

ARTICLE 600B: SUPPLEMENTARY USE REGULATIONS**Section 601B: Purposes.**

While most provisions of this ordinance set out standards that apply to all or a board spectrum of uses, the provisions of this Article are intended to provide additional regulations and conditions for certain uses which are unusual in their nature or complexity, or are potentially incompatible with their surroundings unless special protective restrictions are applied. Unless otherwise stated, where any regulation in this Article imposes a different requirement than any required elsewhere in this ordinance, the more stringent standard shall apply.

[Uses Often Allowed in Residential Districts]

Section 610B: Nurseries, Day Care Centers, Kindergarten, Pre-Schools.**610B.1 State Requirements**

A kindergarten or nursery school, which is a program operated for only a part of the day (being four hours or less of care or attendance for each child) and focused on educational purposes, must demonstrate that it can meet the standards promulgated by the North Carolina Department of Public Instruction. Day nurseries, day care centers, or day care homes must demonstrate that they can meet the standards promulgated by the North Carolina Department of Human Resources.

610B.2 Spatial Standards for Child Care.

Notwithstanding any provision to the contrary, for each child to be cared for, whether that care is provided by way of kindergarten, nursery school, day nurseries, day care centers or homes, or other similar facilities for the care of pre-elementary school children, there shall be

- (a) at least 25 square feet of indoor space and 200 cubic feet of indoor air space established for each child for child care use exclusive of closets, passageways, kitchens and bathrooms; and,
- (b) At least 75 square feet of fenced in, outdoor play area for each child. Outdoor play areas shall be suitably screened to protect the children. In addition such areas shall be screened with a broken ("B") screen from the street right-of-way and adjacent properties in residential use. Such play areas shall be on land suitable for the use intended. Adequate play equipment shall be provided considering the number and age of the children. Where a facility in a residential (R) district will provide care for six or more children, the minimum lot size shall be increased by 500 square feet for each child in excess of six to be cared for.

610B.3 Large Facilities

Notwithstanding anything to the contrary, facilities intending to provide care for more than fifty (50) persons, shall be subject to the standards for Elementary Schools in this Article.

Furthermore, facilities which provide care to more than twenty-five (25) children shall not be allowable in any residential district.

Section 611B: Domiciliary Homes, Family Care Homes, Home for the Aged and Disable, Group Homes for Developmentally Disabled Adults, and Nursing Homes.**611B.1 State Requirements**

Domiciliary homes, family care homes, homes for the aged and disabled, group homes for developmentally disabled adults and nursing homes must demonstrate that they are able to meet the requirements of the North Carolina Department of Human Resources.

611B.2 Spatial Standards for Domiciliary Care.

Notwithstanding any provision to the contrary, for each adult to be cared for there shall be:

- (a) at least 25 square feet indoor space per adult, which is usable for common leisure and recreational activities of the residents, exclusive of closets, passageways, kitchens, bathrooms and bedrooms; and
- (b) At least 500 square feet of outdoor leisure and recreation area per adult 100 square feet of which all shall be in lawn and facilities as opposed to wooded area.

Outdoor leisure and recreation areas shall be suitably screened to provide privacy. In addition such areas shall be screened with a broken (“B”) screen from the street right-of-way and adjacent properties in residential use. Such areas shall be on land suitable for the use intended and may include wooded and vegetated areas. Adequate leisure facilities shall be provided considering the age and disability of the residents. Where a facility will provide care for six or more adults, the minimum lot size shall be increased by 750 square feet for each adult in excess of six to be cared for. Whenever any of the following uses, specifically family care homes, group homes for developmentally disabled adults, or nursing homes are proposed to be located within a residential district, they shall be located at least one-half mile from any other family care homes, group homes for developmentally disabled adults, or nursing homes.

Section 612B: Schools**612B.1 Minimum Dimensions**

Every school shall substantially comply with the minimum site and location standards for schools as set out in North Carolina Public Schools Facilities Guidelines.” Published by the State of North Carolina, Department of Human Resources, Division of Facilities Services, or as

amended; and shall receive approval from the local building inspector for the site improvement used by the school.

612B.2 Building and Structure Setback and Set-in

No portion of any building shall be located within 100 feet of any street or right-of-way, or within 50 feet of any other property line. This requirement shall not apply if the school is located within a Unified Business Development and the Unified Business Development otherwise complies with the provisions of 303B. Grandstands, gymnasiums, and central heating plants shall be located at least 100 feet from any property line.

612B.3 Building Coverage.

No more than 50% of the tract shall be covered in development uses including buildings, structures, parking, drives and other impervious surfaces. This requirement shall not apply if the school is located within a Unified Business Development and the Unified Business Development otherwise complies with the provisions of 303B.

612B.4 Access

Any site shall front on an arterial or collector road. Ingress or egress to the street system will be provided directly to that arterial or collector, or to a local street within 250 feet of said street.

612B.5 Dormitories

Dormitories shall be permitted as accessory buildings provided that the minimum area of the site shall be increased by at least 1,000 square feet for each dormitory bed.

Section 613B: Hospitals

613B.1 Minimum Dimensions

Every hospital shall meet the minimum site and location standards for hospitals as set out in "HFA-2, General Standards of Design and Construction for Hospitals and Related Facilities" published by the State of North Carolina, Department of Human Resources, Division of Facilities Services, 1984, or as amended.

613B.2 Coverage

No more than 50% of the tract shall be covered in development uses including buildings, structures, parking, drives and other impervious surfaces.

613B.3 Access

Any site shall front on an arterial road and ingress and egress to the street system will be provided directly to that arterial.

Section 614B: Churches, Temples**614B.1 Access**

Any site shall front on a street other than a minor street and ingress and egress to the street system will be provided directly to that street.

No additional storefront Church shall be permitted to front on Garnett Street in buildings located between Young Street and Belle Street. All existing such Churches already established in the above area as of February 9, 2009 shall be grandfathered and can remain in their present location; however, that when such Church were to disband or leave such premises another Church could not take its place, nor can any established storefront Church in such area be allowed to expand to any adjacent building. (Amended 2/10/09)

Section 615B: Emergency Services.**615B.1 Access**

Any site shall front on an arterial and access will be provided directly to that arterial.

615B.2 Temporary Shelter (Amended 2/12/2018)

Temporary Homeless Shelters max gross floor square feet shall be no greater than 2,000 square feet (SF). A Temporary Homeless Shelter may accommodate no more than 20 people. Proposed shelters greater than 2,000 SF and or occupy more than 20 people shall submit special use application for a Homeless Shelter (See Section 310A). Temporary Homeless Shelters may be a part of other uses such as churches, schools, civic offices, care facilities, and institutional uses. Floor plan and drawings shall be submitted and sealed by North Carolina Architect or Engineer on new and existing proposed buildings. Temporary Homeless Shelter shall not operate nor more than 150 calendar days within any 365 day time span unless an emergency event is one of the following:

- (a) A natural disaster, which includes by way of illustration and not limitation, earthquakes, fires, floods, tornados, hurricanes, and extreme weather conditions.
- (b) Man-made disaster, which includes by way of illustration and not limitation the release of hazardous or toxic substances into the environment and wide-spread infrastructure failures such as the failure of a water, sewer, or electrical utility.
- (c) Civil emergency, which includes by way of illustration and not limitation riots and other events where public safety authorities are unable to maintain public order or afford adequate protection for lies or property.

Section 616B: HUD Code Home**616B.1 Class “A” HUD Code Home**

Minimum Criteria: Class A HUD Code Home meeting or exceeding the U.S. Department of Housing and Urban Development standards (all manufactured homes built after July 1, 1976) which is of multi sectional or double- wide design, and that satisfies the following criteria:

- (a) Is occupied as a single family dwelling; and
- (b) Has a minimum width of twenty three (23) feet; and
- (c) Has a length of at least forty (40) feet, with the length measured along the longest axis and the width measured perpendicular to the longest axis at the narrowest part; and
- (d) Has a minimum of (920) square feet of enclosed and heated space; (measured from the exterior walls); and
- (e) Has the towing apparatus, wheels, axles, and transporting lights removed and not included in length and width measurement; and
- (f) Has the longest axis oriented parallel or within a ten (10) degree deflection of being parallel to the front yard, unless other orientation is permitted as a variance by the Board of Adjustment following a public hearing; and
- (g) Is set up in accordance with the standards established by the N.C State Building Code. In addition, a continuous enclosed, permanent masonry or brick foundation or masonry or brick curtain wall shall be constructed, un-pieced, except for required ventilation and access, shall be installed under the perimeter; and
- (h) Exterior materials are of wood, hardboard, masonry, vinyl, or aluminum lap siding (vertical or horizontal) comparable in composition, appearance and durability to site built houses; and
- (i) Has a roof pitch minimum nominal vertical rise which passes in the trade of at least three and one- half (3 ½) feet for each twelve (12) feet of horizontal run; and
- (j) Has a roof finish that is commonly used in standard residential construction; and
- (k) Has an eave projection for all roof structures of no less than six (6) inches, which may include a gutter; and

- (l) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from home shall be installed or constructed in accordance with N.C State Building Code, attached firmly to the primary structure and anchored securely to the ground.

