammunition (except Small Arms) (332993)	S
Small Arms (332994)	S
Other Ordnance & Accessories (332995)	S
Agricultural & Construction Machinery (3331)	S
Industrial Machinery (3332)	S
Commercial & Service Industry Machinery (3333)	P
Ventilation, Heating, Air-conditioning & Commercial Refrigeration Equipment (3334)	P
Metalworking Machinery (3335)	P
Engines, Turbines & Power Transmission Equipment (3336)	S
Other General Purpose Machinery (3339)	S
Power-Driven Handtool (333991)	P
Computer Equipment (3341)	P
Communications Equipment (3342)	P
Audio & Video Equipment (3343)	P
Semiconductors & Other Electronic Components (3344)	P
Navigational, Measuring, Electronic Components (3345)	P
Magnetic & Optical Media (3346)	P
Electric Lighting Equipment (3351)	P
Household Appliances & Miscellaneous Machines, NESOI (3352)	P
Electrical Equipment (3353)	S
Switchgear & Switchboard (335313)	P
Relays (335314)	P
Electrical Equipment & Components, NESOI (3359)	S
Motor Vehicles (3361)	S
Motor Vehicle Bodies & Trailers (3362)	S
Motor Vehicle Parts (3363)	P
Other Motor Vehicle Manufacturing (336399)	P
Motor Vehicle Brake System (33634)	S
Motor Vehicle Metal Stamping (33637)	S
Motor Vehicle Air Conditioning (336391)	S
Aerospace Products & Parts (3364)	S
Railroad Rolling Stock (3365)	
Ships & Boats (3366)	S
Transportation Equipment, NESOI (3369)	S

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Household & Institutional Furniture & Kitchen Cabinets (3371)	P
Office Furniture (Including Fixtures) (3372)	P
Furniture Related Products, NESOI (3379)	S
Medical Equipment & Supplies (3391)	P
Miscellaneous Manufactured Commodities (3399)	P
Signs (33995)	S
Bookbinding	S
Building Materials Sales & Lumberyards	S
Crematorium	S
Dry Cleaning & Laundry Facilities/Plants	S
Junkyard / Salvage & Vehicle Storage	
Motor Sports / Team Racing	P
Laboratories	S
Product Distribution Centers/Plants	S
Recycling & Waste Services Facilities	
Research & Development	S
Septic Services	
Storage of Materials (batteries, flammables, etc.)	
Supply House	S
Tire Recapping	

*Refers to Groups of Uses as defined in Section 2.3

** These uses shall be Special if located adjacent to or within 100 feet of a residential zoning district.

G. Building Standards

1. Articulation

(a) General

Facades greater than 80 feet in length, measured horizontally, that face public or private rights-of-way or parking areas shall incorporate wall plane projections or recesses having a minimum depth of three percent of the length of the facade and extending a minimum of 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 30 horizontal feet.

1. Ground floor facades that face public or private rights-of-way or parking areas shall have arcades, display windows, entry areas, awnings or other such features along a minimum of 75 percent of their horizontal length and a corner wrap of the same facade treatment for a distance equal to five percent of the ground floor facade extending from all front building corners.

2. No horizontal wall section shall extend for a distance greater than three times its height without a change in elevation of a minimum of 15 percent of such height. This height change shall continue for a minimum of 25 percent of the length of either adjacent plane.

(b) Industrial Districts

The standards of this subsection shall not apply to facades in the I-L, IG and PD-I districts.

2. Blank Wall Area

Blank wall areas on building facades of nonresidential buildings facing a public road shall extend a maximum of 15 feet in the vertical direction or 40 feet in the horizontal direction.

The standards of this subsection shall not apply to the facades in the I-L, I-G, and PD-I districts.

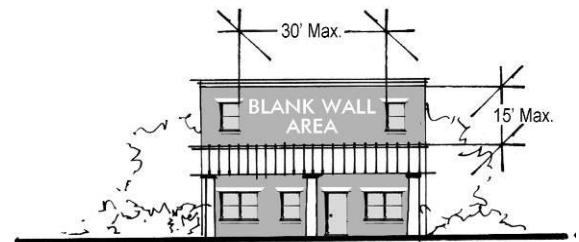


Figure 8. Blank Wall Area

3. Façade Materials

(a) General

All nonresidential road facades may be constructed of the following materials:

1. Masonry including brick, stucco, architectural concrete, hardiplank or similar siding or stone;
2. Wood;
3. Non-corrugated metal (for beams, lintels, trim elements and ornaments); or
4. Glass (no less than 10 percent).

The provisions of this subsection shall not apply to lots in the I-G district in subdivisions recorded prior to August 31, 2009, that do not front on an arterial or collector road.

(b) Commercial Uses

In addition to complying with the general requirements of subsection (a), above, nonresidential facades outside of industrial districts may be constructed of the following materials:

1. Any side or rear wall within 100 feet of a residential zoning district or public or semi-public area shall consist of the same facing materials as the building front.
2. Corrugated metal shall not be used on any façade visible from a public road or facing a parking area or residential zoning district. Vinyl panels or unpainted smooth-faced cinder blocks shall not be used on any façade facing a road, parking area or residential zoning district.
3. These provisions shall not apply to the enlargement of a nonconforming building in regard to side and rear facades provided the existing building is being enlarged by 25 percent or less of its gross floor area.

(c) Industrial Uses

Corrugated metal shall not be used on any façade facing a road.
Vinyl panels shall not be used on any façade facing a road.
Unpainted smooth faced cinder blocks shall not be used on any façade facing a road, parking area or residential zoning district.

- (d)** Use of “Green Walls” or “Vertical Gardens” and similar innovative wall designs incorporating Leadership in Energy and Environmental Design (LEED) construction or equivalent standards is permitted.

3. Historic Structures

Buildings listed in the National Register of Historic Places are exempt from the standards within the Eastern Lincoln Development District where they are in conflict with the Secretary of Interior guidelines.

