

ARTICLE 5 PERMITTED USES

5.1 USE INTERPRETATION

As set forth in the Permitted Use Table (Section 5.2), certain uses are grouped together using the 2007 North American Industrial Classification System (NAICS) “NAICS Manual¹”. The NAICS Manual classifies businesses and industries based on common functional or product characteristics. Functions and characteristics include the type and amount of activity, the type of customers and how goods or services are sold or delivered. NAICS is a two- through six-digit hierarchical classification system, offering five levels of detail. Each digit in the code is part of a series of progressively narrower categories, and the more digits in the code signify greater classification detail. The first two digits designate the economic sector, the third digit designates the subsector, the fourth digit designates the industry group, the fifth digit designates the NAICS industry, and the sixth digit designates the national industry. The five-digit NAICS code is the level at which there is comparability in code and definitions for most of the NAICS sectors across the three countries participating in NAICS (the United States, Canada, and Mexico). The six-digit level allows for the United States, Canada, and Mexico each to have country-specific detail. A complete and valid NAICS code contains six digits. Any use not specifically set forth in this Article is expressly prohibited, unless determined otherwise as set forth in Section 5.2.1, Uses not Specifically Listed.

5.1.1 NAICS Administration

Determining whether a use should be classified under a particular category remains subject to interpretation on the part of the Administrator. However, the following information describes the administrative process in determining the permissibility of any particular use in a zoning district. If any use in the Table of Uses contains a two digit numeral, then all uses beginning with that Sector classification are permitted that that particular zoning district. The same methodology is applied to classifications with more detailed classifications. In some instances all uses in a particular category may be permitted EXCEPT certain uses. The uses excepted will be listed accordingly.

5.2 PERMITTED USE TABLE

The following key applies to the Table of Permitted Uses (see Section 5.2.3)

Key to Permitted Use Table	
P = Permitted	A “P” in the use table indicates that a use is permitted by right in the respective district. Such uses are also subject to all other applicable requirements of this Ordinance.
S = Special Use Approval Required	An “S” indicates a use that may be permitted in the respective district only where approved by the County Board of Commissioners in accordance with Section 3.12 Special Use Permit. Uses requiring Special Use Permits are subject to all other applicable requirements of this Ordinance, except where such use standards are expressly modified by the approving authority as part of the Special Use Permit approval.
PM = Permitted in Conjunction with the MDP Process	A “PM” indicates that a use is permitted by right in the respective district with the approval of a Master Development Plan in accordance with Section 3.5.
D = Permitted with Standards	Cross-reference to any use standard listed in Section 5.3, Uses with Standards. Where no cross-reference is shown, no additional use regulations shall apply.
Blank Cell	Not allowed.

¹ The 2007 NAICS manual is found on the Census Bureau website at: <http://www.census.gov/eos/www/naics/>

5.2.1 Uses Not Specifically Listed

- A. Any use not specifically listed in this Article is expressly prohibited, unless the Administrator determines, in accordance with Section 3.17, Written Interpretation, that the use is similar to a permitted individual use or permitted group of uses as listed in this Article. Where such similar permitted individual use or permitted group of uses is subject to a limited use standard contained in this Article or special exception review, the proposed use shall also be subject to such standard or approval. The Administrator shall not amend this chapter by adding to or eliminating any use standard for the proposed use. In the event a proposed use is similar to a listed use, the Administrator shall use the following criteria to evaluate the admissibility of the use before permitting: type of use, environmental effects, traffic impacts, noise, odor or other applicable criteria as determined by the Administrator.
- B. Where a use not listed is found by the Administrator not to be similar to any other permitted individual use or permitted group of uses, the use shall be permitted only following a text amendment in accordance with Section 3.18, Ordinance Text Amendment. The decision of the Administrator may be appealed to the Board of Adjustment.
- C. When considering the appropriate districts for a use not listed in the Permitted Use Table, the district intent statements (see Article 4, Zoning Districts) shall be taken into consideration.
- D. Determination of an appropriate group of uses for a proposed use not currently listed shall be made by applying the processes of NAICS standards and code numbers similar to the use proposed.

