ARTICLE XI - Supplementary Use Regulations

Part I. General Provisions

§148 Residential Uses

(a) Manufactured Homes

(1) The Town of Siler City Manufactured Home Park Ordinance is set forth as Appendix I to this Ordinance.
   i. All future manufactured home park communities shall have a minimum lot size of six thousand (6,000) square feet for each lot and a maximum density of seven (7) units per acre. House numbers shall be posted on each unit.
   ii. All manufactured homes located on existing non-conforming lots shall be grandfathered. If a grandfathered manufactured home park is sold by the existing owner, the park will remain grandfathered.

(2) All manufactured homes shall satisfy each of the following additional criteria:
   i. Install steps and at minimum a four (4) feet by four (4) feet landing at every entrance/exit door. Steps and landings maybe wood or concrete.
   ii. Manufactured home skirting shall be installed under every home:
      1. Material shall be durable, weather resistant, continuous, unpierced (except for required ventilation and access);
      2. Materials should be selected from the normal industry standard such as vinyl skirting panel or composite rock/stone/brick veneer panel; and
      3. Materials not allowed include but are not limited to: OSB Board, or other materials subject to rot.
   iii. Manufactured home, double wide shall satisfy each of the following additional criteria:
      1. the pitch of the home's roof has a minimum vertical rise of three (3) feet for each twelve (12) feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;
      2. the exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction;
      3. a continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the home (if located outside of a manufactured home park);
      4. the tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy; and
      5. the home shall be placed so that the apparent entrance or front of the home faces or parallels the principal street frontage, except where the lot size exceeds one (1) acre.

(b) Multi-family Downtown Development

(1) The following items are required and must be submitted with the application:
   i. A site plan including phasing, building height, dimensions, landscaping, parking, etc.
   ii. Detailed floor plan of each level of a structure to be utilized including separations, dimensions, entrances, exits, etc.
   iii. Illustration of the physical design features or themes used to unify the development and to provide compatibility to neighboring developments. Possible features used to unify the design include but are not limited to: building style, building materials, colors, windows, facades, signage, landscaping, and streetscape design.
   iv. Each dwelling unit shall be self-sufficient and include the following rooms or items (complete kitchen, full bath, living, and bed).
   v. Community laundry facilities are allowed.
   vi. Laundry shall not be visible from adjoining property or right-of-way.
vii. Each dwelling shall have central heating and air conditioning. Window unit air conditions shall not be permitted.
viii. All ground floor dwelling units shall be built in accordance with non-residential building code.
ix. The on-site pedestrian circulation system must be lighted to a level where residents can safely use the system at night. Such lighting shall be subject to the lighting standards.
x. Sufficient garbage disposal facilities are required and shall be properly screened. Outdoor storage shall not be permitted (junk, trash, or debris shall not be visible from an adjoining property or right-of-way).
xi. One parking space for each bedroom. Each required parking space shall be restricted to the appropriate residence. Signage designating restricted parking shall be installed. A contractual agreement for parking must always be maintained if the residential development is to continue operation.
xii. Final plat, site plan, building plan, zoning permit, and building permit approval by Town Staff shall be required prior to any construction.
xiii. All other applicable development regulations provided in the UDO shall apply.

(c) Planned Residential Developments

1. The purpose of this section is to provide flexibility, consistent with the public health and safety and without increasing overall density, to the developer who subdivides property and constructs buildings on the lots created in accordance with a unified and coherent plan of development.

2. Planned residential developments (PRDs) are permissible only on tracts of at least three (3) acres located within a R-10 or R-6 zoning district.

3. The overall density of a tract developed by a PRD shall be determined as provided in §168.

4. Permissible types of residential uses within a PRD include single-family detached dwellings, two-family residences, and multi-family residences. At least fifty (50) percent of the total number of dwelling units must be single-family detached residences on lots of at least 6,000 square feet.

5. To the extent practicable, the two-family and multi-family portions of a PRD shall be developed more toward the interior rather than the periphery of the tract so that the single-family detached residences border adjacent properties.