4. Roof Pitch

Roof pitches less than 3 ½ to 12 will require a parapet wall which must be of sufficient height to screen any mechanisms or mechanical equipment placed on the roof. A pitched roof must be profiled by eaves that extend a minimum of 8 inches from the building façade. Convenience store, gas/fuel, drive-through and other such canopies shall not have a consistently flat roof. The pitch of the canopy and exterior materials must resemble / replicate the roof design of the principal structure

5. Primary entrances

The main or primary entrance(s) for the building must face the road, except for developments built in a courtyard or similar design. All primary entrances shall have architectural elements which identify the entrance as such. Acceptable elements include canopies, arcade, columns, porticos, recess or projections, corniced parapet, gables, arches and similar treatments which accentuate the entrance. These elements may be used to meet the articulation standards in Section 2.5.1 G 1.

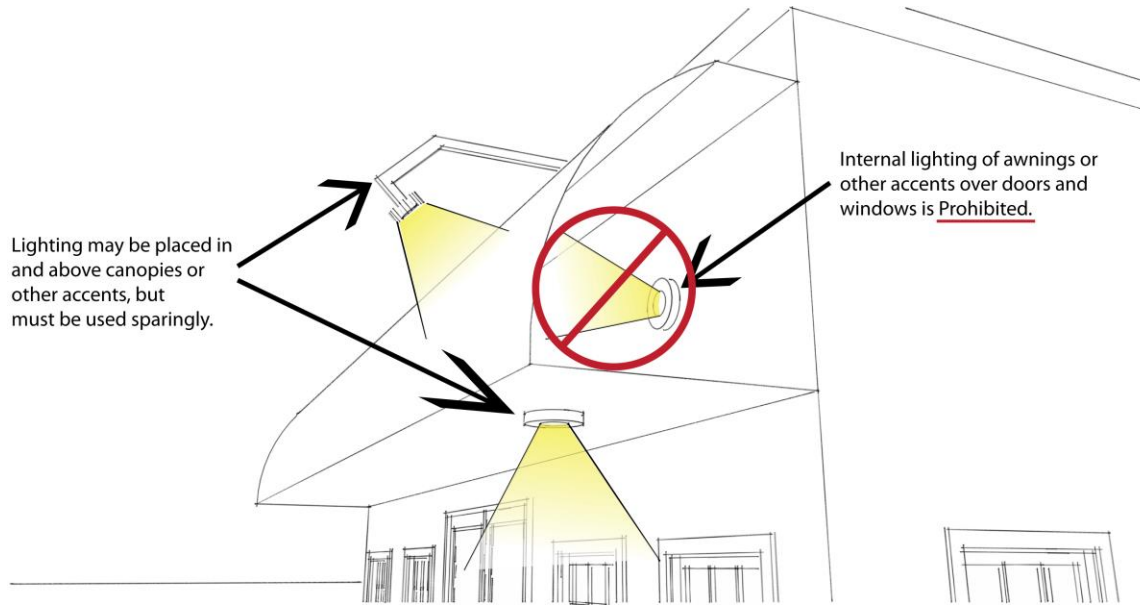
This requirement may be modified by the Director where topography or special building placement requires the entrance face a different direction. In such case the building side facing the road shall be treated with the same façade standards as if the primary entrance faced the road.

6. Secondary entrances and other openings

- (a) Any building façade that directly faces a road and includes an entrance must include elements with similar architectural features of the primary entrance.
- (b) Service entrances primarily used for shipping, receiving and similar distribution shall not front the road unless no other access is feasible as determined by the Director.

7. Accent Lighting

- (a) In addition to the accent lighting standards found in Section 3.11.4.B and 3.11.5, lights that flash, move, revolve, rotate, blink, flicker, vary in intensity or color, or strobe are prohibited.
- (b) Awnings and canopies used for building accents over doors, windows and other areas shall not be internally lit (i.e. from underneath or behind). If lit from above, the lighting must be spaced sparingly so that only limited portions of the awnings and canopies are accented.



H. Site Development Standards

1. Right-of-way Preservation

- (a) Any future road rights-of-way or roadway improvements or widening plans designated by an adopted state Transportation Improvement Plan or adopted local transportation plans shall be reserved with no building constructed within the designated area.
- (b) Any future sidewalks, trails, greenways, utility, access, park and/or open space designated by adopted local plans shall be reserved as part of a development. These areas will be counted as part of the required open space in all planned developments as per the requirements of Section 2.5.1.L and Section 2.4.9.A.5.
- (c) Additionally, these improvements may not necessarily be an integral part of the proposed development but could otherwise be required by studies including, but not limited to traffic impact analysis or development standards within the UDO, and acquired for future development.

2. Access

Any lot with less than 100 feet of roadway frontage must be accessed by a shared driveway from a designated roadway or a driveway from a side street. Full-access driveways must have a minimum of 300 feet in separation. Where practical, any driveway not meeting these standards will be closed at the time of building expansion or site

redevelopment. All driveways shall be a minimum of 150 feet from a road intersection and meeting NCDOT and AASHTO standards.

3. Dimensional Standards

(a) The dimensional requirements in the Eastern Lincoln Development District for parcels, except for those industrially zoned, fronting roads shall be the same as the underlying zoning district, provided that road yards shall be as follows.

- (1) Minimum Road Yard: 15 feet
- (2) Maximum Road Yard: 90 feet

(b) Multi-family planned developments which meet the standards of Section 2.5.1. L.3 (Open Space, reserved frontage) are exempt from the Maximum Road Yard setback.

4. Pedestrian Facilities

Pedestrian facilities shall be provided in the Eastern Lincoln Development District in accordance with the following requirements:

(a) Sidewalks shall be provided along all sides of lots that abut roads where curb and gutter is required or provided. If difficulties exist, a review shall follow the standards in Section 2.5.1 D Alternative Means of Compliance and the Planning Board shall determine if a sidewalk is not warranted. Sidewalks shall not be required on any portions of a lot which abuts a local access road, as referenced in Sections 5.4.9, within industrially zoned areas or along NC 16 Bypass.