616B.2 Class B HUD Code Home

Minimum Criteria: Class B HUD Code Home is a mobile home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S Department of Housing and Urban Development that were in effect at the time of construction and satisfies the following additional criteria:

- (a) Is occupied only as a single- family dwelling; and
- (b) The unit is at least 40 feet in length and 12 feet in width and has at least 480 square feet in width and is set up in accordance with the standards established by the N.C State Building Code; and
- (c) The tongue, axles, transporting light and reasonable towing apparatus are removed after placement, however, tongues that are affixed and not designed for removal may remain intact provided tongues are screened in accordance with Section 616B.2 (e); and
- (d) Has the longest axis oriented parallel or within a ten (10) degree deflection of being parallel to the front yard, unless other orientation is permitted as a variance by the Board of Adjustment following a public hearing; and
- (e) A continuous uniform foundation enclosure, un-pierced except for required ventilation and access, shall be installed. The enclosure may consist of brick, stone or concrete block, wood, vinyl paneling or metal fabricated for the purpose. Any wood framing for foundation skirting shall be constructed with treated lumber; and
- (f) Exterior materials are of wood, hardwood, masonry, vinyl, or aluminum lap siding (vertical or horizontal) comparable in composition, appearance and durability to site built houses; and
- (g) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from home shall be installed or constructed in accordance with the standards set by the N.C. State Building Code, attached firmly to the primary structure and anchored securely to the ground.

616B.3 Class C Mobile Home

Class C Mobile Home is a mobile home constructed prior to July 1, 1976 or does not meet the standards of Class A HUD Code Home and a Class B HUD Code Home. Class C Mobile Home is not permitted as a use in any zoning district or mobile home park.

Section 617B: HUD Code Home Parks**617B.1 Minimum Dimensions**

Minimum lot Size shall be six (6) acres.

617B.2 Space Size

Each HUD Code home to be accommodated shall be provided with a designated HUD Code home space (in essence, a lot) equal to or greater than the minimum lot width and area for the district in which the space is located.

Each HUD Code home space shall designate an area (a pad) suitable for locating the type of unit that will be accommodated.

Each HUD Code home shall be located at least 30 feet from any other HUD Code home or residential dwelling unit.

617B.3 Vegetation

At a minimum, the following landscaping shall be provided:

- (a) Individual HUD Code home pads shall be separated from other adjacent HUD Code home sites by a broken (“B”) screen; and
- (b) As required under Section 603A of this ordinance.

617B.4 Design Standards

Each HUD Code home park will comply with the “Minimum Standards of Design” as set out in Article 4 of the Subdivision Regulations of the City of Henderson. For purposes of applying that ordinance, each HUD Code home site shall be considered a separate lot and any drives in the park shall be considered as streets. In addition, any common facilities in the HUD Code home park, such as laundry facilities, solid waste disposal areas or dumpsters spaces, recreation facilities and the like shall be made accessible to each HUD Code home space by means of a walkway at least three feet wide, surfaced with crushed stone or other suitable all-weather material, exclusive of common dirt or clay, or by means of a marked, protected pedestrian way on an interior street or drive.

617B.5 Structural Standards

Only Class A or Class B HUD Code homes shall be allowed in any park.

617B.6 Buffer and Screen

All HUD Code units and other structures shall be set- in or setback minimum of 50 feet from any adjacent property line. A broken (“B”) screen shall be provided between the use and any adjacent

lots; and a high quasi-opaque (“H”) screen shall be provided between the use and any adjacent lots in residential use.

617B.7 Coverage

No more than 25% of the tract shall be covered in development uses including buildings, structures, parking, drives and other impervious surfaces.

617B.8 Access

Any site shall front on an arterial or collector road and ingress and egress to the street system will be provided directly to that arterial or collector, or to a local street within 250 feet of an arterial or collector.

617B.9 Certificate of Occupancy

A certificate of occupancy provided in Article 900 of this ordinance shall be required before each HUD Code home is installed or otherwise located in any HUD Code home park on or after the effective date of this ordinance. (Amended: 7/24/74). (The Zoning Administrator shall not issue a certificate of occupancy for any HUD Code home that does not comply with the provision of this Ordinance.)

Section 618: Multi- family Developments and Unified Residential Development

618B.1 Minimum Dimensions

Minimum lot size for multi- family development shall be three times the minimum lot size in the district and minimum lot size for a unified residential development shall be five (5) acres

618B.2 Maximum Allowable Density

Maximum Density (Units/Acre) By District

Lot Size (Acre)	R6	R8/R8M	R11	Other R District	Other District
0.50 - 0.99	7.26	5.45	3.96	3.50	7.26
Lot Size (Acre)	R6	R8/R8M	R11	Other R Districts	Other District
1.00 - 2.49	9.08	6.81	4.95	4.50	9.08
2.50 -	10.89	8.17	5.94	5.50	10.89

4.99					
5.00 and Over	13.00	10.90	7.92	7.92	13.00

Note: See Section 204.7 relating to densities and fractions

618B.2.1 Vegetation

Landscaping shall meet or exceed the standards set out in Section 603A of this ordinance.

618B.3 Design Standards

Any multi- family or unified residential development will comply with the “Minimum Standards of Design” as set out in Article 4 of the Subdivision Regulation of the City of Henderson. Any drives shall be treated as a streets or roads for purposes of applying street or road standards other than right-of-way requirements, which may be disregarded.

618B.4 Buffer and Screen

All units and other Structures shall be set-in or setback a minimum of 35 feet from an adjacent property line. A broken (“B”) screen shall be provided between he use and any adjacent lots.

618B.5 Coverage

The maximum amount of the tract which shall be covered in development uses including buildings, structures, parking, drives and other impervious surfaces shall be based on the density of the development and shall be as follows, except in the B-1 District where maximum coverage shall not exceed 85%:

Density in (Unit/ Acre)	Maximum Percent of Coverage
Under 6.99	35%
7.00 to 10.99	40%
Over 11.00	45%

618B.6 Access

Except where the development is on a tract of land two acres or less, any development shall front on an arterial or collector road and ingress and egress to the street system will be provided directly to that arterial or collector, or to a local street within 250 feet of an arterial or collector.

Section 619B: Home Occupations

619B.1 General Requirements

Home occupations shall meet the following criteria:

1. Shall only be permitted as an accessory use to a principal residential use;
2. Shall not be permitted in any metal accessory structure;
3. Shall not occupy more than 25% of the gross floor area of the dwelling unit of 500 square feet, whichever is less.
4. Shall not employ more than (1) person not residing at the residence;
5. Shall not have on-site sales or displays of products;
6. Shall not involve any outside storage of related materials, parts or supplies;
7. Shall not have on-site signage unless located in the O-I or O-IA zoning district (see sign regulations)
8. Shall not create a hazard or nuisance to the occupants residing or working within the principal dwelling unit or to area residents or properties. I.E- objectionable noises, fumes, odor, dust, or electrical interference that can be detected off- site.
9. Vehicles primarily used as passenger vehicles shall be permitted in connection with the home occupation. No heavy equipment such as bulldozers, backhoes, front-end loader, dump trucks, tractors or similar equipment shall be located on the property of the home occupation.

619B.2: Cyber Home Office

The incidental use for a home office (cyber office) shall be permitted by right in all residential and office/ institutional zoning districts if it meets the following criteria:

The use is for the purpose of receiving or transmitting messages or mail, record keeping, bookkeeping, filing, address listing for privilege license or tax identification or similar activities. The use **shall not** involve the on-site sale, delivery, distribution, reception, storage or manufacture of goods, products or services.