6. In a planned residential development, the screening requirements that would normally apply where two-family development adjoins a single-family development shall not apply within the tract developed as a planned residential development, but all screening requirements shall apply between the tract so developed and adjacent lots.

7. The developer may create lots and construct buildings without regard to any minimum lot size. Lot width, or setback restrictions except that:
   i. Lot boundary setback requirements shall apply where and to the extent that the subdivided tract abuts land that is not part of the subdivision, and
   ii. Each lot must be of sufficient size and dimensions that it can support the structure proposed to be located on it, consistent with all other applicable requirements of this chapter.

8. The number of dwelling units may not exceed the maximum density authorized for the tract under §168.

9. To the extent reasonably practicable, the amount of land saved by creating lots that are smaller than the standards set forth in §167 shall be set aside as usable open space.

10. Approved plans shall show the dimensions, height, and location of all such buildings to the extent necessary to comply with the purpose and intent of this section.

11. The development shall be constructed in accordance with an overall design scheme.

12. Approval must be obtained for subdivision and the configuration of principal buildings to be located on each lot.

(d) Primary Residence with Accessory Apartment
Town of Siler City - Unified Development Ordinance

(1) Shall meet the setback requirements of the district.
(2) Shall not be located more forward than the front/street façade of the primary residence.
(3) Only one accessory apartment shall be allowed per primary residence.
(4) One off-street parking space shall be required in addition to what is required for the primary residence.
(5) May be detached from or attached to the primary residence.
(6) Shall be located on the same lot as the primary residence.
(7) The owner of the property shall occupy either the primary residence or the accessory apartment.
(8) The accessory apartment shall be subordinate, incidental, and accessory to that of the primary residence.
(9) The primary residence shall only be a detached single family residential, one dwelling per lot.

(e) Single Family Residences, Two Family Residences, and Homes Emphasizing Special Treatment, Supervision, or Care

(1) Built Upon Area.
   i. The maximum built upon area on any deeded lot is forty percent (40%).
   ii. The total area includes the area of the deeded lot subtracting the area located within the road right-of-way.

(2) Parking.
   i. Storage outside of a substantially enclosed structure of any junked motor vehicle is prohibited except as allowed below:
      1. One (1) junked motor vehicle, in its entirety, can be located in the rear yard if the junked motor vehicle is entirely concealed from public view from a public street and from abutting premises by an acceptable covering. The zoning enforcement officer has the authority to determine whether any junked motor vehicle is adequately concealed as required by this provision. The covering must remain in good repair and must not be allowed to deteriorate. The covering or enclosure must be compatible with the objectives stated in Ordinance No. 1990-3 (Board of Commissioners found it necessary and desirable to promote and enhance):
         a. The quality of urban attractiveness and aesthetic appearance of the Town;
         b. The protection of property values throughout the Town;
         c. The preservation of the livability and attractiveness of neighborhoods;
         d. The promotion of tourism, conventions, and other opportunities for economic development for the Town;
         e. The attractiveness of the Town’s thoroughfares and commercial roads which present the primary, public visibility to visitors and to passersby of the Town; and
         f. The promotion of the comfort, happiness, and emotional stability of occupants of property in the vicinity of junked motor vehicles.
      2. More than one (1) junked motor vehicle. Any other junked motor vehicle must be kept in a garage or building structure that provides a complete enclosure so that the junked motor vehicle cannot be seen from a public street or abutting property. A garage or building structure means either a lawful, nonconforming use or a garage or building structure erected pursuant to the lawful issuance of a building permit and which has been constructed in accordance with all zoning and building code regulations.
   ii. Parking outside of a substantially enclosed structure of vehicles of a commercial or industrial nature with more than two (2) axles and/or a gross vehicle weight (GVW) in excess of fourteen thousand (14,000) pounds or trailers of a commercial or industrial nature with more than one (1) axle including but not limited to tractor trailers, cargo trucks, bulldozers, backhoes, and other heavy equipment are prohibited from parking on a regular basis, except while actually engaged in loading
or unloading, legitimately on the property to perform routine or emergency maintenance services, or in connection with an approved construction project.