(b) Continuous internal pedestrian walkways, no less than four feet in width, shall be provided from the sidewalk or right-of-way to the principal public entrance for nonresidential establishments and pads on the site. At a minimum, walkways shall connect areas of pedestrian activity such as, but not limited to, road crossings, and building entry points.

(c) Nonresidential developments sharing a common lot line with another nonresidential district parcel shall provide a pedestrian walkway to the common property boundary.

(d) Sidewalks shall be provided along any facade featuring a public entrance, and along any façade abutting public parking areas. Additional sidewalk width shall be provided as needed to accommodate outdoor seating areas adjacent to restaurants to maintain a four foot wide clear pedestrian circulation area.

(e) Pedestrian walkways provided in conformance with subsection (d), above, shall provide weather protection features such as awnings or arcades over the door of all public entrances; provided that, in no case shall the width of such awning or arcade be less than the width of the door.

- (f) Pedestrian walkways and crosswalks in parking areas shall be distinguished from asphalt or concrete driving surfaces through the use of durable, low-maintenance, surface materials such as pavers, bricks, or scored or colored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
- (g) Industrial zoned properties are exempt from meeting subsection (b), (c) and (f) within this Section.

5. Utilities

All utilities directly serving subject property, shall be placed underground unless technical restrictions exist and prohibit from such. Provisions must be made to significantly reduce the visual blight of any above-ground utilities. This applies to service laterals and lines to an individual property and / or planned development.

6. Service Equipment

Dumpster pads shall be constructed of at least 8” reinforced concrete which must include the area for the dumpster and an apron extending no less than 10 feet in front.

Dumpster screening shall match the materials and architecture of the primary building

Mechanical equipment (if ground mounted) must be screened with materials matching the primary building or opaque landscaping.

7. Low Impact Design

The intent of this section is to require the use of environmentally sound and diverse methods to control soil erosion and storm water runoff. All site development that requires an erosion control plan shall include methods used in Low Impact Design “LID” practices. These include the use of rain gardens, cisterns, bioswale retention and similar methods for controlling stormwater runoff and erosion. The use of retention/detention ponds are not permitted to be the singular means of detention. All such features shall be designed by a professional engineer or landscape architect and meet or exceed the standards contained in the State of North Carolina best management practices manual.

8. Natural grades and topography

Site development shall utilize the prevailing contours and grades of the existing site topography. Development practices, such as terraced parking areas, stepped building pads and drainage patterns, are strongly encouraged for commercial and multi-family projects.

I. Signs

1. Freestanding signage

- (a) For freestanding signs (as defined in Section 3.9.3.A.3), only on-site ground mounted and monument signs are permitted within the district. Maximum height shall be no greater than 8 feet above grade elevation. The maximum surface area of the sign shall not exceed .20 square feet per linear foot of road frontage along the road toward which such sign is primarily oriented, with a maximum surface area of 40 square feet.
- (b) For multi-tenant developments of four (4) to twelve (12) tenants, a 50% increase in sign area is permitted based on the formula used in (a) of this section, with a maximum of no greater than 60 square feet. For multi-tenant developments of thirteen (13) or more tenants, a 75% increase in sign area is permitted based on the formula used in (a) of this section, with a maximum of no greater than 70 square feet.
- (c) The sign materials used for mounting must match the building materials and the use of columns, pillars and other similar architectural details that closely matches the materials used on the primary building.

2. Window Signs

The total sign area of window signs shall not exceed 50 percent of the window pane or glass door on which the signs are located. A permit is not required for window signs.

3. Other types of signage

For wall signs and any other type(s) of permanent signage the standards found in Section 3.9 of the UDO shall apply.

4. Illumination

No flashing or digital displays are permitted with the exception of time and temperature displays. Changing messages must not scroll. Any messages which change, including words or graphics must be static or continuously illuminated for a minimum of one hundred eighty (180) seconds. Although internal illumination is preferred, signage may be externally lit provided that the lighting source is directed only to the sign message and does not spill over onto adjacent properties or any roadway causing distraction or glare.

5. Sign Compliance

All building and site signs/signage must come into compliance of this section at the time the principal use of the building changes or the building square footage is increased or expanded. For multi-tenant buildings, this provision shall only apply when the building square footage is increased or expanded.

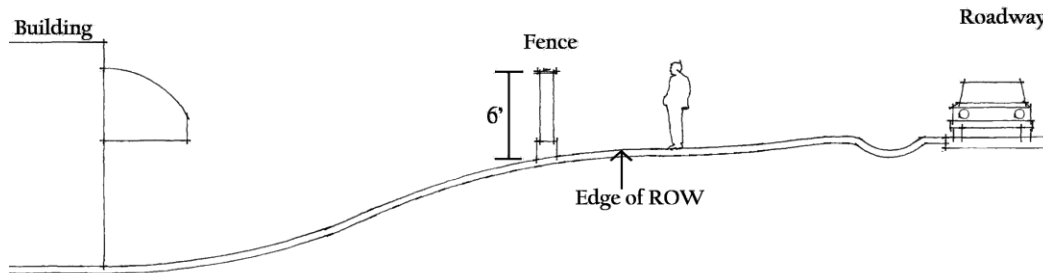
J. Fencing

1. Materials

Fencing along roads shall be constructed of ornamental iron or other metal works, masonry columns of brick, decorative block or similar materials. Chain link, vinyl, or wood fencing is not permitted along roads.

2. Height

Maximum height shall not be greater than 6 feet above grade elevation.