619B.3 Service Oriented Home Occupations:

The following service providing uses shall be permitted by Special Use Permit in the R-6, R-8, R-11, R-8M, R-15M, R-A, O-I and O-IA shall be subject to additional regulations listed below: Hairdressing, Barber, Dressmaker and/or Clothing Alterations, Engineer, Architect and Surveyor, and Mental Health Counseling. (Amended 7/22/2013)

The uses shall comply with the criteria listed above (619B.1.1-9) and the following additional requirements:

1. Shall require a Special Use Permit for the use;
2. The hours of operation shall be set by the permit issuing authority at the time of approval;
3. Services shall be provided by appointment only;
4. Shall require one additional off- street parking space;

5. Advertisement of the business in the telephone directory or yellow pages shall not include the address of the home occupation;
6. Proposed on-site lighting shall be shown on the site plan and shall not be commercial in nature.
7. The Board of Adjustment has authority to further condition the permit at the time of approval.

619B.4 Signage in the O-I and O-IA Zoning Districts

1. For structures located within one hundred feet of the abutting right-of-way, the sign shall be no more than four square feet in area and shall be mounted to the primary structure and shall not extend more than one foot from the wall of the primary structure.
2. For structures located more than one hundred feet from the right-of-way, the sign shall be no more than six square feet in area and shall be permitted in the yard but not in any public right-of-way.
3. Advertisement of the business and address shall be permitted in the O-I and O-IA districts only.
4. All signs shall comply with Section 400 of the Zoning Ordinance.

[Utility and Other Uses Often Allowed with Residential Uses]

Section 620B: Major Public Utility Facilities

620B.1 Exemption from Setback and Set-in Requirements

Certain major public utility facilities, namely transmission lines, transformer banks, and transmission poles, shall be excluded from the dimensional criteria and other standards in this ordinance.

620B.2 Design

Except as provided above, the design of major public utility buildings, structures, and facilities shall conform as closely as practical to the character of the area or neighborhood. Substations shall be protected by fences that are designed to reasonably deter climbing. They shall be screened from the road and adjacent properties in residential use by a high quasi opaque (“H”) screen, or a low opaque (“L”) screen immediately adjacent to the protective fence and a broken (“B”) screen on the periphery of the property.

620B.3 Minimum Dimensions

Substations shall be located a minimum of one hundred fifty feet from the nearest residential dwelling unit and at least one hundred feet from any lot in a residential or office institutional zoning district.

620B.4 Certain Uses Not An Accessory Use.

Service and storage yards shall be considered an outdoor storage use and permitted in those districts where outdoor storage is permitted

Section 621B: Golf Courses

Golf courses and their associated uses and facilities, including but not limited to club houses, pro shops, driving ranges, and storage facilities, shall be reasonably located so as to minimize disruption to any nearby residential dwelling units. Furthermore, no green shall be located within 100 feet of any building or within 60 feet of any property line. Lighting shall be shielded so as not to cast direct light upon adjacent property.

Section 622B. Cemeteries**622B.1 Screening**

A high quasi opaque (“H”) screen shall be provided between any gravesites and any adjacent residential zoning districts or residential dwelling units.

622B.2 Access

Any site shall front on an arterial or collector and access will be provided directly to that arterial or collector.

622B.3 Design Standards

Any new drives or roads within the cemetery shall be paved and designed to driveway or road standards as set out in Article 4 of the Subdivision Regulations. The internal driveway or road system shall be designed so that adequate stacking distance is provided on site. No gravesites shall be located within 50 feet of any adjacent property line or road right-of-way.

622B.4 Ownership and Maintenance

Cemeteries will be under common ownership and satisfactory provisions will be made to ensure that the grounds and gravesites will be adequately maintained as long as the property is used as a cemetery.

623B: Funeral Homes

Funeral Homes and their associated uses and facilities (including but limited to chapels, display areas, mortuary service areas, dwellings and storage facilities) shall be reasonably located so as to minimize disruption to any nearby residential dwelling unit. Furthermore, any funeral home located in a residential zoning district shall adjoin a major thoroughfare as determined by North Carolina Department of Transportation (or service road for the same) and its lot shall contain at least 50,000 square feet; any such facility shall be set back at least 75 feet from the street right-

of-way and any such facility (other than a structure used solely as a dwelling) shall be located at least 150 feet from any residential dwelling (if located in a residential district) not affiliated with the funeral home. (Amended 9/24/07)

Section 624B: Accessory/ Storage Structures including metal cubicle buildings (PODS)

1. Permit Required: A zoning permit will be required for all accessory structures regardless of the use or duration of use (this includes prefabricated structures, metal cubicles, PODS, and any other type of accessory structure).
2. Metal Cubicle Buildings, also known as PODS, that are built for storage purposes purchases/leases for storage purposes and used for storage purposes shall be limited to the Highway Commercial (B-2 & B-2A) and Industrial districts.
3. The only exception for metal cubicles (PODS) to be located in any other districts than the Highway Commercial (B-2 & B-2A) or Industrial is for use during construction or repair of a primary structure. The metal cubicle (POD) shall be permitted on a temporary basis and shall be removed within 30 days of the issuance of the Certificate of Occupancy for the primary structure.
4. Location: No metal Cubicle (POD) shall be located in the front yard of primary structure and shall not block or obstruct parking or drives. Any accessory structure that is 12' x 12' or smaller shall be set-in a minimum of five (5') feet from any rear or side property line. If the structure exceeds 12' x 12', then it shall comply with the minimum set-in requirement for the district.
5. Size: the aggregate square footage of all accessory structure (excluding that portion of garages used solely for motor vehicle parking, but no more than two bays) shall not exceed 20% of the square footage of the primary structure. If the aggregate square footage of the accessory structure(s) exceeds 20%, a Special Use Permit will be required for any additional square footage.
6. Height: No accessory structure incidental to a residential use shall exceed 20' in height
7. No accessory building, structure, or metal cubicle (POD) may be used for residential purposes.
8. In the R-20 and R-40 Districts, an accessory building maybe located on a lot or a parcel which is contiguous to the principal use lot and is also owned the by the owner of the principal use, with the use restrictions that apply to the principal use lot also applying to the contiguous lot or parcel. (Amended 8/14/2017)

Section 630B: Neighborhood Laundries [Reserved]

[Uses Often Allowed in Commercial Districts]

Section 640B: Outdoor storage other than Petroleum Products storage of More Than 100,000 Gallons**640B.1 Screening –Storage under Roofed Structure**

A low opaque (“L”) screen or a broken (“B”) screen shall be provided between the storage area and any adjacent property line or street right-of-way.

640B.2 Screening –Open Storage

Where the items to be stored will not exceed four feet in height, a low opaque (“L”) screen shall be provided between the storage area and any adjacent residential use or street right-of-way; in addition a low opaque (“L”) screen or a broken (“B”) screen shall be provided between the storage area and any other adjacent property line. Where the permit issuing authority determines that the items to be stored may pose a safety hazard, it may require the items be enclosed with a six foot high fence.

640B.3 Storage as an Accessory Use

A low opaque (“L”) screen or a broken (“B”) screen shall be provided between the storage area and any adjacent property line or street right-of-way.

Section 641B: Unified Business Developments**641B.1. Minimum Dimensions**

The minimum lot size for a unified business development shall be greater of two acres in an office-institutional district (O-I and OIA district); one-half acre in a commercial district (B district) other than the B1 district; one acre in an industrial district (I district) and no minimum size in the B1 district.

641B.2. Vegetation

Landscaping shall meet or exceed the standards set out in Section 603A of this ordinance.

641B.3. Design Standards

Any unified business development will comply with the “minimum Standards of Design” as set out in Article 4 of the Subdivision Regulations of the City of Henderson. Any drives shall be treated as streets or roads for purposes of applying street or road standards other than right-of-way requirements, which may be disregarded.

641B.4. Buffer and Screen (Other than in B1 District)

All units and other structures shall be set-in or setback a minimum of 50 feet from any adjacent property line. A broken (“B”) screen shall be provided between the structures and any adjacent lots in residential use or in a residential zoning district; a high quasi-opaque (“H”) screen shall be provided between any structures and any adjacent lots in residential use or in a residential zoning district.