1. Notwithstanding this prohibition, the vehicles and equipment to which this section applies may be parked or placed in the rear yard of a residence if inside of a substantially enclosed structure or properly screened such that they are not visible from adjacent streets or properties.

2. This provision shall not apply to recreational vehicles (RV’s), boats, boat trailers and small utility trailers.

iii. Parking outside a substantially enclosed structure of more than four (4) motor vehicles between the front (or side, in the case of a corner lot) building line of the principal building and the street on any lot is prohibited.

iv. All vehicle accommodation areas shall be provided so as to maintain a primarily residential appearance and to protect the quality and character of residential neighborhoods. Accordingly, all areas used for parking and drives shall be designed, located, and constructed to meet the following standards:

1. All parking spaces and drives shall be clearly delineated, constructed, surfaced, and adequately maintained with a hard-all-weather surface such as #57 stone, #67 stone, #78 stone, brick, pavers, asphalt, concrete, pervious paving, turf stone, or other approved material. Grass and bare earth areas shall not be acceptable.

2. The edge of all parking and drive areas shall be clearly delineated, with a physical edge that is maintained.

3. No more than twenty-five (25) percent of the front (or side, in the case of a corner lot) yard area (measured from the front building line of the principal building to the edge of the street) may be delineated or used for parking and drive areas unless the Board of Adjustment grants a variance in accordance with this subsection, Some examples of cases eligible for consideration of a modification are as follows:

   a. A portion of the delineated area is primarily used for vehicular drive and turnaround movements and not for the parking of vehicles;

   b. The delineated area for the minimum required parking spaces and reasonable access drives would exceed twenty-five (25) percent of the yard area;

   c. The relevant lot line (front or side) is less than fifty (50) feet wide, and it is judged to be infeasible to keep required delineated parking areas to less than twenty-five (25) percent of the yard;

   d. The topography, location of the dwelling or the existing development of adjoining areas prevents conformance;

   e. A portion of the delineated area is necessary to provide handicap accessibility to the dwelling; and

   f. The existing all-weather surface currently exceeds twenty-five (25) percent of the yard and a portion of the all-weather surface is designated as driveway only (or for a non-parking use) and/or physically restricted or barricaded from use as vehicle parking.

(3) Accessory use detached buildings/structures.

i. Carports, garages, greenhouses, playhouses, pump houses, satellite dish antennas, sports ramps, storage sheds, swimming pools, tool sheds, uncovered decks, workshops, etc.

   a. May be located in the rear yard and shall not be located in any front (or side, in the case of a corner or double frontage lot) or side yard.

   b. Carports, garages, pump houses, and satellite dish antennas maybe located in a side yard if the detached accessory buildings/structures are no closer to the street than the principal building.

   c. Uncovered decks may be located in a front or side yard only if the deck is no more than three (3) inches from the building wall of the principal building.
d. Shall comply with minimum building setback requirements of the zoning district in which they are located.

ii. Animal containment facilities such as pens, kennels, and houses. May be located in the rear yard and shall not be located in any front (or side, in the case of a corner or double frontage lot) or side yard.

iii. Shipping containers, portable storage units/pods, and cargo box trailers.
   a. These storage facilities may be allowed as permanent accessory uses when in compliance with the following standards:
      i. Shall comply with minimum setback requirements of the zoning district in which they are located;
      ii. Shall be in compliance with any applicable sign regulations; and
      iii. May be located in the rear yard and shall not be located in any front (or side, in the case of a corner or double frontage lot) or side yard.
   b. These storage facilities may be allowed as a temporary use when in compliance with the following standards:
      i. Shall comply with minimum setback requirements of the zoning district in which they are located;
      ii. May be located for a period of time not to exceed ninety (90) consecutive days in duration from the time of delivery to the time of removal, two times per twelve (12) month period;
      iii. May be located on grass or bare earth;
      iv. Shall be placed in a location where sight visibility is not obstructed; and
      v. Shall be located in a manner which does not hinder access to the site or to off-street parking spaces.