K. Outdoor Storage & Sales

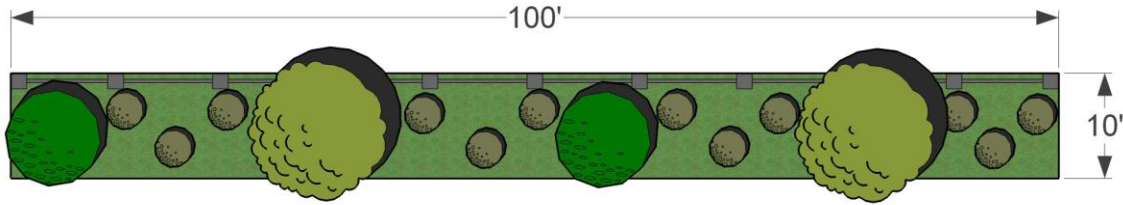
1. Screening

All outdoor storage, as defined in Section 3.10, must be screened from view of any roads by a minimum Class B buffer that meets the standards depicted in Section 3.4.6 C.

2. Vehicular Sales

All outdoor sales areas for vehicles, including but not limited to automobiles, boats, motorcycles, watercraft and all other means of powered modes of transportation, fronting any public or private right-of-way must be screened by a minimum Class A buffer that meets the standards depicted in Section 3.4.6 B and includes a fence meeting the standards in Section 2.5.1 J of the Eastern Lincoln Development District.

- 1 Wall or Fence (Minimum 3' in height, Maximum of 6')
- 2 Canopy Trees
- 2 Understory Trees
- 12 Shrubs



L. Open Space

1. All planned developments must incorporate area(s) for recreation and open space to meet the requirements of Sections 2.4.9.A.5 and 3.3. In these developments, open space includes, but not limited to, such areas as a playground, tree preserve, trails, plaza, formal garden or green, and similar types of open space. These open space types can be divided provided the smallest type is no less than 20% in size of the total required amount or grouped into a single type.
2. If the Land Use Plan, Recreation Plan, or any other County adopted plan depicts or describes recommended open space, trail or other similar improvement on or adjacent to the planned development parcel, the developers of the project shall be required to reserve sufficient area for the recommended improvement as part of the planned development.
3. Multi-family developments which do not develop the frontage along the road for a certain depth and reserve such land as open space shall gain a density bonus as shown in the table below. This reserved frontage land can count towards up to 40% of the total required amount of open space.

Depth of open space	Density bonus for development
100 – 149 feet	5% increase
150 – 199 feet	8% increase

Watershed Protection Overlay (-WPO)

200 feet and above	12% increase
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§2.5.2. Watershed Protection Overlay (-WPO)

A. Use and Development Standards

The use and development standards for the Watershed Protection Overlay (-WPO) are found in §7.3.

§2.5.3. Historic Overlay District (-HO)

A. Designation

1. No historic district or districts shall be designated until:
 - (a) An investigation and report describing the significance of the buildings, structures, features, sites or surroundings included in any such proposed district, and a description of the boundaries of such district has been prepared; and
 - (b) The State of North Carolina Department of Cultural Resources, acting through the State Historic Preservation Officer or his designee shall have made an analysis of and recommendations concerning such report and description of proposed boundaries.
2. Failure of the Department to submit its written analysis and recommendations to the Board of Commissioners within 30 calendar days after a written request for such analysis has been received by the Department of Cultural Resources shall relieve the County of any responsibility for awaiting such analysis, and the Board of Commissioners may at any time thereafter take any necessary action to adopt or amend the Zoning Ordinance.

B. Use and Development Standards

All permitted and special uses of the underlying zoning district are allowed subject to the specific requirements and procedures for each use.

C. Development Standards

[Reserved]

§2.5.4. Airport Overlay (-AO)

A. Airport Zones

In order to carry out the provisions of this district, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Lincolnton-Lincoln County Regional Airport. Such zones are shown on the Lincolnton-Lincoln County Regional Airport Zoning Map consisting of one sheet, representing the current version on file in the Planning and Inspections Department, which is attached to this subsection and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. Runway Larger Than Utility with a Visibility Minimum Greater Than $\frac{3}{4}$ Mile Non-precision Instrument Approach Zone (Approach Zone)

The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

2. Transitional Zone

The transitional zone is the areas beneath the transitional surfaces.

3. Horizontal Zone

The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

Airport Overlay (-AO)

4. Conical Zone

The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet. The conical zone does not include the transitional zone.