641B.5. Coverage

Except as provided below, no more than 70% of the tract in any district, except a B1 District where it shall not exceed 85%, shall be covered in development uses including building, structures, parking, drives and other impervious surfaces. The maximum percentage of coverage in development uses may be increased to as much as 85% of the tract in increments in any district, except the B1 District where it may be increased to 100%, as follows:

- (a) A developer may receive up to a 5% increase in maximum percentage of coverage in development uses where the permit issuing authority finds that the site plan provides for attractive, formal landscaped area(s). The amount of the increase shall be calculated on the basis that the total square footage of such areas equals or exceed more than ten (10%) percent of the total building floor area proposed.
- (b) A developer may receive up to a 5% increase in maximum percentage of coverage in development uses where the permit issuing authority finds that the site plan provides attractive, spacious pedestrian areas, either inside or outside the buildings. These areas should include walkways and seating areas. The amount of the increase shall be calculated on the basis that the total square footage of such areas exceed in square feet a factor of ten (10) times the lineal footage of that portion of the building which fronts a public parking area and is designed for access by the general public.
- (c) A developer may receive up to a 10% increase in maximum percentage of coverage in development uses where the permit issuing authority finds that the materials proposed to be used in the buildings or substantial portion thereof are unusually interesting, or of exceptional quality, or where it finds that the buildings will be designed, arranged or shaped in an interesting or unusual manner.

In order to effectively implement this provision, the developer may submit appropriate information to the permit issuing authority and request a preliminary determination of the points allowable prior to submitting a full site plan as required under this ordinance.

641B.6. Access

Any site shall front on an arterial or collector road and ingress and egress to the street system will be provided directly to that arterial or collector, or to a local street within 250 feet of an arterial or collector.

641B.7. Uses

Uses allowable shall include all types of retail (other than auto related retail); restaurants; all types of offices; all types of service; laundries; auto gas sales and repair within a totally enclosed structures; schools and churches (with a special use permit); and all types of recreational uses (with a special use permit). (Amended 12/12/16).

Section 642: Auto Sales and Truck sales**642B.1 Minimum Lot Size**

The minimum lot size shall be 30,000 square feet.

642B.2 Frontage on an Arterial Street

All auto sales lots will have a minimum of 110 feet of frontage on an arterial street

642B.3 Design

Areas outside of enclosed structures intended for the storage or parking of vehicles for display, sales, rental, lease, washing and cleaning shall be paved and landscaping shall be provided consistent with Section 603A of this ordinance, such an area being considered a “parking area” as that term is used in said section lights used to illuminate the lot shall be arranged and shaded so as to reflect the light away from adjoining property and streets.

Section 643B: Amusements and Other Active Recreational Uses**643B.1 Screening**

Amusement facilities within a totally enclosed structure shall be screened from adjacent residential zoning districts or residences by a broken “B” screen. Other such facilities shall be screened from adjacent residential zoning districts or residences by a high semi-opaque “H” screen and from other uses by a broken “B” screen.

643B.2 Design

Amusement facilities shall be designed and constructed so as to prevent unreasonably loud noises from emanating beyond the premises in such a manner that they would disturb nearby uses. Any lights used to illuminate outdoor uses shall be arranged and shaded so as to reflect the light away from adjoining property and streets.

Section 644B: Design standards relating to Sables, Horse Farms, and Commercial Boarding Facilities**Section 644B.1 Required Setbacks and other Design Standards**

All horse barns, horse stables, and horse boarding facilities shall meet the following setback requirements: Buildings shall be setback at least 100 feet from any residence and/or property line. A Low Opaque “L” Screen shall be installed between any horse farm, stable, commercial boarding facility and other properties and/or uses. Minimum lot areas shall be as follows: stables and horse farms for private use are required to have a minimum of 5 acres; commercial boarding horse farms are required to have minimum of 20 acres.

No more than one horse per acre shall be permitted. The area set aside for the uses of horses shall be completely fenced or enclosed; provided further, that the use of such lot does not violate any other provisions of zoning ordinance. All horse barns, stables, and boarding facilities shall be constructed and maintained in conformity with the requirements of the county board of health.

Section 645B: Design Standards for Go Kart Tracks

1. Owner or operator shall meet all requirements as set forth in the State of North Carolina Administrative Code. The applicant must also have schematic or preliminary approval of the proposed site plan or verification from the State that the track is in the approval process at the State level prior to Board of Adjustment review.
2. Lighting shall be designed so that lights do not reflect on adjacent properties. Using a “Dark Sky Compliant” source of light shall reflect as not to extend beyond the horizontal plane or shine farther than necessary for safe lighting of an area or provide certification from a lighting engineer or designer that lights will be retained on site.
3. The track shall be buffered by an earthen berm design to screen the facility and additional vegetation may be required as deemed by the Board of Adjustment.
4. Storm water discharge shall comply with all State and local regulations
5. An music associated with the Go Cart track shall meet the following requirements:
 - a. The playing of the music in such a manner or with such volume, particularly between the hours of any person in any dwelling, hotel, or other type of residence.
 - b. No person associated with the Go Cart Track shall play, use or operate any radio, tape recorder, cassettes player, or other device for responding sound if it is located in or on the following: any public property or street, highway, building, sidewalk, park, thoroughfare or private or public parking lot. This includes noise produced from any motor vehicle within the parking area.
6. No property used in connection with a Go Cart Track shall be located within 500 feet of any church, residence or residential district except where the property to be used for the Go Cart track is separated from a church, residence or residential district by a major

highway or interstate with a right of way width of at least 250 feet (lighting for the track should be designed as not to reflect across the highway or interstate).

7. Seating shall be required to be provided at the rate of four (4) seats per Go Kart operated by the track.
8. All parking associated with the Go Cart Track shall be paved regardless of number of spaces.

Section 650B: Outdoor Theaters

650B.1 Separation for Theater Screen

The theater screen and projection boot shall be located at least 500 feet from any residential use and at least 75 feet from any right-of-way. The screen shall be faces away from or obscured from the view of any adjacent street.

650B.2 Stacking Distance

A deceleration lane along the adjacent street and/or an automobile standing space for patrons awaiting admission, either on or off premises, shall be provided which is sufficient to stack at least twenty (20%) percent of the vehicular capacity of the theater.

650B.3 Lighting, Buffers and Screens

A landscape buffer strip, at least fifty (50) feet in width, shall be provided around any side of the theater site (outside of the fence) adjoining any residential use or street right-of-way.

A high quasi opaque (“H”) screen shall be provided between the theater screen and any adjacent residential uses and any street right-of-way; a broken (“B”) screen shall be provided between the use and any adjacent residential use.

Lights used to illuminate the theater shall be arranged and shaded so as to reflect the light away from adjoining property and streets.

650B.4 Noise

No central loudspeaker system shall be permitted. Sound shall be delivered to each vehicle individually and separately.

Section 651B: Game Rooms

651B.1 Location

No game rooms (except game rooms located within a shopping center with at least 100,000 square feet of floor area; or game rooms not serving alcoholic beverages as part of entertainment

center with at least 3,000 square feet of building floor area and at least 3 acres of commercial zoned property; excluding billiard halls, pool rooms and bingo parlors) shall be located within 250 feet of any school or church, nor within 250 feet of any residential zoning district or residence. No game room serving alcoholic beverages shall be located within 500 feet of any school or church, nor within 500 feet of any residential zoning district or residence.

651B.2 Access

Any site shall front on an arterial or collector road and ingress and egress to the street system will be provided directly to that arterial or collector, or to a local street within 250 feet of an arterial or collector.

651B.3 Design

Any game room shall be located on the ground floor of a building. A sufficient portion of the façade(s) of said building shall be composed of plate glass, which glass shall be of such size and located in such a manner that a clear view of all games within the structure may be readily obtained from a location outside the structure which is accessible to the public, such as street right-of-way, vehicle accommodation area, or a mall's pedestrian area. Every game room serving shall be designed in such a manner that unreasonably loud noises will be prevented from emanating beyond the premises in such a manner that they would disturb nearby uses.

Section 652B: Night Clubs, Taverns, Lounges and Dance Halls

652B.1 Location

No night club, tavern or lounge (except night clubs, taverns or lounges with 25,000 square feet of individual building floor area that are located within a shopping center with at least 100,000 square feet of total area) shall be located within a radius of 500 feet of any school, church, hospital, funeral home, domiciliary home, rooming house, residential dwelling unit or residential zoning district.