5.2.2 Developments with Multiple Principal Uses

When all principal uses of a development fall within one use category (see Section 5.1, Use Interpretation) the entire development shall be assigned to that use category.

When the principal uses of a development fall within different groups of uses or no group of uses, each principal use shall be classified in the applicable group of uses or treated as an individual use and each use shall be subject to all applicable regulations for that group of uses or individual use.

Where a use requiring approval as a special use lies on a separate legal parcel, only the building containing the use and its separate parcel shall be subject to review, not the entire project.

However, where the separate legal parcel is an outparcel, the application shall describe the relationship of the outparcel to the remaining site.

5.2.3 Table of Permitted Uses

The Table of Permitted Uses shows those principal uses that are permitted by right, permitted subject to limited use standards, or permitted subject to a Special Use Permit.

TABLE OF PERMITTED USES										
P = Permitted Use D = Permitted with Use Standards S = Special Use Approval Required SD = Special Use Approval Required with Additional Standards PM = Permitted in conjunction with the MDP process										
Use Category Specific Use Type	Residential				Mixed Use	Commercial	Industrial			Special Purpose
	Zoning Districts									
Use Type	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
RESIDENTIAL										
SFD-Detached: Conventional	P	P	P	P	P					
SFD-Detached: Zero Lot Line			P		P					
SFD-Attached: Duplex	P	P	P		P					
SFD-Attached: Multiplex			P		P					
SFD: Townhouse (5+ attached)			P		P					
Multifamily (condominium/ apartment)			P		P					
Upper Story Residential					P	P	P			
Accessory Dwelling Unit	D	D	P		D					
Accessory Dwelling Unit on Non-Residential Principal Uses	D				D			P	P	
Manufactured Home	P	D		P						
Manufactured Home Park				PMD						
ACCESSORY USES AND STRUCTURES										
Accessory Structures	P	P	P	P	P	P	P	P	P	
Cottage Occupations	SD	SD	SD		SD	SD				
Home Occupation	D	D	D	D	D	D				
Agritourism Activities on active farms	D	D	D	D	D	D	D	D	D	D

Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 21: MINING, QUARRYING, OIL AND GAS EXTRACTION											
Nonmetallic Mineral Mining & Quarrying	2123	S								S	
Except: 212392 Phosphate Rock Mining											
Except: 212321 Borrow Pit Sand Mining			PMDS			PMD					
Sector 22: UTILITIES											
Fossil Fuel Electric Power Generation	221112									S	
Other Electric Power Generation	221119								S	S	
Electric Bulk Power Transmission & Control	221121	S	S	S	S	S	S	S	P	P	
Natural Gas Distribution Except Transmission Lines	221210									P	
Water Supply Facilities*	221310		S			PM				P	
Sewage Treatment Facilities*	221320		S	PMD /S		PMD /S				P	
Except: Sewage Lift Stations*		SD	SD	PMD /S	PMD /S	PMD /S	D	D	D	D	
*County Owned or County Service District Provided Systems = P (Permitted)											
Sector 23: CONSTRUCTION											
Construction of Buildings	236						D		P	P	
Heavy and Civil Engineering Construction	237						D		P	P	
Specialty Trade Contractors	238						D		P	P	
Sectors 31-33: MANUFACTURING											
Artisan Manufacturing		S	S			P	P		P		
Food Manufacturing	311									P	
Beverage and Tobacco Product Manufacturing	312									P	
Textile Mills	313									P	
Textile Product Mills	314									P	
Apparel Manufacturing	315									P	

Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sectors 31-33: MANUFACTURING (cont.)											
Wood Product Manufacturing	321								P	P	
Truss Manufacturing	321214						S		P	P	
Prefabricated Wood Building Manufacturing	321992						S		P	P	
Prefabricated Metal Building and Component Manufacturing	332311						S		P	P	
Paper Manufacturing	322									S	
Converted Paper Product Manufacturing	3222									P	
Printing and Related Support Activities	323								P	P	
Petroleum and Coal Products Manufacturing	324									S	
Synthetic Dye and Pigment Manufacturing	32513									P	
Other Basic Organic Chemical Manufacturing	32519									P	
Resin, Synthetic Rubber & Artificial Synthetic Fibers and Filaments Manufacturing	3252									P	
Pharmaceutical Manufacturing	3254								P	P	
Paint, Coating, and Adhesive Manufacturing	3255									P	
Soap, Cleaning Compound, and Toilet Preparation Manufacturing	3256									P	
Other Chemical Product and Preparation Manufacturing										P	
Except: 32592 Explosive Manufacturing											
Plastics and Rubber Products Manufacturing	326									P	
Clay Product and Refractory Manufacturing	3271									P	
Ready-Mix Concrete Manufacturing	32732									P	

Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sectors 31-33: MANUFACTURING (cont.)											
Concrete Pipe, Brick & Block Manufacturing	32733									P	
Other Concrete Product Manufacturing	32739									P	
Gypsum Product Manufacturing	32742									P	
Fabricated Product Manufacturing	332									P	
Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing	3327								P	P	
Machinery Manufacturing	333									P	
Computer & Electronic Product Manufacturing	334								P	P	
Electrical Equipment, Appliance & Component Manufacturing	335									P	
Transportation Equipment Manufacturing	336									P	
Furniture and Related Product Manufacturing	337								P	P	
Miscellaneous Manufacturing	339								P	P	
Sector 42: WHOLESALE TRADE											
Wholesale Trade	42	S							P	P	
Sectors 44-45: RETAIL TRADE											
Motor Vehicle & Parts Dealers	441	S					P		P		
Furniture and Home Furnishings Stores	442						P		P		
Electronics & Appliance Stores	443	S				P	P		P		
Building Material, Garden Equipment & Supplies Dealers	444	S					P		P	P	
Food and Beverage Stores	445	S	S			P	P		P		
Health & Personal Care Stores	446	S	S			P	P	P	P		

Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sectors 44-45: RETAIL TRADE (cont.)											
Gasoline Stations	447	S				P	P		P		
Clothing and Clothing Accessories Stores	448	S				P	P		P		
Sporting Goods, Hobby, Book, and Music Stores	451					P	P		P		
Miscellaneous Store Retailers	453	S				P	P				
Non store Retailers	454	S				P	P		P		
Liquefied Petroleum Gas Dealers	454312									P	
Sectors 48-49: TRANSPORTATION AND WAREHOUSING											
Air Transportation	481								P	P	
Rail Transportation	482								P	P	
Truck Transportation	484								P	P	
Transit and Ground Passenger Transportation	485								P	P	
Interurban and Rural Bus Transportation	4852						P		P	P	
Taxi and Limousine Service	4853						P		P	P	
School and Employee Bus Transportation	4854								P	P	
Charter Bus Industry	4855								P	P	
Support Activities for Transportation	4881								P	P	
Support Activities for Road Transportation	4884	S					P		P	P	
Postal Services	491110	S	S			P	P	P			
Couriers and Messengers	492						P	P	P	P	
Warehousing and Storage	493	S							P	P	
Sector 51: INFORMATION											
Information	51					P	P	P	P	P	
Finance and Insurance	52	S	S			P	P	P	P	P	
Sector 53: REAL ESTATE, RENTAL & LEASING											
Real Estate, Rental & Leasing	53	S	S			P	P	P	P	P	
Commercial and Industrial Machinery and Equipment Rental and Leasing	5324								P	P	

Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 54: PROFESSIONAL, SCIENTIFIC, AND TECHNICAL SERVICES											
Professional, Scientific & Technical Services	54	S	S			P	P	P	P	P	
Sector 55: MANAGEMENT OF COMPANIES AND ENTERPRISES											
Management of Companies and Enterprises	55	S	S			P	P	P	P	P	
Sector 56: ADMINISTRATIVE AND SUPPORT AND WASTE MANAGEMENT AND REMEDIATION SERVICES											
Administrative and Support Services	561	S				P	P	P	P	P	
Solid Waste Collection Public	562111	P	P	P	P	P	P	P	P	P	
Solid Waste Collection Private	562111									S	
Solid Waste Landfill	562212									S	
Solid Waste Combustors and Incinerators	562213									S	
Other Nonhazardous Waste Treatment and Disposal	562219	S					S		S	S	
Remediation Services	562910									S	
Materials Recovery Facilities	562920									S	
All Other Waste Management Facilities	56299									S	
Sector 61: EDUCATIONAL SERVICES											
Educational Services	611	P	S			P	P	P			
Business Schools, Computer & Management Training	6114	S				P		P	P		
Technical and Trade Schools	6115	S				P	P	P	P	P	
Other Schools and Instruction	6116	S				P	P	P	P		

Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 62: HEALTH CARE AND SOCIAL ASSISTANCE											
Ambulatory Health Care Services	621					P	P	P			
Except: Outpatient Mental Health and Substance Abuse Centers	62142						P	S			
Hospitals	622	S				P	P	P			
Except: Psychiatric and Substance Abuse Hospitals	6222							S			
Except: Outpatient Mental Health and Substance Abuse Hospitals	62142						S	S			
Nursing and Residential Care Facilities	623	S	S			P	P	P			
Except: Residential Mental Retardation, Mental Health & Substance Abuse Facilities	6232	S						S			
Social Assistance	624	S				P	P	P			
Vocational Rehabilitation Services	6243						P	P	P	P	
Sector 71: ARTS, ENTERTAINMENT, AND RECREATION											
Performing Arts Companies	7111	S				P	P				
Spectator Sports	7112	S					P		P		
Promoters of Performing Arts, Sports, and Similar Events	7113	S				S	S				
Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures	7114					P	P	P			
Museums, Historical Sites, and Similar Institutions	712	S				P	P	P			
Amusement and Theme Parks	713110	S				S	S				
Amusement Arcades	713120						P				

Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 71: ARTS, ENTERTAINMENT, AND RECREATION <i>(continued)</i>											
Golf Courses and Country Clubs	713910	S	PM			P					
Fitness & Recreational Sports Centers	713940	S				P	P	P	P		
Bowling Centers	71395					P	P	P	P		
All Other Amusement & Recreation Industries	71399	S				P	P		P		
Aviation Clubs, Recreational	713990	S	S			P	P		P		
Canoeing, Recreational	713990	S	S			P	P		P		
Fishing Clubs, Recreational	713990	S	S			P	P		P		
Flying Clubs, Recreational	713990	S	S			P	P		P		
Guide Services (i.e. Fishing, Hunting, Tourist)	713990	S	S			P	P		P		
Horse Riding, Recreational	713990	P	S								
Outdoor Shooting Ranges	713990	S									
Sector 72: ACCOMMODATIONS AND FOOD SERVICES											
Hotels and Motels	72111					P	D	D			
Bed and Breakfast Inns	721191	S	S		S	P	P				
All Other Traveler Accommodation	721199	S	S		S	P	P				
RV Parks and Recreational Camps	7212	SD					SD				
Recreational and Vacation Camps	721214	S									S
Rooming and Boarding Houses	721310	S				P	P				
Full Service Restaurants	7221	S				P	P	P	P	P	
Limited Service Eating Places	7222	S				P	P	P	P	P	
Special Food Services	7223	S				P	P	P	P	P	
Drinking Places (Alcoholic Beverages)	7224	S				P	P				

Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 81: OTHER SERVICES, EXCEPT PUBLIC ADMINISTRATION											
Automotive Repair and Maintenance	8111	S					P		P	P	
Electronic and Precision Equipment Repair and Maintenance	8112	S					P	P	P	P	
Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	8113								P	P	
Personal and Household Goods Repair and Maintenance	8114	S				P	P	P	P	P	
Personal Care Services	8121	P	S			P	P	P	P		
Funeral Homes and Funeral Services	81221	S					P	P	P	P	
Cemeteries and Crematories Except: Private Cemetery	81222	S	S			S	S	S	S	S	
Coin Operated Laundries and Drycleaners	812310	P				P	P				
Dry-cleaning and Laundry Services	812320	S				P	P		P	P	
Linen & Uniform Supply	81233								P	P	
Other Personal Services	8129	S				P	P	P	P		
Pet Care Services	812910	D					D		D	D	
Religious Organizations	8131	P	S			P	P	P	P		
Grant Making and Giving Services	8132					P	P	P	P		
Social Advocacy Organizations	8133					P	P	P	P		
Civic and Social Organizations	813410	S	S			P	P	P			
Business, Professional, Labor, Political, and Similar Organizations	8139					P	P	P	P		
Public Administration	92	P	P	P	P	P	P	P	P	P	

Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
MISCELLANEOUS USES											
Adult and Sexually Oriented Businesses									S	S	
Adult Retail									S	S	
Bona fide Farm Purposes		D	D	D	D	D	D	D	D	D	D
Child Care Center		P	S			S	P	P			
Community Boating Facility		SD	SD	SD	SD	SD					
Community Boating Facility in conjunction with a Master Development Plan		SD	PMD	PMD	PMD	PMD					
Disaster Volunteer Housing		D	D	D	D	D	D	D	D	D	
Family Care Home		D	D	D	D	D					
Family Child Care Home		P	P			P	P	P			
Industrial Park										SD	
Marina (Commercial)		SD	PMD			PMD					
Portable Storage Containers		D	D	D	D	D	D	D	D	D	
Private Cemetery less than 6,000 sq. ft.		D	D				D	D	D		
Private Cemetery 6,000 sq. ft. and larger		S	S				S	S	S		
Public Parks		P	P	P	P	P	P	P	P	P	
Private Residential Boating Facility		D	D	D	D	D					
Salvage Operations		S								D	
Storage of Merchandise, Materials or Equipment On Site Inside or Outside An Enclosed Building, Excluding Salvage		S							P	P	
Storage of boats and watercraft outdoors or on dry stack structures							S				
Sweepstakes Center							SD		SD	SD	
Telecommunication Facilities		SD	SD			SD	SD	SD	SD	SD	
Telecommunication Facilities – Public Safety		SD	SD			SD	SD	SD	SD	SD	
Temporary Manufactured Homes		P	P			P					

Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
MISCELLANEOUS USES <i>(continued)</i>											
Temporary Modular/Manufactured Offices						P	P	P	P	P	
Temporary Fruit & Vegetable Stands		P	P								
Temporary Buildings for Construction or Development		D	D	D	D	D	D	D	D	D	
Temporary Events		D					D	D	D	D	
Personal Structure (non-commercial)		D	D								

5.3 USES WITH STANDARDS

5.3.1 General

- A. These standards shall only apply to those districts and uses where the “S”, “PM” or “D” is designated on the use table in Section 5.2.3. In addition to these standards the use shall be permitted in compliance with the general development standards of the underlying zoning and other applicable requirements of this Ordinance. If a blank cell is designated, then the use is not permitted.
- B. Unless specifically exempted within this Article, all other applicable requirements of this Ordinance apply. These include:
 - 1) Zoning District Standards
 - 2) Design and Performance Standards
 - 3) Landscaping and Buffering Standards
 - 4) Subdivision Standards
 - 5) Flood Damage Prevention
 - 6) Signs Standards

5.3.2 Residential Uses

- A. Residential Principal Structure
 - 1) In any residential district, up to three residential structures are permitted, on a single lot provided that each principal residential structure meets the minimum zoning district lot size requirements and that a plat drawn to scale by a licensed registered surveyor is submitted showing that all yards and other requirements of this Ordinance have been met for each structure.
- B. Structures To Have Access
 - 1) Every structure hereafter erected or moved shall be on a lot adjacent to or having access to a public right-of-way, street or road not less than thirty (30') feet in width. When the lot is not adjacent to the public road and access is provided by an access easement to the public road, the easement must be a minimum of twenty (20') feet wide.
- C. Manufactured Home
 - 1) Manufactured Homes shall not be allowed in previously zoned R-20C zoning districts prior to the adoption of this Ordinance.
 - 2) Manufactured homes, at the time of construction, must have been built to the standards of the National Manufactured Housing Construction and Safety Standards Act of 1974 (effective 1976) to be brought into or relocated in the County. However, existing manufactured homes which do not meet the standards of the National Manufactured Housing Construction and Safety Standards Act of 1974 shall remain permitted as a nonconforming structure.
 - 3) All manufactured homes shall be used only as a residential dwelling unit. No manufactured home shall be used as a storage building upon any lot at any time nor shall a manufactured home be used as a commercial or business structure or use.
- D. Manufactured Home Community
 - 1) All manufactured homes located in a manufactured home community must meet the standards of Section 5.3.2.C, Manufactured Homes.
 - 2) All manufactured home community shall be at least five (5) acres in size.