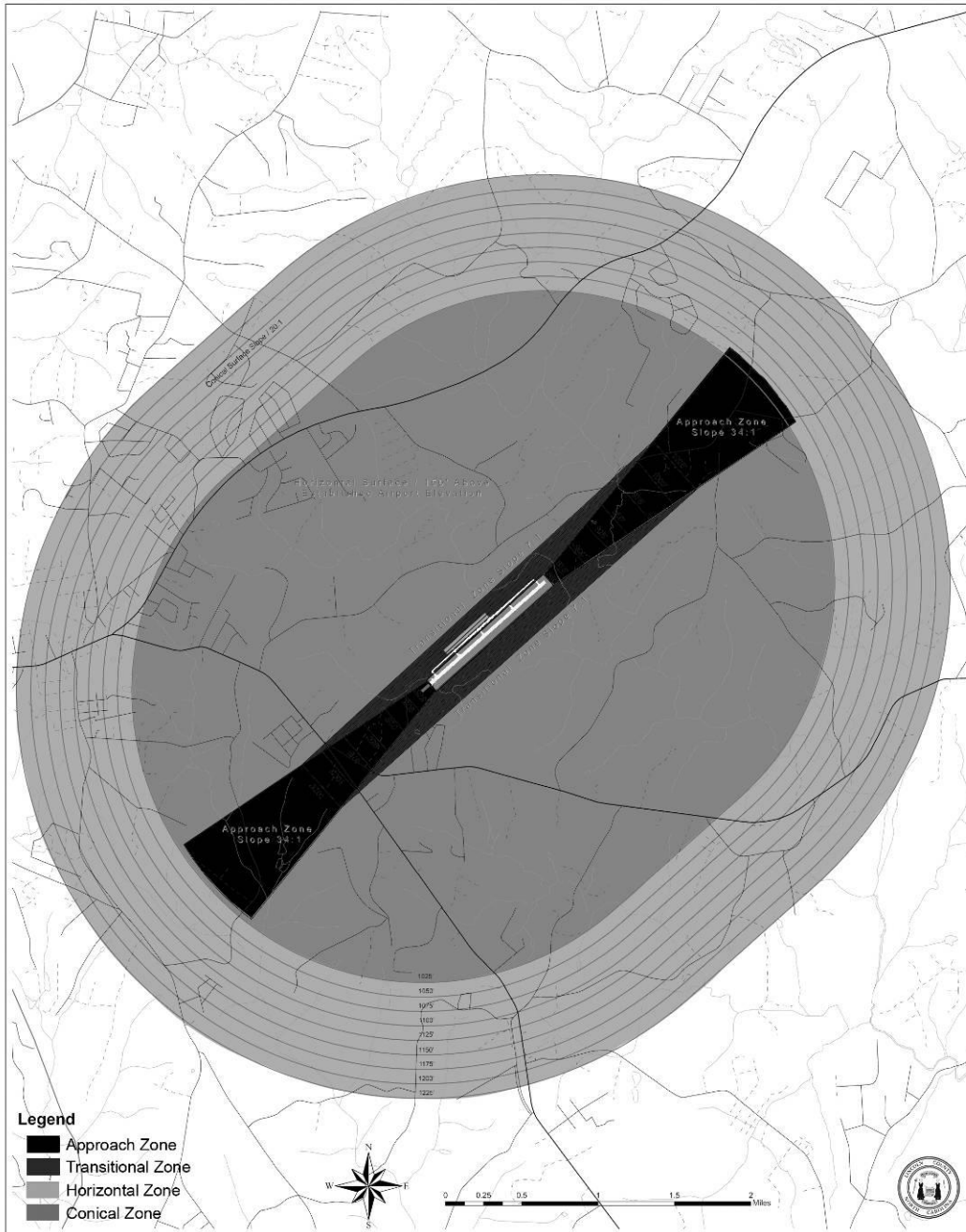


Figure 9. Conical Zone

B. Height Limitations

Except as otherwise provided in this subsection, no structure shall be erected, altered or maintained, and no tree shall be allowed to grow in any zone created by this subsection to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. Runway Larger Than Utility with A Visibility Minimum Greater Than $\frac{3}{4}$ Mile Non-precision Instrument Approach Zone (Approach Zone)

Such runway slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

2. Transitional Zone

The transition zone slopes seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 100 feet above the airport elevation which is 878 feet above mean sea level.

3. Horizontal Zone

The horizontal zone is established at 100 feet above the airport elevation or at a height of 978 feet above mean sea level.

4. Conical Zone

The conical zone slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 100 feet above the airport elevation and extending to a height of 300 feet above the airport elevation.

5. Excepted Height Limitations

(a) Nothing in this subsection shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land. Height shall be measured from the highest point on the ground along the periphery of the structure or tree to the highest point on the structure or tree.

(b) Nothing in this subsection shall be construed as prohibiting the construction of a wireless communication tower within the horizontal or conical zones provided the applicant is able to demonstrate compliance with all Federal Aviation Administration (FAA) standards and regulations and receive approval from the FAA for the construction of the proposed tower.

C. Use Regulations

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

Airport Overlay (-AO)

D. Nonconforming Structures and Trees in -AO District

See §10.6.

E. Permits**1. Future Uses**

- (a) Except as specifically provided in (b), (c), and (d), below, no material change shall be made in the use of land, and no structure or tree shall be erected, altered, planted or otherwise established in any zone of the -AO district prior to the approval of a zoning permit pursuant to §9.9. No permit for a use inconsistent with the provisions of this subsection shall be granted unless a variance has been approved in accordance with §2.5.4.E.3.
- (b) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 70 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
- (c) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 70 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
- (d) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 70 feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.
- (e) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this subsection except as set forth in §2.5.4.B.5. In the event a tree is allowed to grow in excess of the height limits established by this subsection, except as set forth in §2.5.4.B.5, said tree shall be removed, topped, trimmed, or otherwise modified to bring into compliance with this subsection. If the Director determines that the tree adversely affects the safe use of the airport, Lincoln County will pay for the direct cost to remove, top, trim, or otherwise modify said tree to bring into compliance with this subsection.

2. Existing Uses

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

3. Variances

- (a) Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this subsection, may apply to the Board of Adjustment for a variance from such regulations in accordance with the requirements of §9.18.
- (b) 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.
- (c) Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this subsection.

4. Obstruction Marking and Lighting

Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this subsection and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the Lincoln-Lincoln County Regional Airport Authority at its own expense, to install, operate and maintain thereon such marking and lights as may be necessary.

5. Approval Required

The Director shall review all applications for development to ensure compliance with all regulations of this subsection. All applications shall be complete prior to review by the Director. The Director in his discretion may request that additional information be submitted as necessary to insure a thorough and complete review of the application. All applications shall be submitted with a non-refundable fee in accordance with a fee schedule adopted by the Board of Commissioners.

§2.5.5. Reserved

§2.6. Measurements and Exceptions

§2.6.1. General

No lot, even though it may consist of one or more adjacent lots of record in single ownership, shall be reduced in size so that the lot area per dwelling unit, lot width, yard and lot coverage requirements, and other requirements of this UDO are not maintained, unless otherwise allowed by law. This prohibition shall not be construed to prevent the purchase or condemnation of narrow strips of land for public utilities or road right-of-way purposes.

§2.6.2. Building Coverage

Building coverage is the maximum area of the lot that is permitted to be covered by buildings, including both principal structures and accessory buildings. Building coverage does not include paved areas such as driveways, uncovered porches or patios, decks, swimming pools or pool cages, or roof overhangs of less than three feet.