652B.2 State Standards

Any night club, tavern or lounge shall demonstrate that it can meet the standards for on premises ABC Permit under Chapter 18, Article 10 of the North Carolina General Statutes in the event that any alcoholic beverages are to be consumed on the premises.

652B.3 Noise

Every night club, tavern or lounge shall be designed and constructed as to prevent unreasonably loud noise from emanating beyond the premises in such a manner that they would disturb nearby uses.

652B.4 Dance Halls

Dance halls serving alcoholic beverages shall be deemed to be a nightclub. Dance Halls serving no alcoholic beverages shall not meet the locational or State standards set forth in subsections 652B.1 and 652B.2 but shall meet the noise requirements set forth in section 652B.3

652B.5 Banquet Facilities/ Event Center

No banquet facilities/ event center shall be located in a radius of two hundred fifty (250) feet from any school, church, residential dwelling unit or residential district measured from the occupied / rentable space.

The requirements and restrictions of Section 10-30 (a) through (e) of the City of Henderson, North Carolina Code shall apply to the uses permitted by this section. (Amended 12/12/16).

Section 653B: Auto Repair Shops

The outside storage or wrecked or inoperable vehicles is permitted only for vehicles actually in process of repair and such vehicles must be concealed from view from any public street or other property by a six foot (6') fence that obstructs vision of such vehicles.

Any vehicle accommodation area shall be paved or shall be graveled for an area extending five (5) feet beyond any vehicle placed on the premises. The minimum lot size to be occupied by any auto repair shop shall be 25,000 square feet with a minimum street frontage of 100 feet.

No such activity shall be permitted within five hundred (500) feet of any residential districts. Auto repair facilities located within the I-2 zoning district shall not be located within 250 feet of residential dwelling.

All Auto repair shops shall require all vehicles in the process of repair display current inspection, registration and license plates.

Any combustible or hazardous material to be enclosed in the yard shall be specified and adequate measures shall be specified to provide for the safe storage of any such materials in locations which will minimize any risk to the property of others.

The Board of Adjustment, when granting repair auto facilities by special use permit, is allowed to impose a reasonable condition relating to radius from adjacent properties, if said use is located in any business district in which said use is permitted. (Amended 11/23/2009)

Section 653B.1. Screening.

Automobile Repair Facilities must screen all vehicles in or awaiting repair from public view, including screening along the sides and rear of areas containing all such vehicles where necessary to screen such vehicles from public view. Such screening must also be provided to prevent all such vehicles from being seen from any adjacent occupied properties and also from any adjacent residential, office or business zoning districts.

Except as otherwise specifically provided in this Ordinance or by the Board of Adjustment, a screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance through planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation.

An opaque screen is required for Automobile Repair Facilities and is intended to exclude completely all visual contact between uses and to create a strong impression of spatial separation. The opaque portion of the screen must be opaque in all seasons of the year.

Screening hereunder shall consist of one (or a combination of) the following to accomplish the required purpose:

- (1) At least a six (6) foot high opaque fence or wall (or higher as necessary to screen from public view all vehicles in or awaiting repair); or
- (2) A buffer that is eight (8) feet wide that shall include two (2) staggered rows of evergreen plantings, each to include at least six (6) trees, at least six (6) feet in height and at least twenty (20) shrubs per one hundred (100) feet, such trees and shrubs to be from a list approved and maintained by the Planning Department; or
- (3) At least a twenty (20) foot wide natural wooded barrier; or
- (4) A combination of any fence, buffer, or wooded barrier as may be approved by the Planning Department.

An opaque fence or wall shall not permit visibility from one side to the other. Screening may be comprised of decorative masonry, wood or polyethylene plank, or basket weave construction. Where evergreen buffers are used, they shall originally be in containers of not less than three (3) gallons and of a variety approved by the Planning Department. A natural wooded barrier shall be comprised of undisturbed, natural bushes, shrubs, or trees of sufficient density to be the equivalent of an opaque fence or wall.

Screening fences and walls shall be free standing and extend from the ground level. Vehicles shall not be used to support screening materials or compromise any part of the screen itself. Tarpaulins, tents or other temporary screens are not acceptable screening materials. Vehicles may not be stacked or piled such that its combined height exceeds the height of the screening. (This height limitation does not include single pieces of large machinery or equipment whose original manufactured height exceeds the height of the screening.

Deteriorated screening materials and dead or dying buffer vegetation shall be replaced to maintain complete screening. Automobile Repair Facilities must complete restoration of screening consistent with seasonal planting conditions within two (2) months from the date of notification that said screening has deteriorated. Vegetation buffers or natural barriers that have seasonal changes that open the vehicles (in or awaiting repair) to public view are not sufficient to meet the requirement of this ordinance and must be replaced by appropriate fencing or suitable vegetation.

The screening must be shown on a site plan drawn to scale and meeting the requirements of the Zoning Code Ordinance. Land disturbance involving greater than one-half acre in size are required to have an approved soil erosion and sedimentation control plan.

Screening shall not be placed in the right-of-way or where it will interfere with vehicular safety or sight distances. (Amended 5/22/06)

Section 654B: Veterinary Establishment

All buildings shall be soundproofed and all exercise yards shall be walled and constructed in such a manner so as to prevent normal animal noises from disturbing nearby uses.

Section 655B: Bus Station

655B.1 Lot Requirements

Minimum lot size shall be one-half acre. Minimum lot width shall be 125 feet.

655B.2 Coverage

No more than 50% of the tract shall be covered in development uses including buildings, structures, parking, drives and other impervious surfaces.

655B.3 Access

Any site shall front on an arterial or collector road and ingress and egress to the street systems will be provided directly to that arterial or collector, or to a local street within 250 feet of an arterial or collector

Section 656B: Laundries and Dry Cleaners

Outside the industrial districts, no petroleum derivatives in excess of 500 gallons shall be stored above ground and no more than 3,500 square feet shall be devoted to the dry cleaning process.

Section 657B: Industrial Uses

657B.1 Access

Any site shall front on an arterial or collector road and ingress and egress to the street systems will be provided directly to that arterial or collector, or to local street within 250 feet of an arterial or collector.

657 B.2 Performance Standards

Industrial uses shall meet the Performance Standards set out in Articles 200 and 300 of this Code.

657B.3 Screening

Any industrial uses, buildings or outdoor storage or vehicle accommodation areas shall be screened from adjacent residential zoning districts or residences by a high semi-opaque “H” screen and from commercial or other non-industrial uses by a broken “B” screen.

Section 660B: Petroleum Products Storage for Commercial Use**660B.1 Site Requirements****Storage in excess of 100,000 gallons**

Any commercial storage tanks or loading facilities shall be located at least fifty (50) feet from any adjacent property line, and at least one hundred (100) feet from any residential district or residence.

Storage less than 100,000 gallons

Any commercial storage tanks or loading facilities shall be setback an additional 25 feet from any residential district or residence.

660B.2 Safe Storage

Adequate measures shall be provided to ensure that the storage will not endanger or otherwise pose a hazard to the safety of persons or to property near the facility.

660B.3 Access

Any site shall front on an arterial and access will be provided directly to that arterial.

660B.4 Screening

Any facilities shall be screened from adjacent uses by a high semi-opaque (“H”) screen.”

**Regardless of amount-petroleum storage must meet requirements 660B.2, 660B.3 and 660B.4*

Section 661B: Extractive Uses**661B.1 Excavations**

No excavation, storage, processing or truck loading shall be within 100 feet of any property line not in extractive use, or of any right-of-way line. Excavations over five feet deep will be totally enclosed by a six foot high fence. Blasting shall be conducted only between the hours of 8A.M. and 5.P.M. Blasting, drilling and other operations shall be so conducted so as to not cause a nuisance or hazard o adjacent or nearby properties.

661B.2 Industrial Performance Standards

Operations shall conform to Industrial Performance Standards set out in Article 200 and 300 of this ordinance.

661B.3 Surface Drainage Hazard

No excavation, storage or processing shall be conducted in such a way as to produce a surface water drainage or flooding hazard to adjacent or other properties downhill of the site.

661B.4 Screening

A high quasi opaque (“H”) screen shall be provided between any excavation area and any adjacent property line or street right-of-way; in addition no area of excavation or storage shall be visible at a height of four feet from any street right-of-way.