- 3) All communities must have eleven (11) lots or more.
- 4) The following lot sizes shall be permitted in a manufactured home community:
 - a) Manufactured home spaces served by public water and a public sewerage system shall have a minimum of 7,000 square feet.
 - b) Manufactured home spaces served only by either public water or a public sewerage system shall have a minimum of 12,000 square feet.
 - c) Manufactured home spaces served by neither public water nor a public sewerage system shall have a minimum of 15,000 square feet.
- 5) All manufactured home communities must adhere to the following dimensional requirements:

Minimum Lot Width	50 feet
Minimum Front Yard Setback	20 feet
Minimum Side Yard Setback	10 feet
Minimum Rear Yard Setback	20 feet
Minimum Structure Separation	20 feet
Minimum Exterior Property Boundary Setback	20 feet

- 6) All communities shall adhere to Article 8, Landscaping and Buffering.
- 7) Manufactured home communities must meet Open Space requirements per Section 7.6, Open Space.
- 8) Manufactured home community operators shall make arrangements for a private vendor or other sources to collect refuse, either from individual spaces or from centrally located dumpster sites. All dumpster locations are to be fenced and screened from view. Individual refuse receptacles shall be waterproof and rodent proof.
- 9) All communities are to be provided with a sewage collection system and/or septic tanks approved by the appropriate health agency. If a centralized sewer system is to be used, it shall meet the requirements of the Pender County Health Department or appropriate state agency.
- 10) All communities shall obtain water from a public source or a source as approved by the Pender County Health Department.
- 11) Each manufactured home shall be set up and anchored in accordance with the North Carolina Uniform Standards Code for Mobile Homes (Chapter 143, Article 9A of the North Carolina General Statutes).
- 12) All accessory structures in a manufactured home community shall not be greater than 600 square feet and meet the standards prescribed in Section 5.3.3.A.1, Accessory Uses and Structures.
- 13) Accessory structures shall be located only on the site space containing that manufactured home and may not be located in any required manufactured home community yard.
- 14) Each space shall be equipped with water, sewer, and electrical connections.
- 15) All streets must adhere to Section 7.5, Street Design and have direct access to a publicly maintained road.
- 16) No individual manufactured home shall have direct access to a publicly maintained road.
- 17) All streets will be appropriately identified with street name signs as applicable.

- 18) Two automobile parking spaces shall be provided for each manufactured home lot and shown on the Master Development Plan and Preliminary Plat. No portion of the required spaces shall be within any street right of way.
- 19) Common areas shall be dedicated to and maintained by the community owner and meet all the requirements of Section 7.6.1.E.10.
- 20) All manufactured home spaces shall be permanently identified by permanent markers or monuments.
- 21) No recreational vehicles shall be permitted within a manufactured home community.
- 22) Any land within the jurisdiction of a Special Flood Hazard Area shall be prohibited for residential development, but may be set aside for passive open space.
- 23) Within a manufactured home community, one structure may be used as an administrative office.
- 24) The operator of a manufactured home community shall keep an accurate register containing a list and description of all homes located in the community and owner thereof.

E. Accessory Dwelling Unit, Detached - A dwelling unit may be an accessory use in the residential districts in the following circumstances:

- 1) Detached accessory dwelling units shall be clearly subordinate to the principal structure
- 2) Shall not exceed 33% of the heated floor area of the principal dwelling unit
- 3) No more than one accessory unit shall be located on the lot.
- 4) Must be located in the rear or side yard and meet rear and side yard setback requirements of a principal structure per applicable zoning district requirements

F. Emergency/disaster relief housing - In case of fire, flood, hurricane, tornado and the like, and/or where the Chairman of the County Commissioners has declared an emergency or disaster.