(4) Corner Lots. For purposes of this section, corner lots with areas used for parking and drives within the side yard area between the principal structure and the side street right-of-way which are unscreened and visible from a public street, are treated the same as front yard parking areas; however, only one yard (either front or side) may be utilized for parking and drive purposes, consistent with the rules set forth herein.

(5) Notwithstanding the provisions contained in Article VIII (Nonconforming Situations) or elsewhere in this Ordinance, all of the requirements contained in §159 shall be applicable to all existing and future single-family residences, two family residences, and homes emphasizing special treatment, supervision, or care.

(6) Exemptions from §148(e). Single family residences, two family residences, and homes emphasizing special treatment, supervision, or care that are located within the Agricultural-Residential (A-R) zoning district.

(f) Temporary Emergency, Reconstruction or Repair Residences

(1) Permits for temporary residences to be occupied pending the reconstruction, repair, or renovation of the permanent residential building on a site shall expire within six (6) months after the date of issuance, except that the administrator may renew such permit for one (1) additional period not to exceed six (6) months if he determines that such renewal is reasonably necessary to allow the proposed occupants of the permanent residential building to complete the reconstruction, repair, renovation, or restoration work necessary to make such building habitable.

(2) Only one (1) temporary residence allowed per lot.

(3) Temporary residences shall meet the minimum housing standards of the Town of Siler City Code of Ordinances Chapter 8, Article IV.

(4) The following standards are exempt:
   i. minimum lot size
   ii. residential density
   iii. minimum lot width
iv. building setback requirements from lot lines
v. skirting installed under residence
vi. minimum 4’x4’ landing at every entrance/exit door
vii. built upon area – maximum of forty percent (40%)
viii. accessory use detached building/structure front and side yard location restrictions

Amended October 2, 2000, August 18, 2014, January 21, 2020

§149 Planned Unit Developments
(a) In a planned unit development, the developer may make use of the land for any purpose authorized in a particular PUD zoning district in which the land is located, subject to the provisions of this ordinance. §128 describes the various types of PUD zoning districts.

(b) Within any lot developed as a planned unit development, not more than fifty percent (50%) of the total lot area may be developed for higher density residential purposes (R-6 or R-3, as applicable), not more than twenty percent (20%) of the total lot area may be developed for purposes that are permissible only in a C-C, B-1, and O-I, zoning district and not more than ten percent (10%) of the total lot area may be developed for uses permissible only in the L-I zoning district (assuming the PUD zoning district allows such uses at all).

(c) The plans for the proposed planned unit development shall indicate the particular portions of the lot that the developer intends to develop for higher density residential purposes, lower density residential purposes, purposes permissible in a commercial district (as applicable, and purposes permissible only in an L-I district (as applicable). For purposes of determining the substantive regulations that apply to the planned unit development, each portion of the lot so designated shall then be treated as if it were a separate district, zoned to permit, respectively, higher density residential (R-3 or R-6), lower density residential (R-20 or R-10), commercial or L-I uses. However, only one permit, a planned unit development permit, shall be issued for the entire development.

(d) The nonresidential portions of any planned unit development may not be occupied until eighty percent (80%) of the residential portions of the development are completed or their completion is assured by and of the mechanisms provided in Article IV to guarantee completion. The purpose and intent of this provision is to ensure that the planned unit development procedure is not used, intentionally or unintentionally, to create nonresidential uses in areas generally zoned for residential uses except as part of integrate and well-planned, primarily residential development.

Amended October 2, 2000 and August 18, 2014

§150 Commercial Uses
(a) Gaming Establishment, Adult
(1) Separation Requirement:
   i. Adult gaming establishments shall not be located in the same building or property where any place of worship, public or private school, licensed child day care facility, residential use, or other existing adult gaming establishment is located.
   ii. Adult gaming establishments shall not be placed on properties within five hundred feet (500) feet of any place of worship, public or private school, licensed child day care facility, residential use, or other existing adult gaming establishment, measured by a straight line from nearest point of the building containing the adult gaming establishment to nearest point of the property line containing any place of worship, public or private school, licensed child day care facility, residential use, or other existing adult gaming establishment.