661B.5 Operation and Reclamation Plan

The owner shall file an operations and reclamation plan which shall address, through a phasing plan, the timed disturbance of portion of the site for extractive purposes and the reformation of those extractive areas to gently rolling surfaces with slopes not exceeding 33%. The owner shall determine the present costs or rehabilitating the most costly portion of the site under the phasing plan and a bond shall be posted in that amount to insure the rehabilitation of each phase under the plan. No more than one phase may be in excavation at any one time. Upon discontinuance of operations on each phase, all buildings and equipment in the area covered in that phase, unless otherwise shown on the plan, shall be removed; the ground shall be graded so and the area shall be planted with vegetation to prevent erosion.

662 Adult uses (See Section 600D)**Section 663B: Broadcast towers, Microwave Dishes, Antennas, Cellular Towers, Telecommunication Towers, Two- Way Radio Towers, Commercial Satellites, PCS Towers****663B.1 Placement and Dimension Requirements**

The minimum lot size requirement for any free-standing tower more than fifty feet in height shall be two acres. The tower shall be situated in such a manner as to not fall across a public street or adjoining property line in the event of a structural line failure. Such assurance shall be made by situating the tower a distance from the street and adjoining property line that equals one foot of setback for every foot of tower height and by using a self-collapsing or telescoping structure that will collapse upon itself. Towers less than 50 feet in height shall adhere to the minimum setbacks and lot size requirements for the district. Every effort shall be made to locate the structure in such a manner as not to fall onto adjacent property. No tower shall be placed in the front yard of an existing structure or development. The maximum tower height for any tower is 350’ feet.

663B.1.1

No tower shall be located within 350 feet of a school, park, public or institutional playground, day care center, or health care facility.

663B.1.2 Setbacks for Accessory/ Equipment Buildings

Setbacks for any associated buildings shall be governed by the district in which it is proposed. An additional setback of one hundred feet (100') shall be required from any residentially zoned property.

663B.3 Compliance with other Regulations

Towers shall comply with all applicable Federal, State, and Local regulations. The special use permit application shall set forth which specific utilities and/or entities which will be (a) connecting any wires to said tower or antenna, and (b) will be otherwise using said tower or antenna (and in what manner). Any structure that has a radio antenna on it that extends more than 20 feet above the structure also is subject to FCC and FAA aeronautical limitations and requirements and must be registered with the FCC by the owners.

663B.4 Screening

The towers, antennas, and associated structures shall be screened and/or disguised so as to be as inconspicuous as is feasible under the circumstances. Specific plans for said screening and/or disguise shall be included with the application for the special use permit. The Board of Adjustment may require additional landscaping if deemed appropriate.

663B. 5 Application Requirement

Applicants must provide the following documents when applying for a permit:

- (a) Description of tower with technical reasons for its design;
- (b) Documentation establishing the structural integrity for the towers' proposed uses;
- (c) The general capacity of the tower and information necessary to assure that American National Standard Institute standards are met;
- (d) A statement of intent on whether excess space will be leased;
- (e) Proof of ownership of the proposed site or authorization to utilize it;
- (f) Copies of any easements necessary;
- (g) An analysis of the area containing existing topographical contours; and

- (h) A visual study depicting anywhere within a three mile radius any portion of the proposed tower could be seen
- (i) Site and landscape plans drawn to scale including a vicinity map.
- (j) Proof of insurance- the applicant shall provide the city with proof of liability insurance which protects against losses due to personal injury of property damage resulting from the collapse of the tower, antenna, or accessory equipment. Such proof shall be supplied by telecommunications service providers to the City prior to a Certificate of Occupancy being issued and shall be made available to the City from time upon its request
- (k) It shall be the responsibility of the applicant to provide evidence that property owners of residentially zoned property or property used for residential purposes located within 500 feet of the proposed tower have been notified. In addition, a map (drawn to scale) showing all residential structures within 500 feet of the proposed tower is required.

663B.6 Co-Location

- (a) Applicants must demonstrate that providers have exhausted all reasonable avenues for sharing space before being a permit. This included providing documentation of locations and why the alternative tower would not provide adequate service and an inventory of all existing towers within 20,000 feet of the proposed tower location.
- (b) Applicants must submit a covenant signed and notarized by the owner (and a suitable form for recordation), binding on future owners, affirming that the space on the proposed tower will be made available to future co-users when technically possible at a price not to exceed the prorated reasonable investment of the specific tower multiplied by 1.65.

663B.7 Lighting

When lighting is required and is permitted by the FAA or other Federal or State authority, it shall be oriented inward so as not to project itself onto nearby residential or office or retail business property.

663B.8 Maintenance and Parking

A plan for maintaining the tower or antenna facility as well as for parking shall be submitted. Such plan shall describe the anticipated maintenance need, including frequency of service, personnel needs, equipment needs, and traffic, noise, lighting or safety impacts of such maintenance.

663B.9 Abandonment

The owner shall provide the City a copy of the notice to the FCC of intent to cease operations and be given 90 days from the date of ceasing operation to remove the obsolete tower and accessory structures unless the same is assigned for use to same other FCC approved entity.

663B.10 Exemptions

Any private tower structure erected solely for residential or non-commercial (civic and religious use such as television antennas and satellite dishes shall be exempt from this ordinance and shall not exceed 45' in height.

663B. 11 Signage not Permitted

No sign of any kind shall be permitted on any communication tower, antenna or fencing (except safety warning signs as the base of the tower or on the fencing). This includes but is not limited to banners.

Section 664B: Design standards for Manned Solid Waste Convenience Center

- (A) The parcel, whether owned or leased, on which the facility is located shall contain a minimum area of 40,000 square feet or shall meet the requirement for the district or whichever is greater.
- (B) The parcel shall have frontage on a State maintained road or dedicated right of way.
- (C) A low Opaque "L" screen ten feet in width shall be provided along perimeter of the parcel.
- (D) Fencing at least six feet (6') in height shall be provided between the landscape buffer and the improved portion of the parcel.
- (E) An entrance sign no greater than thirty six (36) square feet shall identify the site as a Manned Solid Waste Convenience Center and shall identify the responsible agency.
- (F) The entrance to the site shall be approved by the Department of Transportation or responsible agency.
- (G) No Manned Solid Waste Convenience Center for waste collection shall be permitted within the corporate City Limits regardless of zoning district.

Section 665: Monument Sales

No monument/ rock carving or lettering may be performed in B-1 Zoning Districts; only sample monuments and pre- lettered monuments can be sold or displayed in B-1 zoning districts.

Section 666B: HUD Code and Manufactured Home Sales, Accessory Structure Sales, Recreational Vehicle Sales, and Utility Trailer Sales

1. The site plan shall define all display and sales areas and designate the proposed use for each defined area. Other uses may not be located on the site unless they are designated on the site plan. All travel aisles and parking spaces shall be paved or graveled (in accordance with Article 500). All display areas shall be maintained (grass cut, etc.).
2. The display area shall be setback a minimum of 25' from any street r/o/w and 10' from any other property lines.
3. Storage and repair of damaged homes for more than 30 days is prohibited. (Amended January 13, 2002)

Section 667B. Vehicle Storage.

Screening shall be provided for all vehicles as set forth in Section 653B.1 (relative to Automobile Repair Facilities); this provision shall not apply to properties, however, on which the only vehicles stored are all operable, licensed, tagged and awaiting immediate sales by bona fide new or used car dealers. (Amended 5/22/06)

Section 668B: Dwellings on the Ground Floor in the B1 Zoning District

1. A dwelling will only be permitted in a building originally set up as a dwelling.
2. The primary occupant of the dwelling must be an owner or an employee of the business being operated on the premises.
3. If the occupant ceases to be an employee or owner of the business operating on the premises, then the dwelling permit shall terminate and the occupant must immediately vacate the premises.
4. If said respective business ceases to operate on the premises for a period of 180 days, then the entire permit for both the business and dwelling shall terminate.
5. There shall be additional parking spaces provided for the dwelling over and above any used by the business.
6. The dwelling must comply with the fire code in effect within the "primary fire limits".

(Amended 10/23/06) – Section # changed to 668B. Section 667B was already taken.

Alternatively, a dwelling may be permitted on the first floor (or ground floor) in a B1 Zoning District (without complying with all of the six standards above set forth), if said dwelling meets the following five requirements:

1. That the dwelling has a separate entrance from the business located on the property.
2. That the business (rather than the dwelling) actually fronts on the ground floor on the primary street for said property.
3. That there are separate utility services for the business and for the dwelling unit.