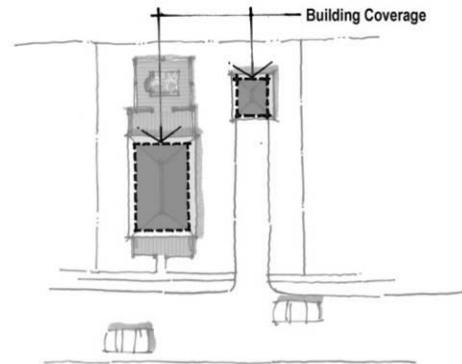


Figure 10. Building Coverage

§2.6.3. Impervious Surface

Impervious surface is the maximum area of the lot that is permitted to be covered by buildings, including both principal structures and accessory buildings, paved areas such as swimming pools, driveways, uncovered porches or patios, or solid decks.

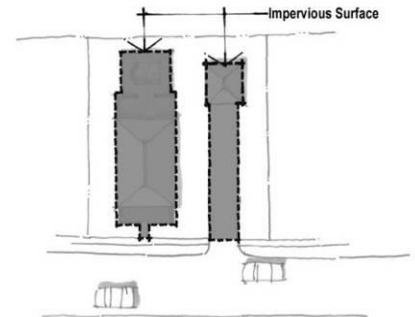


Figure 11. Impervious Surface

§2.6.4. Building Separation

The required separation between any two buildings located on the same lot or parcel of land.

§2.6.5. Gross Floor Area

The gross floor area of a building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings and shall include the following areas:

- A. The area of each floor of the structure;
- B. All attic space intended for human occupancy; and
- C. All outside storage areas as permitted in §3.10.

§2.6.6. Height

A. Buildings

Height is the vertical distance above finished grade to the highest point of a flat roof, to the deck line of a mansard roof, or to the average height between the plate and the ridge of a gable or hip roof; or, of no roof, to highest point of any structure. Roof structures not intended for human occupancy and serving in an accessory capacity, such as skylights, housing for elevators, stairways, water tanks, ventilating fans, air conditioning equipment or similar equipment, steeples, spires, belfries, cupolas or chimneys, may exceed the maximum allowable heights.

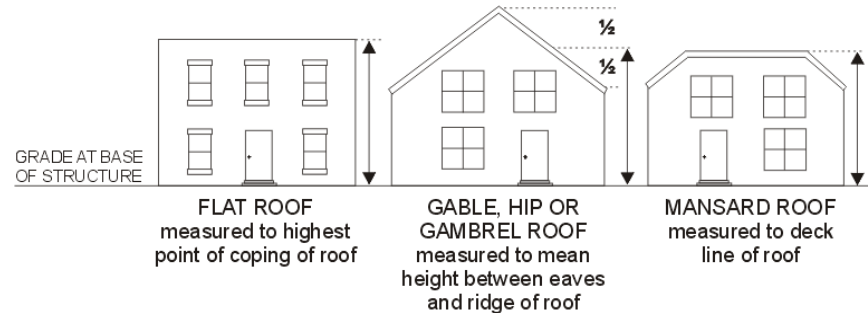


Figure 12. Buildings (Height)

B. Fences and Walls

The height of fences or walls shall be measured as the vertical distance between mean elevation of the finished grade on the highest side of the fence or wall to the top of the fence or wall.

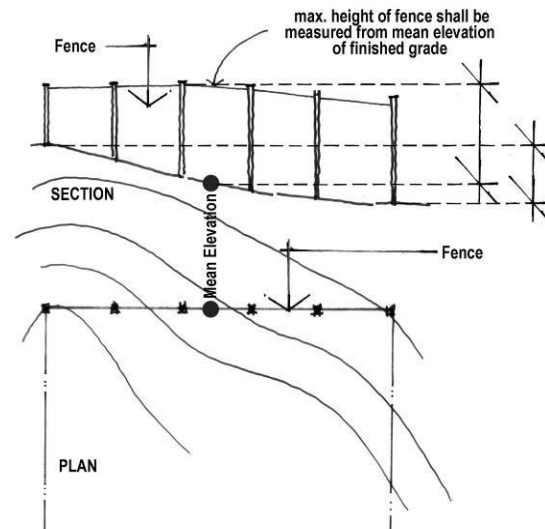


Figure 13. Fences and Walls (Height)

C. Telecommunications and Microwave Towers and Antennas

Height of telecommunications and microwave towers and antennas shall be determined by measuring the vertical distance from mean elevation of the finished grade to the highest point of the tower, including all antennas, other attachments, or structures, when towers are mounted upon other structures.

Area

D. Signs

The height of a sign shall be measured from the highest point of the sign or supporting structure to the average grade of the ground surrounding the sign. For the purposes of this section, the height of a ground sign or monument sign may be measured from the highest point of the sign or supporting structure to the grade of a landscape berm not exceeding 24 inches above the average surrounding ground.

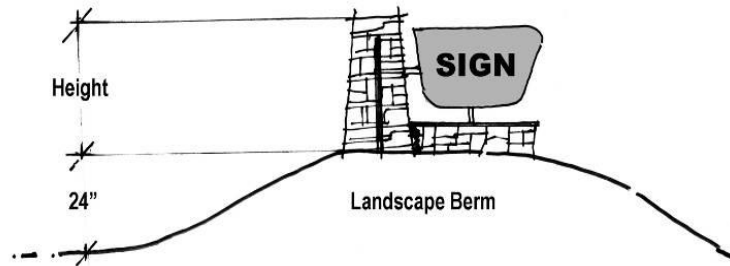


Figure 14. Signs (Height)

§2.6.7. Area

Area shall be measured in gross square feet or acres.

A. Lot

1. A single lot of record, or more than one contiguous lot of record in the same ownership where accumulation of such lots is required, which lot or lots of record are not divided by any road or public alley.
2. Lot area shall be that area included in a single, undivided piece of land.
3. Minimum lot areas shall be exclusive of existing or proposed public or private right-of-way, resource conservation areas (see §7.2), and required recreation and open space (see §3.3).

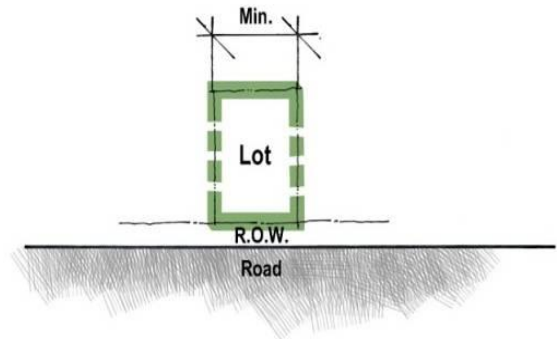


Figure 15. Lot (Area)

B. Parcel

1. A continuous quantity of land in the possession of or owned by, or recorded as property of the same person or persons. A parcel may contain multiple buildings or uses.
2. Parcel area shall be that area required for each individual building in a multi-building project. A parcel may include multiple lots.

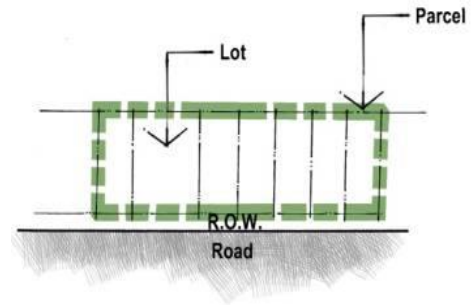


Figure 16. Parcel (Area)

C. Site

1. A continuous quantity of land to be developed as a single project. A site may contain multiple parcel or lots.
2. Site area shall be the total land area of the proposed development. A site may include multiple parcels or lots.
3. Net site area shall mean the total gross area of the parcel, minus any resource conservation areas (see §7.2) located on the site.

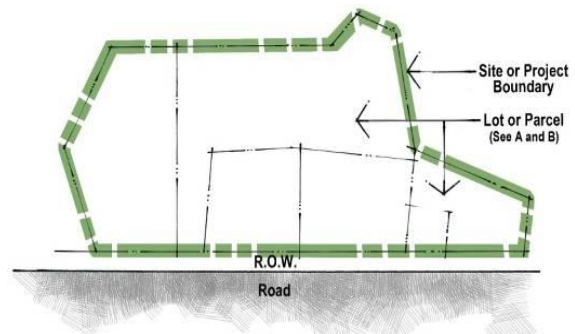


Figure 17. Site (Area)

D. Exceptions

Minimum lot area requirements shall not apply to minor utilities, public facilities, and wireless facilities and towers.

Width

§2.6.8. Width

A. Building

Building width shall be measured by the distance along the front plane of any building (as determined by the location of an entrance fronting on a road).

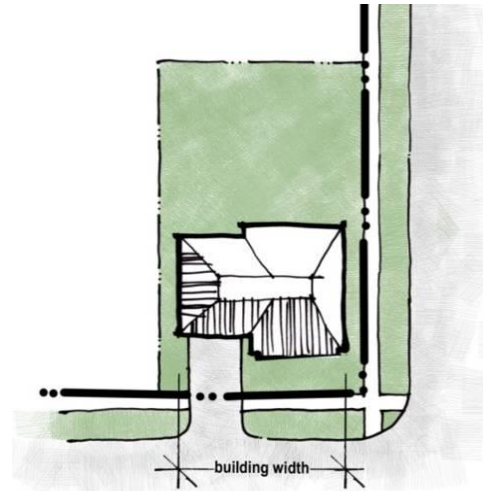


Figure 18. Building (Width)

B. Lot

Lot width shall be measured by the distance between the side lot lines (generally running perpendicular to a road), measured at the rear edge of the road yard along a straight line parallel to the front of the property line or along the chord of the front property line.

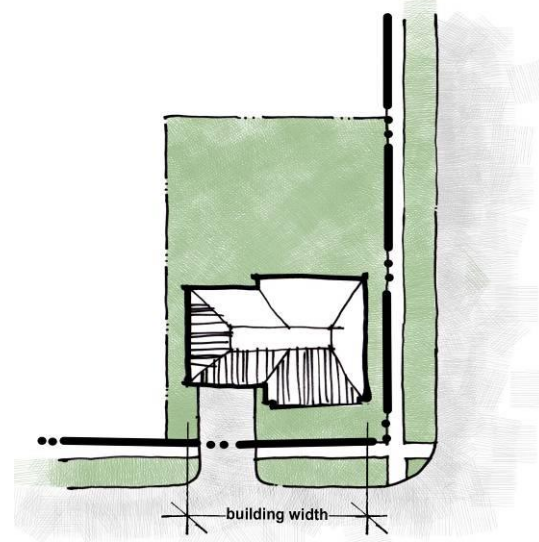


Figure 19. Lot (Width)

§2.6.9. Density

A. Density shall be allocated to each development parcel as follows:

1. One hundred percent of the district density for the area outside of resource conservation areas (see §7.2); and
2. None (0) of the district density for any resource conservation areas.

B. Density for residential districts shall be calculated by dividing one acre of land (43,560 square feet) by the applicable minimum lot size for the district and housing type, minus any resource conservation areas (see §7.2) located on the site.

C. Fractional units shall be rounded down to the next whole number.

§2.6.10. Yards and Setbacks

A. General

1. All road yard and side yard (road) setbacks shall be measured from the edge of the right-of-way, or planned, future right-of-way, where expansion of a roadway is planned by NCDOT or other appropriate authority.
2. The minimum road yard requirements of this article, for residential dwellings, shall not apply on any lot where the average road yard of existing dwellings located on either side of the lot in question within the same block and zoning district and fronting on the same side of the road is less than the minimum required road yard. In such cases, the road yard on such lots may be less than the required road yard, but not less than the adjacent dwelling with the greatest road yard depth.
3. Every part of every required yard shall be open and unobstructed above the general ground level of the graded lot upward to the sky except as provided or as otherwise permitted in this UDO.
4. No part of a yard or other open space required about any structure or use for the purpose of complying with the provisions of this UDO shall be included as a part of a yard or other recreation and open space similarly required for another structure or use.