(2) Hours of Operation:
   i. No person or entity engaged in adult gaming establishments shall engage in the business before 9:00 a.m. or after 10:00 p.m. Monday thru Saturday and shall not engage in business before 1:00 p.m. or after 10:00 p.m. on Sundays.
ii. No playing on any device shall be allowed during the times when computer gaming establishments are required by this section to remain closed.

(3) Maximum Number. The maximum number of terminals/computers/machines/gaming stations or total number of patrons using gaming apparatus at one time within an adult gaming establishment is thirty (30). For example: Five (5) gaming tables that include six (6) gaming stations each is a total of thirty (30), which equals the maximum number.

(4) Parking: Parking shall be in compliance with the calculations as outlined in Article XVIII of the UDO.

(5) Access: All adult gaming establishments shall be open and visible from the front interior of the establishment.

(6) Noise. Noise levels shall comply with the Chapter 16 of the Code of Ordinances.

(7) Existing Uses: All uses meeting the definition of Gaming Establishment, Adult as defined in §136 that were established prior to the adoption of this section shall be deemed legal nonconforming uses. If additional gaming units or additional patrons are proposed, then the establishment/operations shall be brought into compliance with the provisions of Article X, XI, XVIII, and XIX of the Unified Development Ordinance prior to any expansion.

(8) Enforcement:
   i. In addition to all applicable enforcement procedures permissible by Article VII of the UDO, any violation of the aforementioned conditions shall be punishable by a civil penalty of up to one thousand dollars ($1,000.00) for the first violation and five thousand dollars ($5,000.00) for each subsequent violation.
   ii. Each successive day a particular violation occurs shall be considered a unique violation incident.
   iii. Notice of violation and citation shall be sent to parties in accordance with notification procedures in Article VII of the UDO.
   iv. When more than three (3) violation incidents occur in any calendar year the use shall be terminated and shall be prohibited anywhere on the property for one (1) year from date of closure.
   v. Closure shall be enforceable by the Town of Siler City Police Department.

(b) Motor Vehicle Towing with Temporary Vehicle Storage, Accessory Use
   (1) Site plan and zoning permit approval shall be required.
   (2) A bufferyard of ten (10) feet shall be maintained along the entire perimeter of the storage area if trees and shrubs are required per the Table of Screening Requirements.
   (3) A minimum six (6) feet tall opaque fence/barrier shall be required along the entire perimeter of the vehicle storage area.
   (4) If trees and shrubs are required, then the required fence shall not be located within the bufferyard.
   (5) Plantings and screen shall be in accordance with Appendix E – Guide To Landscaping.
   (6) Storage area shall not be visible from any adjacent property or public right-of-way. Stored items shall not project above required screen. The screen shall be a complete visual barrier.
   (7) Only two (2) entrance(s) are permitted into the storage area. The entrance(s) into the storage area shall be eighteen (18) feet wide or less. A gate that is completely opaque and at least six (6) feet in height (measured from the nearest adjacent grade) shall secure the entrance.
   (8) Storage area shall be graded and surfaced with gravel, asphalt, or concrete.

(c) Open Air Market
   (1) Site plan and zoning permit approval required.
   (2) Shall be in compliance with Chapter 66 Article 32 of the NCGS.
   (3) Open air market operators and vendors shall:
      i. be located at a minimum ten feet (10’) from the edge of any driveway, fire hydrant, utility box/vault, handicap ramp, building entrance/exit;
ii. not obstruct or encroach onto any public street way, sidewalk, handicap accessibility area, or fire lane;

iii. not obstruct the sight distance triangle at any intersection;
iv. not obstruct any off-street drive aisle, handicap accessibility area, pedestrian path, or fire lane;
v. be responsible for proper waste disposal and ensuring that the site is restored to a neat condition no later than the end of the day.

(d) Sexually Oriented Businesses

(1) All sexually oriented businesses must comply with the requirements set forth in the “Ordinance to Regulate Sexually Oriented Businesses” found in Appendix F.