4. That there be additional off-street parking spaces provided for the selling over and above any required by the business, and
5. The dwelling unit must comply with the fire code in effect for the “primary fire limits”.

(Amended 3/23/09) – Section # changed to 668B. Section 667 was already taken.

Section 670B. Electronic Gaming Operations.

670B.1. Location.

No electronic gaming operations shall be located within 750 feet of any other electronic gaming operation, nor within 750 feet of any school (excluding professional training/teaching schools for adults) or church, daycare center, library, public park or within 250 feet of any residential zoning district or residence. Electronic gaming operations are prohibited from being in or as a part of any establishment whose primary use is check cashing or loans, and cannot be located within 50 feet of any room in which “on-premises” alcohol is consumed. (Amended 1/14/2013)

670B.2 Access.

The electronic gaming operation shall front on an arterial or collector road and ingress and egress system will be provided directly to that arterial or collector road.

670B.3 Design.

Any electronic gaming operation shall be located on the ground floor of a building. A sufficient portion of the façade of said building shall be composed of plate glass which shall be of such size and located in such a manner that a clear view of the area (in which all such electronic gaming machines are located within the structure) can be readily obtained from a location outside of the structure which is accessible to the public. Every electronic gaming establishment shall be designed in such a manner that unreasonably loud noises will be prevented from emanating beyond the premises in such a manner that they would disturb nearby uses.

670B.4 Hours of Operation.

No electronic gaming operations shall be permitted between the hours of midnight and 8:00 AM.

670B.5 Limits on Operations.

The maximum number of any electronic gaming machines/terminals at any one establishment at which it is the primary use shall be one-hundred (100), or one machine for each 50 square feet of usable floor space, whichever is less. The maximum number of any electronic gaming machines/terminals at any one establishment at which it is the accessory use shall be five (5) (Amended 11/28/11).

No one under the age of 21 shall be permitted to receive any cash, merchandise, or other item of value (whether by redemption or otherwise distributed) as the result of the use of any games of chance (or simulated games of chance) on said electronic gaming machines.

670B.6 Security.

The premise shall provide, operate and maintain video cameras throughout the entire premises occupied by the electronic video machines, or shall have a full time security guard present during all hours of operation.

670B.7 Conduct.

No criminal conduct shall be conducted on the premises and the owner shall be responsible for the premises remaining continuously in compliance with all provisions of State Laws and the City Code during the duration of any Zoning Permit issued under this Section 670B. (Amended 6/28/10).

Section 671B. Flea Market (Indoor or Outdoor Sales or Displays)

671B.1. Site Plan.

A site plan drawn to scale must be approved, showing any structures, bathroom facilities, vendor layouts and spaces, and four marked parking spaces on premises per vendor.

671B.2. Area Required.

A minimum lot area of one-half acre shall be required for any indoor or outdoor flea market.

671B.3. Setbacks.

No booths, stalls, display areas or sanitary facilities shall be placed or maintained within any required setback area.

671B.4. Screening.

Adequate screening shall be provided along the back and side property lines. Outdoor flea markets shall provide high opaque screens whenever it adjoins a less intense zoning use.

671B.5. Restroom Facilities.

The flea market shall provide on-site restroom facilities for merchants and customers.

671B.6 Electrical Facilities.

Any electric supply or installation shall conform to the requirements of the National Electric Code.

671B.7. Hours of Operation.

The flea market operations shall be between sunrise and sunset only. All outdoor displays must be removed from the property at sunset each night.

671B.8. Trash Disposal.

The operation must provide adequate dumpsters and other receptacles to accommodate all reasonably anticipated trash.

671B.9. Cleanliness.

All displays shall be shown in a neat and orderly manner and all trash and litter shall be cleaned up by each displayer in the area of his displays, at least at the end of each day's business. The ultimate responsibility for cleanliness shall be with the property owner. (Amended 6/13/11)

672B. Bed & Breakfast or Tourist Home.**672B.1. Private Residential Structure.**

The home must be located in a residential structure originally designed and used primarily as a private single family residence.

672B.2. Owner Occupancy.

An owner (with at least a 10% ownership interest in the premises) of the residence must permanently reside therein.

672B.3. Rooms & Guests Limits.

No more than six rooms shall be rented out to guests and no such room shall be occupied for sleeping purposes by more than two guests (plus said guest's children under eighteen years of age). The total number of guests (excluding children under eighteen years of age) shall not exceed eight on the premises at one time. No guest shall stay in the home for a period of more than seven days in any 15 day period.

672B.4. Premises Occupied.

The quarters to be occupied by the owner and by all guests shall be in the principal residential structure. Separate structures, accessory buildings and garages are not permitted to be used as living units or sleeping rooms for bed and breakfast guests. No separate exterior doorways for individual guest rooms shall be permitted, unless the separate doorway was part of the original architecture of the house or was in existence prior to the adoption date of this provision.

672B.5. Floor Plan.

There shall be submitted with each application, for approval by the Board of Adjustment, a floor plan of the entire structure, designating the use and floor area of each room and showing ingress and egress from each room. Plans for any enlargement to the exterior of the structure shall be submitted and specifically approved by the Board of Adjustment, after a public hearing, whether the enlargement is at the time of the original application or at any time thereafter in the future. All kitchens, bedrooms and bathrooms shall be in the main structure. In addition to one full bathroom for the owner, there shall be at least one full bathroom (with hot and cold running water) for each two bedrooms available for rental purpose.

672B.6. Room Subdivision.

No existing rooms shall be subdivided into individual sleeping rooms containing less than 120 square feet, and no guest bedroom shall be added containing less than 120 square feet.

672B.7. Meals.

There shall be only one kitchen facility on the premises. No food shall be sold to the general public. Overnight guests can only be served breakfast, together with afternoon or evening hors d'oeuvres and beverages on the premises; no other meals shall be provided on premises. No food preparation will be allowed in any guest's room.

672B.8. Fire & Safety.

All safety and fire codes shall be met. Additionally, each guest room shall be equipped with a smoke detector and access to a fire extinguisher.

672B.9. Guest Stay & Registry.

Guests are limited to a length of stay of no more than seven (7) consecutive days. The resident owner shall keep a current guest register including names, permanent addresses, dates of occupancy, and motor vehicle license number of all guests.

672B.10. Parking.

Parking shall not be in the front yard or within side or back yard setbacks other than that which can be accommodated in a driveway no wider than 20 feet (part of which must be left open sufficient to allow any vehicles using interior parking spaces to pass). Guest parking area(s) in or adjacent to residential use districts shall be screened by appropriate vegetation, fencing or walls so that guests' vehicles are not visible from the street or from adjacent residential properties. The applicant shall submit a site plan which shall indicate where the parking is to be located and the manner in which it is to be screened. No guest parking shall be permitted within any street right of way.

672B.11. Location.

The home must abut, and guests must have direct access to, a major, minor, or collector street.

672B.12. Signage.

The only sign permitted shall be one freestanding sign per public street frontage (with writing being permitted on each side). The sign(s) shall not exceed three feet in height and fifteen square feet in sign area when located within ten feet of the street right-of-way. When located more than ten feet from the right-of-way, the sign (2) shall not exceed five feet in height and fifteen square feet in sign area. Any sign lighting shall be located within four feet of the sign and no higher than the sign itself; any such lighting shall be directed towards the sign.

672B.13. Lighting.

Other than the sign lighting, there shall be permitted one pole light (not to exceed 30 feet in height) at the guest parking area, provided that the light from the same is directed away from and shielded from adjacent properties. No other lighting is permitted other than that attached to the principal dwelling unit and any garage (which lighting shall not be directed toward adjoining properties), together with any ground lighting needed for walkways.

672B.14. Permits.

The home shall obtain all required permits from the State. (Amended 4/23/12).

Section 673B. Bed & Breakfast Inn.

673B.1. Original Structure Use.

The business must be located primarily in a structure which was originally designed and used as a residential building.

673B.2. Occupancy by Owner or Manager.

An owner (with at least a 10 percent ownership in the premises) of the property or a business manager must permanently reside therein.

673B.3. Rooms and Guest Limits.

No more than twelve rooms shall be rented out to guests and no such room shall be occupied for sleeping purposes by more than two guests (plus a guest's children under eighteen years of age). The total number of guests (excluding guest's children under eighteen years of age) shall not exceed twenty-three guests on the premises at any one time. No guests shall stay in the business for a period of more than seven days in any 15 day period.

673B.4. Premises Occupied.

The quarters to be occupied by the owner or manager shall be in the principal structure which was originally residential in nature; also at least one-fourth of the bedrooms to be rented shall be in said principal structure.

673B.5. Floor Plan.

There shall be submitted with each application, for approval by the Board of Adjustment, a floor plan of the entire structure, designating the use and floor area of each room and showing ingress and egress from each room. Plans for any enlargement to the exterior of the structure shall be submitted and specifically approved by the Board of Adjustment, after a public hearing, whether the enlargement is at the time of the original application or at any time thereafter in the future. All bathrooms shall have both hot and cold running water. In addition to one full bathroom for the owner/manager, there shall be a private full bathroom for each bedroom available for rental purposes (except a full bathroom can be shared by a two bedroom suite). All kitchens shall be in the main structure or in a separate “restaurant” structure.

673B.6. Room Subdivision.

No existing rooms shall be subdivided into individual sleeping rooms containing less than 120 square feet and no bedroom shall be added containing less than 120 square feet.

673B.7. Meals and Accessory Uses.

There shall be only one kitchen facility on the premises. No food preparation will be allowed in any guest’s room. Accessory uses that will be permitted on the property shall include, but shall not be necessarily limited to, restaurants, spas, meeting facilities (for no more than 100 people or as permitted by the fire code), provided that each such accessory uses are applied for through a Special Use Permit (which can be included within the Special Use Permit for the Bed & Breakfast Inn or can be applied for separately or later before such accessory use is to be opened).

673B.8. Fire & Safety.

All safety and fire codes shall be met. Additionally, each guest room shall be equipped with a smoke detector and access to a fire extinguisher. There shall be more than one fire “exit” from any structure containing more than four bedrooms available for rental purposes. There shall be more than one stairway (open for all upstairs bedroom floors) in any structure containing more than four bedrooms located above the ground floor.

673B.9. Guest Stay & Registry.

Guests are limited to a length of stay of no more than seven (7) consecutive days. The resident owner/manager shall keep a current guest register including names, permanent addresses, dates of occupancy, and motor vehicle license number of all guests.

673B.10. Parking.

Parking shall be within the building setback lines and shall have individual parking spaces designated for the individual rooms to be rented; the parking lot shall be paved, but shall not exceed the impervious requirements of the zoning district in which the same is located. Parking spaces shall be constructed in accordance with Section 541 and 542 of the Zoning code. Guest parking areas shall be screened by appropriate vegetation, fencing or walls so that guest vehicles are not visible from any street or from any adjacent residential properties. The applicant shall submit a site plan which indicates where the parking spaces are to be located and the manner in which they are to be screened. No guest parking shall be permitted within any street right of way.

673B.11. Location.

The business must abut, and guests must have direct access to, a major, minor, or collector street.

673B.12. Signage.

The only sign permitted shall be one freestanding sign per public street frontage (with writing being on each side). The sign(s) shall not exceed fifteen in height and shall be limited to fifty square feet for each such sign. Any sign lighting shall be directed toward the sign.

673B.13. Lighting.

Other than the sign lighting, there shall be permitted one pole light (not to exceed 30 feet in height) at the guest area provided that the light from the same is directed away from and shielded from adjacent properties. No other lighting is permitted other than that attached to the business structures (which lighting shall not be directed toward adjacent properties), together with any ground lighting needed for walkways.

673B.14. Permits.

The business shall obtain all required permits from the State. (Amended 4/23/12)

Section 674B. Wind Turbines.**674B.1. Site Plan.**

A site plan drawn to scale must be approved, showing all structures located on the site together with the property lines for the site, and the names of all adjacent property owners (per the current Vance County Tax Records).

674B. 2. Area Required.

A minimum lot size at least 2 acres shall be required.

674B.3. Setbacks.

No structure shall be located within 500 feet of any residence, residential district, church or school, and the same shall be located at least 300 feet from any other business or commercial enterprise.

674B.4. Noise.

No structure shall be located or operated so that the noise level at any existing residence or residential district or business or other enterprise shall exceed 50 decibels for the entire site or interfere with normal sleep patterns.

674B.5. Screening and Fencing.

Adequate fencing shall be provided along the perimeter of the area (with all entrances gated) to prevent trespassing on the property. Moreover, adequate screening shall be provided at least to the height of said fence on the exterior portion of the same.

674B.6. Lighting.

All lighting shall be arranged and shaded so as to reflect the light away from adjoining properties and streets. (Amended 6/11/12)

675B. Solar Farms (Amended 6/8/2015)

675B.1 Site Plan.

A site plan, drawn to scale, must be approved by the Zoning Administrator. The plan shall show the proposed layout of solar collectors, panels, structures, (including inverter or electrical panel structures), screening, fencing, existing vegetation and landscaping related equipment. The plan shall also show equipment, landscaping elevations, property lines, right-of-way residential structures within 500 feet, required setbacks and names of all adjacent property owners, as listed in current Vance County Tax Records.

675B.2. Setbacks.

Solar collectors located in the I-1, I-2 and I-3 zoning districts shall be a minimum of 50 feet from all road right-of-ways and 25 feet from property lines. No solar or other energy collectors or solar farm structures (including fencing) shall be located within 100 feet of any residential structure. The maximum height for any solar or other energy collectors and solar farm structure is 20 feet as measured from the grade at the base to its apex.

675B.3. Screening and Fencing (Required).

Planting for screening in I-1, I-2 and I-3 zoning districts at installation shall be at a minimum of four feet in height. Within three years, these plantings must reach a height of at least eight feet. The spacing of the plantings shall be in a double-row configuration, staggered, with ten-foot

spacing between the centers of the main trunks. Existing foliage, such as trees and vegetation, may be used in conjunction with the plantings to create an opaque screening. If so used, the standards provided for plantings apply and must be met. Fencing shall be placed behind the plantings and, if applicable, the foliage. Fencing shall be a minimum height of six feet and of commercial grade to prevent trespassers from entering the area.

675B.4 Signage.

Informational signs of contact shall be placed at the main entrance of facility in accordance with section 400 of the sign ordinance.

675B.5.Noise

Noise levels measured at the property line shall not exceed fifty (50) decibels when located adjacent to an existing residence or residential district.

675B.6. Power Transmission Lines.

Power Transmission Lines: To the extent practical, all new power transmission lines to any building, structure or utility connection shall be located underground. Existing above ground utility lines shall be allowed to remain in their current location or connection to utility system.

675B.7. Inspections.

Inspections: Each solar facility shall be inspected throughout the year to ensure landscaping meets requirements of the ordinance and conditions for Special Use Permit granted by the Board of Adjustment. An annual \$1,000 dollar inspection fee is associated with quarterly inspections or as many inspections deem necessary by Zoning Administrator.

675B7. Termination of Uses. Decommissioning Plan.

1. A decommissioning plan shall be submitted by the operator of the farm and the landowner (if different) and submitted with a permit application. The plan shall address the following:
 - (a) Defined conditions upon which decommissioning will be initiated, such as end of lease or cessation of operation.
 - (b) Removal of all equipment, conduits, structures, fencing, roads and foundations.
 - (c) Restoration of property to condition prior to development of the solar farm.
 - (d) Timeframe for completion of decommissioning activities, not to exceed one year.
 - (e) Description and copy of lease and any other agreement with landowner addressing decommissioning.
 - (f) Name and address of person or party responsible for decommissioning.
 - (g) Schedule for updating of decommissioning plan.
 - (h) A security bond between developer and property owner shall be a part of decommissioning plan for the protection of property owner.

2. A recorded copy from Vance County, North Carolina Office of the Register of Deeds shall be submitted to the City Zoning Administrator prior to commencement of construction of the solar farm.

676B. Light Manufacturing

Light Manufacturing uses that include beer brewing and alcohol beverage production may have an area for demonstration, education or tasting that is incidental/ accessory to the production area that is no more than 500 square feet of area. Any area greater than 500 square feet in area shall meet requirements of Section 652B: Night Clubs, Taverns, Lounges, and Dance Halls. All alcohol beverage production must comply with all state and federal ABC permits and regulations. (Amended 10/9/2017, see Article 1002, Light Manufacturing for more details).