B. Types of Yards

1. There are four types of yards – road, side (road), side (interior), and rear yards.
2. Double frontage lots shall be considered to have two road yards.
3. Total yard (side) shall be the total of the two side yards.

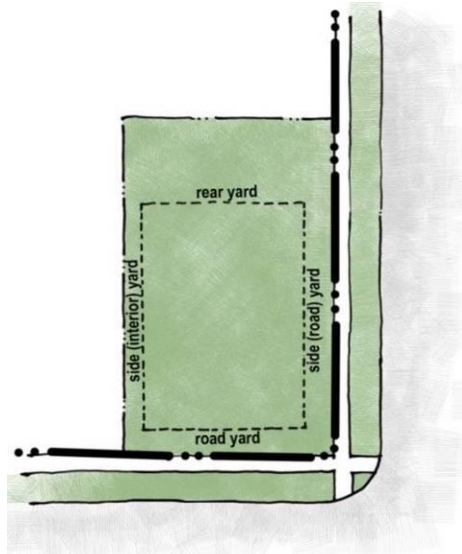


Figure 20. Types of Yards

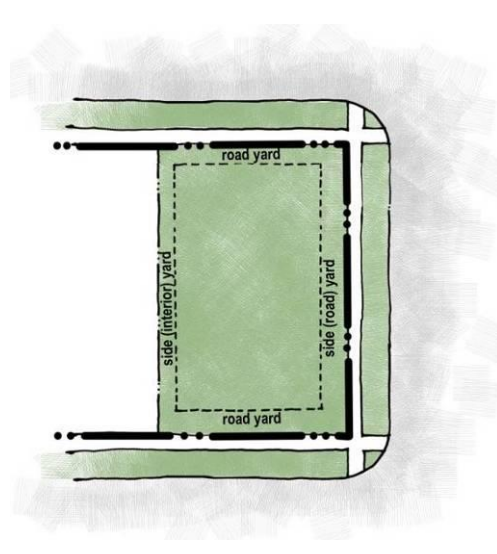


Figure 21. Types of Yards (Double Frontage)

Yards and Setbacks

C. Measurement of Yards

1. Depth of a required road yard shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot lines, in the case of rounded property corners at road intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding.
2. Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.
3. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

D. Yard Encroachments

The following encroachment standards shall apply to all required yards, so long as they do not extend into any easements or create hazards:

1. Mail boxes, newspaper boxes and school bus shelters may be located in any required yard. Water wells shall encroach to within ten feet.
2. Signs may extend into required yards in conformance with standards found in the §3.9.
3. Gates and guard stations may be located within any required yard.
4. Mechanical equipment for residential uses, such as HVAC units and security lighting, may extend into any required side yard but shall remain at least four feet from the property line.
5. Structures below and covered by the ground may extend into any required yard.
6. Driveways may extend into any required yard, provided that, to the extent practicable, they extend across rather than along the setback area and may be no closer than two feet from the property line.

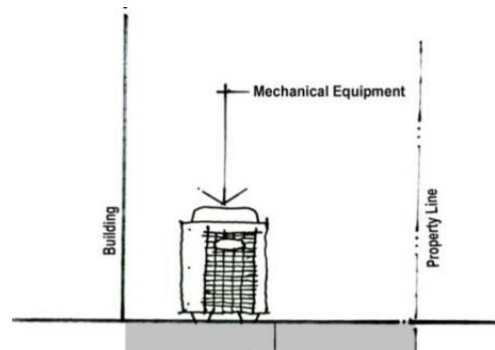


Figure 22. Mechanical Equipment

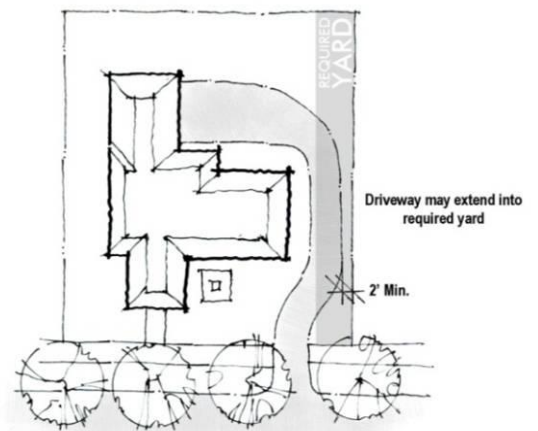


Figure 23. Driveways

7. Planters, retaining walls, fences, hedges, and other landscaping structures may encroach into any required yard subject to visibility restrictions and minimum pedestrian way width.

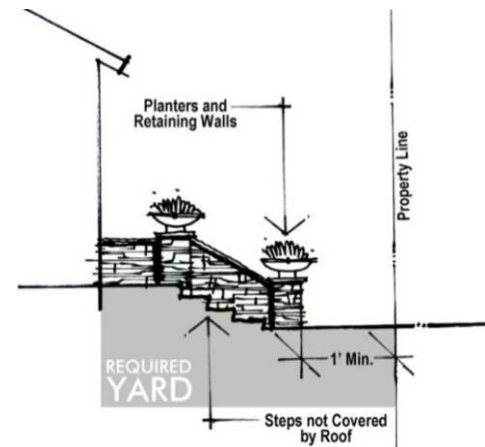


Figure 24. Planters, Retaining Walls, etc.

8. Utility lines located underground and minor structures accessory to utility lines (such as hydrants, manholes, and transformers and other cabinet structures) may encroach into any required yard.
9. Steps not covered by a roof.