Amended February 4, 2019, January 21, 2020

§151 Temporary Uses

(a) Mobile Vending Unit (MVU) (as defined in §136)

(1) The use shall clearly be of a temporary nature and MVU shall leave the site every day/night.

(2) Permits required

i. One (1) MVU per parcel (or continuous parcels) does not require site plan nor zoning permit approval, however, the MVU shall be in compliance with all of the regulations of §151(a).

ii. Two (2) or more MVU that operate per parcel (or continuous parcels) shall be defined as an open-air market and shall obtain site plan and zoning permit approval for an open-air market.

iii. One (1) MVU is defined as a person in whom all payments received remain with that person. An example that is not considered as two (2) or more MVU (a church holds a sale in which more than one (1) church member, etc. brings goods, etc. to sale and all proceeds are made to the church).

(2) Exempted from site plan review and zoning permit approval

i. Operating at a one-day public event (parade, festival) supported in whole or in part by the Town which are officially recognized by the Siler City Board of Commissioners

ii. Operating with State and/or Town approval within any street right-of-way

iii. Operating at a Town of Siler City owned property with Town of Siler City approval

iv. Operating for a one day (less than 24 hour) private event/function such as birthday, wedding, etc. However, not more than two (2) such occurrences shall be held at the same premises during the same calendar year.

v. Operating at a zoning permit approved open air market or special event.

(3) All MVU shall be in compliance with Chapter 66 Article 32 of the NCGS.

(4) Sales may only occur in residential districts (A-R, R-20, R-10, R-6, R-3, RMH) when located at a church, nursery school/child day care, school, college, town, or county property, unless exempted above.

(5) Sales may occur on vacant or developed lots in non-residential districts (C-C, B-I, O-I, H-C, H-I, L-I, LF-1).

(6) Hours of operation are limited to the hours between 5:00 a.m. and 12:00 a.m., except if the MVU is located within one hundred fifty feet (150’) of the property line of a single-family or duplex dwelling, hours of operation are limited to the hours between 8:00 a.m. and 8:00 p.m.

(7) MVU shall:

i. be located fifty feet (50’), if site is for a mobile food unit, from main entrance of any other prepared food establishment (including outdoor dining area);

ii. be located at a minimum ten feet (10’) from the edge of any driveway, fire hydrant, utility box/vault, handicap ramp, building entrance/exit;

iii. not obstruct or encroach onto any public street way, sidewalk, handicap accessibility area, or fire lane;

iv. not obstruct the sight distance triangle at any intersection;

v. not obstruct any off-street drive aisle, handicap accessibility area, pedestrian path, or fire lane;
vi. be subject to the outdoor lighting standards provided by §226 & §227.

vii. Not reduce the number of parking spaces below the minimum number required for any existing use(s); and

viii. contain proper waste disposal containers.

(8) Enforcement

i. Land use violations of this section shall be enforced per Article VII (Enforcement and Review) of the UDO.

ii. The Town of Siler City Police Department shall inform the zoning administrator or code enforcement officer of any land use violations identified in this section.

iii. Law enforcement agents are responsible for the enforcement of violations of Chapter 66 Article 32 of the NC General Statutes.

iv. Law enforcement agents are responsible for the enforcement of mobile vending units operating within the street rights-of-way.

(b) Special Events (as defined in §136)

(1) Notwithstanding any other provisions of this section, special events supported in whole or in part by the Town which are officially recognized by the Siler City Board of Commissioners shall be a permitted use.