- 1) Temporary housing units shall be permitted in all residential zoning districts for temporary residential occupancy when a residence has been damaged by fire, flood, hurricane, tornado or the like. This provision is not to be used for occupancy when a home is in disrepair.
- 2) Temporary housing units shall not be placed on any lot where active repair and reconstruction of the primary structure is not taking place.
- 3) A Zoning Approval Permit shall be issued by the Administrator for all temporary housing units at the time of placement on the lot, or when a Building Permit is applied for, in the case of repair and reconstruction of the primary structure.
- 4) Setback requirements may be waived during the duration that the Temporary Housing Unit is permitted, such that the placement of the temporary housing unit will allow for unobstructed repair and reconstruction on the site, provided the temporary housing unit does not extend into any public or private right-of-way, easement, or adjacent property.
- 5) In the case of a non-residential use damaged by fire, flood, hurricane, tornado or the like, a commercial modular with approved occupancy as per North Carolina State Building Code, Volume I, General Construction, may be used.
- 6) The Zoning Approval Permit application shall indicate the location of the temporary housing unit and include a description of the proposed utility connections.
- 7) The Zoning Approval Permit shall be issued for a period of time not to exceed twelve (12) months after the damage occurs while repair and reconstruction of the primary

structure is taking place and may be renewed for an additional six (6) month period, providing progress has been made in the repair and reconstruction for the primary structure. Permit extensions may be granted by the Administrator upon submittal of documentation that shows progress is being made. This shall be demonstrated by documentation of inspections records on building and trade work associated with the repair and reconstruction. The maximum extension shall not exceed six (6) months. The Administrator may make a determination allowing the extension for multiple cases based on the severity of damage and overall recovery progress.

- a) Zoning Approval Permits issued for emergency/disaster relief housing relating to Hurricane Florence shall be eligible for additional six (6) month extensions, providing progress has been made in the repair and reconstruction of the primary structure. The final expiration date shall be no later than September 14, 2021.
- 8) Temporary Housing Units must be removed from the lot within thirty (30) days following completion of repair and reconstruction of the primary structure, or within thirty (30) days following expiration of the related Zoning Approval Permit.
- 9) Temporary Housing Units shall also be allowed in the event repair or replacement is being made pursuant to a governmental grant or program. However, any temporary structure shall be removed within thirty (30) days after the issuance of an occupancy permit for the dwelling unit or the installation of the manufactured home.

5.3.3 Accessory Uses and Structures

- A. Accessory Structure Setbacks and Separation Requirements
 - 1) Accessory Structures 50-599 Square Feet in Area:
 - a) Setback of ten (10) feet from all property lines, access easements, and any other structures located on the property.
 - 2) Accessory Structures 600 Square Feet in Area or Greater:
 - a) Same front setback requirement as principal buildings per zoning district regulations shall apply.
 - b) Setback of ten (10) feet from all other property lines, access easements, and any other structures located on the property.
- B. Cottage Occupation – Cottage Occupations shall be permitted with an approved Special Use Permit in zoning districts indicated in Section 5.2.3, Table of Permitted Uses, with the following limitations:
 - 1) The use must be clearly incidental and secondary to the use of the property for residential purposes.
 - 2) The use shall not change the character or area of the structure or have any exterior evidence of the occupation.
 - 3) The floor area of the cottage occupation cannot exceed the total floor area of the primary residence.
 - 4) No cottage occupation shall be permitted which creates objectionable noise, dust, smoke, odor, glare, or traffic attraction greater than that of other residential properties in the vicinity.
 - 5) Workers not living on the property shall be limited to three (3) persons per day.
 - 6) Proposed Cottage Occupation permits in the GB, General Business district, shall not expand or increase the existing non-conforming use or structure.