(2) In deciding whether a permit for a special event should be denied for any reason specified in §50(d), or in deciding what additional conditions to impose under §56, the town shall ensure that:

i. The hours of operation allowed shall be compatible with the uses adjacent to the activity, but under no circumstances operate after 11:00 p.m. and before 8:00 a.m.

ii. The amount of noise and lighting generated shall not disrupt the activities of adjacent land uses. Noise and lighting shall be in accordance with Chapter 16 of the Code of Ordinances and §226 and §227 of the UDO, respectively.

iii. The applications shall guarantee that all litter generated, and temporary structures constructed by the special event be removed at no expense to the town. Applicant shall restore property to original condition within 10 days of event completion or be subject to civil penalties levied by the Town of Siler City.

iv. The town shall not grant the permit unless it finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the rights of adjacent and surrounding property owners.

v. Event will not substantially interrupt vehicular or pedestrian traffic in the immediate area nor block traffic lanes or close streets.

vi. The maximum frequency of such special event shall not exceed four (4) occurrences within any twelve-month period and the maximum duration of such special event shall not exceed fourteen (14) days per occurrence.

vii. No associated activity or storage area, temporary structure, tent, booth, stand, mechanical ride or apparatus or the like shall be located or operated within two hundred fifty (250) feet of any occupied residential dwelling.

viii. Such use shall be subject to development standards for the district and use.

ix. Signage shall be allowed in accordance with Article XVII.

x. Prior to any special event, a site plan of sufficient detail to insure compliance with required standards shall be submitted to the Planning Department for review and approval.

xi. Obtain all State (Mass Gathering, NCDOL Elevator Division Inspection, etc.), County (Environmental Health Division Inspection, etc.), and Town (Zoning, Building Inspections, Fire, Business License, Sign, Water Connection, etc.) approvals or permits prior to any special event.

(3) In cases where it is deemed necessary, the town may require the applicant to post a bond to ensure compliance with the conditions of the conditional-use permit.

(4) If the permit applicant requests the town to provide extraordinary services or equipment or if the town manager otherwise determines that extraordinary services or equipment should be provided to protect the public health or safety, the applicant shall be required to pay to the town
a fee sufficient to reimburse the town for the costs of these services. This requirement shall not apply if the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.

(5) Special events initially permitted by a conditional use permit may receive a zoning permit for a recurrence of the event at the same site and at a later time without the approval of a new conditional use permit provided:

i. The reoccurring event is essentially identical in scope, size, and character as the previously permitted event.

ii. The previously permitted event generated no significant complaints from the public regarding noise, glare, traffic, odor, or other public nuisance.

iii. The previously permitted event concluded not more than twenty-four (24) months prior to the reoccurring event.

iv. The zoning permit application and all supporting documentation for the reoccurring event are approved by the Town prior to the event.

(c) In the event that any of the above conditions are not fulfilled, a new conditional use permit shall be required.

Amended September 15, 2014, September 19, 2016, January 17, 2017, May 21, 2018

§152 Reserved
Amended June 5, 2000, January 21, 2020

§153 Reserved

§154 Inert Debris Beneficial Fill
(a) Fill operations that disturb:

(1) less than one (1) contiguous acre of land does not require zoning permit approval.

(2) One (1) contiguous acre or more of land requires site plan and zoning permit approval.

(b) At a minimum, all fill operations shall comply with requirements set forth below:

(1) §235 Flood Damage Prevention Ordinance;

(2) §243 Setbacks from Streams Outside Designated Floodplains;

(3) §245 Natural Drainage System Utilized to Extent Feasible;

(4) §246 Developments Must Drain Properly;

(5) §247 Stormwater Management;

(6) §251 Sedimentation and Erosion Control;

(7) §252 Watershed Protection Ordinance;

(8) North Carolina Sedimentation Pollution Control Act of 1973;

(9) North Carolina Administrative Code - Chapter 4 – Sedimentation Control; and


(c) Enforcement: Violations of the Sedimentation Pollution Control Act of 1973, North Carolina Administrative Code Chapter 4 – Sedimentation Control, and North Carolina Erosion and Sediment Control Planning and Design Manual shall be enforceable by the State of North Carolina.


§155 Landfills
All landfills must comply with the requirements set forth in the “Landfill Ordinance” found in Appendix G.

Amended August 20, 2007

§156 Reserved
Amended October 2, 2017, January 21, 2020

§157 Reserved
Part II. Industrial/Processing Performance Standards

§161 Smoke
(a) For the purpose of determining the density of equivalent opacity of smoke, the Ringlemann Chart, as adopted and published by the United States Department of Interior, Bureau of Mines Information circular 8333, May 1967, shall be used. The Ringlemann number referred to in this section refers to the number of the area of the Ringlemann Chart that coincides most nearly with the visual density of equivalent opacity of the emission of smoke observed. For example, a reading of Ringlemann No. 1 indicates a 20 percent density of the smoke observed.

(b) All measurements shall be taken at the point of emission of the smoke.

(c) In the C-C, H-C, O-I, B-1 and all PUD districts, no classification use may emit from a vent, stack, chimney, or combustion process any smoke that is visible to the naked eye.

(d) In the H-I district, no 3.0 classification use may emit from a vent, stack, chimney, or combustion process any smoke that exceeds a density or equivalent capacity of Ringlemann No. 1 except that an emission that does not exceed a density or equivalent capacity of Ringlemann No. 2 is permissible for a duration of not more than four minutes during any eight hour period.

Amended September 18, 1995 and October 2, 2000

§162 Noise
(a) No 3.0 classification use in any permissible business district may generate noise that tends to have an annoying or disruptive effect upon (i) uses located outside the immediate space occupied by the 3.0 use if that use is one of several located on a lot, or (ii) uses located on adjacent lots.

(b) Except as provided in §162(f), the table set forth in §162(e) establishes the maximum permissible noise levels for classification uses in the H-I and L-I districts. Measurements shall be taken at the boundary line of the lot where the classification use is located, and as indicated, the maximum permissible noise levels vary according to the zoning of the lot adjacent to the lot on which the 3.0 classification use is located.

(c) A decibel is a measure of a unit of sound pressure. Since sound waves having the same decibel level "sound" louder or softer to the human ear depending upon the frequency of the sound wave in cycles-per-second an A-weighted filter constructed in accordance with the specifications of the American National Standards Institute, which automatically takes account of the varying effect on the human ear of different pitches, shall be used on any sound level meter taking measurements required by this section. And accordingly, all measurements are expressed in dB(A) to reflect the use of this A-weighted filter.

(d) The standards established in the table set forth in §162(e) are expressed in terms of the Equivalent Sound Level (Leq), which must be calculated by taking 100 instantaneous A-weighted sounds levels at 10-second intervals.

(e) Table of Maximum Permitted Sound Levels, dB(A). (Amended 9-18-95)

<table>
<thead>
<tr>
<th>Zoning</th>
<th>Res. &amp; PUD</th>
<th>Res. &amp; PUD</th>
<th>Commercial</th>
<th>L-I</th>
<th>H-I</th>
</tr>
</thead>
</table>
(f) Impact noises are sounds that occur intermittently rather than continuously. Impact noises generated by sources that do not operate more than one minute in any one-hour period are permissible up to a level of 10 dB(a) in excess of the figures listed in §162(e), except that this higher level of permissible noise shall not apply from 7 p.m. to 7 a.m. when the adjacent lot is zoned residential. The impact noise shall be measured using the fast response of the sound level meter.

§163 Odor

(a) For purposes of this section, the "odor threshold" is defined as the minimum concentration in air of a gas, vapor, or particulate matter that can be detected by the olfactory systems of a panel of healthy observers.

(b) No 3.0 classification use in any district may generate any odor that reaches the odor threshold, measured at:

1. The outside boundary of the immediate space occupied by the enterprise generating the odor.
2. The lot line if the enterprise generating the odor is the only enterprise located on a lot.

Amended October 2, 2000

§164 Air Pollution

(a) Any 3.0 classification use that emits any "air contaminant" as defined in G.S. 143-215.107 as amended, shall comply with applicable state standards concerning air pollution, as set forth in G.S. 143-211.

(b) No zoning, special-use, or conditional-use permit may be issued with respect to any development covered by §164(a) until the North Carolina Department of Environmental Quality has certified to the permit-issuing authority that the appropriate state permits have been received by the developer, or the developer will be eligible to receive such permits and that the development is otherwise in compliance with applicable air pollution laws.

§165 and §166 Reserved