- C. Home Occupation - Home occupations are permitted only as an accessory use and require zoning approval. Home occupations shall be permitted subject to the following limitations:
- 1) Any activity related to the proposed business is carried on wholly within the principal building or structure.
 - 2) At least one (1) member of the household, residing on the premise, must be included in the operation of the proposed business.
 - 3) The business is clearly incidental and secondary to the use of the dwelling unit for residential purposes with no exterior display, no exterior storage of materials, and no exterior indication of the home occupation or variation from the residential character of the principal building and neighborhood.
 - 4) Not over twenty-five percent (25%) of the total actual floor area or five hundred (500) square feet, whichever is less, shall be used for a home occupation.
 - 5) No home occupation shall produce any offensive noise, vibrations, smoke, dust, heat, odor, glare, traffic hazard or congestion, or have an adversely effect on the surrounding properties.
 - 6) Requires no internal or external alterations, construction features, equipment, or machinery not customary in residential areas.
 - 7) Traffic generation shall not exceed the traffic volumes generated by nearby residents.
 - 8) Only two (2) persons outside of the dwelling may be engaged in the home occupation; and
 - 9) No mechanical equipment shall be installed or used except such that is normally used for domestic, professional, or hobby purposes and which does not cause noise or other interference in radio and television reception.
 - 10) Proposed Home Occupation permits in the GB, General Business district, shall not expand or increase the existing non-conforming use or structure.
- D. Agritourism Activities on Active Farms
- 1) All uses shall be in accordance with 160D-903.
- E. Vehicle Storage
- 1) Residential Districts
 - a) Only operable vehicles intended for personal use shall be parked or stored on any property used for residential purposes in any Zoning District.
 - b) No storage of commercial inventory or materials shall be permitted in a parking area or on any site used for residential purposes.
 - c) No inoperative vehicle shall be permitted to be parked or stored out of doors unless it is effectively screened from view from the roadway and adjoining property owners.
 - d) Commercial vehicles may be stored or parked overnight, only on a site permitted for a business use or when driven home by employees as noted below.
 - e) Commercial trucks or vans driven home by owners or employees must be parked off the street or access right-of-way, in a garage, carport, driveway, or other designated areas.
 - 2) Non-Residential Districts
 - a) Commercial storage and/or parking of licensed operable motor vehicles will be permitted as indicated in the Table of Permitted Uses.

- b) Inoperative vehicles shall only be permitted to be parked or stored while undergoing repairs at a commercial garage or automobile service station or if stored in an approved salvage yard.
- 3) **Manufactured Home, Recreational Vehicle & Trailer Parking and Storage**
 - a) It shall be unlawful to park or otherwise store for any purpose whatsoever any mobile home or trailer within any zoning district except as follows:
 - i) At a safe and lawful location on a street, alley, highway, or other public place, provided that the trailer or mobile home shall not be parked overnight.
 - ii) Within an approved location in a mobile home park.
 - iii) On any other lot or plot provided that:
 - a. A storing permit for any mobile home to be parked or stored for longer than seven (7) days shall be obtained from the Administrator.
 - b. A mobile home shall not be parked and used other than in an approved mobile home park, or unless obtaining a temporary occupancy permit.
 - c. Trailers and recreational vehicles shall be parked in a driveway, garage, or carport, or in the rear or side yard of an established primary or principal lot or parcel for the purpose of storage only.
 - iv) No mobile home or camper shall be used for the purpose of storing materials.
 - v) Only operable recreational vehicles intended for personal use shall be parked or stored on any property used for residential purposes in any Zoning District.
 - vi) A permit to store a mobile home may be issued by the Administrator for a term not to exceed six (6) months. Such permit may be renewed for one six (6) month term, at the discretion of the Administrator.

F. **Swimming Pools** - All public, commercial, or private outdoor swimming, either above ground or below ground, and of either permanent or temporary construction shall meet the following requirements specified below:

- 1) That the setback for an above and below ground swimming pool and related mechanical equipment from any lot line shall equal the required setback for accessory structures in the district in which it is located.
- 2) In any case in which a pool is directly attached to a principal structure, all district requirements shall be met for principal structures.
- 3) Must meet all minimum requirements outlined in the North Carolina Building Code.

G. **Retail Sales and Services** - Retail sales and services are permitted as accessory uses when clearly incidental to the principal use.

- 1) With the exception of restaurants in conjunction with a motel such uses shall be conducted wholly within the principal building without access thereto other than from within the building and without exterior advertising or display. These activities shall be conducted solely for the convenience of the employees, patients, patrons, students, or visitors and not for the general retail public.

5.3.4 Mining, Quarrying, Oil and Gas Extraction (Sector 21)

- A. Non-metallic Mineral Mining and Quarrying shall be subject to all criteria set forth in G.S. §74, North Carolina Mining Act.
- B. Borrow Pit Sand Mining (NAICS 212321) shall be permitted in conjunction with a Master Development Plan if: