

# ZONING ORDINANCE

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*ONslow COUNTY, NORTH CAROLINA*

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An Ordinance establishing zoning regulations in Onslow County, North Carolina, and providing for the administration, amendment, and enforcement of this Ordinance, and providing for and defining the duties and powers of a Board of Adjustment in accordance with the provisions of North Carolina General Statutes, Article 18, Chapter 153A, and for the repeal of all previous Zoning Ordinances.

The purpose of this Ordinance is to provide for the public health, safety and general welfare, encourage orderly development, protect the quality of the environment, and regulate the location and use of structures and land for commerce, industry and residences in accordance with a Comprehensive Land Use Plan.

## **ARTICLE I. LEGAL PROVISIONS**

### **Section 101. Enactment and Authority**

The Board of Commissioners of Onslow County, North Carolina, pursuant to the authority granted by Article 18, Chapter 153A of the North Carolina General Statutes, does hereby ordain and enact into law the following Articles and Sections.

### **Section 102. Title**

This Ordinance shall be known as the Zoning Ordinance of Onslow County, North Carolina.

### **Section 103. Official Zoning Map**

An official zoning map depicting the actual location of the Zoning Districts is made a part of this ordinance and adopted by reference. The official zoning map, which is identified by the title "Zoning Map of Onslow County, North Carolina", shall be known as the "Zoning Map". The official zoning map shall be maintained in the Onslow County Planning Department, shall bear the adoption date of this Ordinance and the date of any subsequent map amendments, and may consist of a series of maps.

### **Section 104. Jurisdiction**

The provisions of this Ordinance shall apply within the areas designated as Zoning Districts on the official zoning map(s) by the Onslow County Board of Commissioners. The official Zoning Map(s) will be on file in the office of the Onslow County Planning Department.

### **Section 105. Bona Fide Farms Exempt**

This Ordinance shall in no way regulate, restrict, prohibit, or otherwise deter any bona fide farm and its related uses except that any use of such property for non farm purposes shall be subject to all regulations specified herein.

### **Section 106. Interpretation and Conflict**

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, and general welfare. It is not intended by this Ordinance to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties. Where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open space than is imposed or required by

other ordinance, rules, regulations, or by newly created easements, covenants, or agreements following the enactment of this ordinance, the provisions of this Ordinance shall govern.

**Section 107. Severability**

If any Article, Section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid by the courts, such decision shall not affect the validity of the remaining portion of this Ordinance. The Onslow County Board of Commissioners hereby declares that it has passed this Ordinance and each Article, Section, clause, and phrase thereof, irrespective of the fact that any one (1) or more Articles, Sections, sentences, or phrases be declared invalid by the courts.

**Section 108. Relationship to Adopted Plans**

Officially adopted plans including the CAMA Land Use Plan, also referred to herein as the Onslow County Comprehensive Plan, the Onslow County Joint Land Use Study, Transportation Plans, and other official plans adopted by the Onslow County Board of Commissioners shall be used to guide the application of this Ordinance. In the event of ambiguity this ordinance shall be interpreted to reflect and be consistent with the policies stated in the Onslow County Comprehensive Plan.

**Section 109. Effective Date**

This Ordinance shall be in force from and after its passage and approval.

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

The effective date of this Ordinance is the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

ATTEST:

\_\_\_\_\_

Clerk to the Board Chairman, Onslow County Board of Commissioners

**ARTICLE II. ADMINISTRATION**

**Section 201. Zoning Enforcement Officer**

The Zoning Administrator, or his authorized agent, is hereby authorized, and it shall be his duty, to enforce the provisions of this Ordinance. This official shall have the right to enter upon the premises at any reasonable time necessary to carry out his duties. It is the intention of this Ordinance that all questions arising in connection with its enforcement and interpretation shall be presented first to the Zoning Administrator. Appeal from his decision shall be made to the Board of Adjustment.

In administering the provisions of this Ordinance, the Zoning Administrator shall:

- A. Make and maintain records of all applications for permits and requests listed herein, and records of all permits issued or denied, with notations of all special conditions or modifications involved.

B. File and safely keep copies of all plans submitted, and the same shall form a part of the records of his office and shall be available for inspection at reasonable times by any interested person.

C. Transmit to the appropriate board or commission and the Board of County Commissioners all applications and plans for which their review and approval is required.

D. Conduct inspections of the premises and, upon finding that any of the provisions of this Ordinance are being violated, notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.

## **Section 202. Zoning Permits**

### **202.1 Zoning Permit Required**

Zoning Permits will be issued along with the building permit or as a stand-alone permit when no building permit is required. Zoning permits shall be void after six (6) months from the date of issue unless the Zoning Administrator determines that sufficient progress on the project has been made.

Zoning permits are required for all new construction, additions to buildings and alterations when the footprint of the building is changed. Zoning permits are also required for new land uses and changes of use for a property including accessory uses and pools. Zoning permits are not required for fences, piers, bulkheads, driveways and other at-grade improvements that do not change the existing use.

### **202.2 Approval of Plans**

The Zoning Administrator shall require that every application for a Zoning Permit be accompanied by a plan or plat showing the following in sufficient detail to enable him to ascertain whether the proposed activity is in conformance with this Ordinance.

1. The actual shape, location, and dimensions of the lot, to include adjacent roadways or other information showing access to the public road system.
2. The shape, size, and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot.
3. The existing and intended use of all such buildings or other structures.
4. A statement indicating the current zoning for the property to include the identification of any overlay zones.
5. The location of any shared or outlying drain fields/wastewater systems separate from the lot which the shared or outlying drain field or wastewater system is to support.
6. Such other information concerning the lot or adjoining lots as may be necessary for determining whether the provisions of this Ordinance are being observed.

Applications for Group Developments, Commercial Uses, Special Uses, and Special Requirement Uses shall be accompanied by a site plan as specified in this ordinance.

### **202.3 Issuance of Zoning Permits**

If the proposed activity, as set forth in the application, is in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue a Zoning Permit. If any application for a Zoning Permit is not approved, the Zoning Administrator shall state in writing, on the application the cause for such disapproval. Issuance of a permit shall, in no case, be construed as waiving any provision of this or any other ordinance or regulation. Zoning Permits may be rescinded without recourse if issued by mistake, in violation of the Zoning Ordinance, or on false or misleading information provided by the applicant.

### **Section 203. Certificates of Occupancy**

No new building or part thereof shall be occupied, and no addition or enlargement of any existing building shall be occupied, and no existing building after being moved shall be occupied, and no change of occupancy shall be made in any existing building or part thereof, until the Building Inspector has issued a Certificate of Occupancy therefor. A Temporary Certificate of Occupancy may, however be issued by the Building Inspector for a building or portion of a building which may safely be occupied prior to final completion and occupancy of the entire building or for other temporary uses.

### **Section 204. Vested Rights**

#### **204.1 Purpose**

The purpose of this section is to implement provisions of G.S. 153A-344.1 that establishes a statutory zoning vested right upon the approval of a site-specific development plan.

#### **204.2 Procedure**

1. At the time that the landowner submits an application for a subdivision plat or Special Use Permit, the landowner must declare in writing using a form provided by Onslow County for that purpose that he is seeking to acquire a vested right pursuant to G.S. 153A-344.1 and the Onslow County Zoning Ordinance.
2. For a subdivision plats where a vested right is sought, the Zoning Administrator will advertise and schedule a public hearing in accordance with the procedures used for Special Use Permits.
3. For proposed developments that do not require subdivision plat approval or a Special Use Permit, the landowner may seek to establish a vested right by following the procedures promulgated for applications for Special Use Permits.
4. A variance shall not constitute a site-specific development plan and approval of a site-specific development plan with the condition that a variance be obtained shall not confer a vested right unless and until the variance is approved.

#### **204.3 Establishment of Vested Right**

1. A vested right shall be deemed established upon the valid approval, or conditional approval, of a subdivision plat, Special Use Permit or Planned Unit Development. Such vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the subdivision plat, Special Use Permit, or Planned Unit Development.
2. A right that has been vested, as provided for in this section, shall remain vested for a period of two (2) years. This vesting shall not be extended by any amendments or modifications unless expressly

provided by the County. The County may, but is not required to, extend the vested term to three (3) years for a maximum total of five (5) years.

#### **204.4 Determination**

A vested right, once established as provided for in this section, precludes any zoning action by the County which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved site specific development plan, except that the right may be terminated without further recourse under the following circumstances:

1. With written consent of the affected landowner; or
2. Upon finding that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site specific development plan; or
3. To the extent that the affected landowner receives compensation for all costs and losses as a result of an eminent domain proceeding; or
4. Upon finding that the landowner, or his representative, intentionally supplied inaccurate information or made material misrepresentations that made a difference in the plan approval by the county; or
5. Upon the enactment of a State or Federal law or regulation that precludes development as contemplated in the site specific development plan; or,
6. At the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed.

## **ARTICLE III. ENFORCEMENT AND PENALTIES**

### **Section 301. Enforcement Authority**

This Ordinance shall be enforceable in accordance with provisions available in the General Statutes of North Carolina Article 18, Chapter 153A.

### **Section 302. Violation**

It is unlawful and a violation of this Ordinance to establish, create, expand, alter, occupy or maintain any use, land development activity, or structure, including, but not limited to any signs or buildings, that violates or is inconsistent with any provision of this Ordinance or any order, approval, or authorization issued pursuant to this Ordinance. Approvals and authorizations include, but are not limited to, Special Use Permits, Building Permits, Zoning Permits, variances, development plans, site plans, sign plans, and conditions of such permits, certificates, variances and plans. It is also a violation to engage in any construction, land development activity, or use without all approvals and authorizations required by this Ordinance. Each day of a violation is a separate and distinct violation.

### **Section 303. Complaints Regarding Violations**

Any interested person who is a citizen or landowner of unincorporated Onslow County may file a written complaint alleging a violation of this ordinance. Such complaint shall state fully the cause and basis thereof and shall be filed with the Zoning Administrator, or his authorized agent. An investigation shall be made within ten (10) days. Actions as provided in these regulations shall be taken.

When a violation is discovered and is not remedied through informal means, written Notice of the Violation shall be given to the violator. This notice shall be delivered by hand delivery or certified mail to the violator's last known address, or by conspicuously posting the notice at the property in violation.

The notice shall include the following:

- a. A description of the violation and its location;
- b. The measures necessary to correct the violation;
- c. The possibility of civil penalties and judicial enforcement action if appropriate;
- d. Notice of right to appeal; and
- e. The time period allowed, if any, to correct the violation, which time period may vary depending on the nature of the violation.

This notice is an administrative determination subject to appeal as provided below.

### **Section 304. Appeal to Board of Adjustment**

A violator who has received a Notice of Violation may appeal the determination that a violation has occurred to the Board of Adjustment by making a written request and paying the appropriate fee within thirty (30) days of receipt of the Notice of Violation. The Board shall hear the appeal and may affirm, or reverse, wholly or partly, or may modify the determination of the violation. If there is no appeal, the determination of the Zoning Administrator shall be final.

### **Section 305. Failure to Comply with Notice or Board of Adjustment Decision**

Violators shall be subject to enforcement action if they fail to comply with final decisions of the Zoning Administrator or Board of Adjustment. If the violator does not comply with a Notice of Violation, which has not been appealed, or with a final decision of the Board of Adjustment, the violator shall be subject to enforcement action.

### **Section 306. Criminal Penalties**

Any person, firm, or corporation violating any Section or provision of this Ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined not more than fifty (\$50.00) dollars or imprisoned not more than thirty (30) days for each violation. Each day such violation continues, shall be a separate and distinct offense.

### **Section 307. Civil Penalties**

**307.1** A violator who fails to correct a violation in the time and manner specified shall be subject to a civil penalty of one hundred (\$100.00) dollars for each offense.

**307.2** For each day the violation is not corrected, the violator will be subject to a new and separate offense with additional civil penalties.

**307.3** Onslow County may apply to the District Court, Civil Division, or any other court of competent jurisdiction, for a mandatory or prohibitory injunction and Order of Abatement commanding the violator to correct the unlawful condition.

**307.4** If the violator fails or refuses to comply with an injunction or with an Order of Abatement within the time allowed by the court, the violator may be cited for contempt and the County may execute an Order of Abatement. The County shall have a lien on the property for all the costs associated with execution of an Order of Abatement.

### **Section 308. Equitable Relief**

Onslow County may apply to the District Court, Civil Division or other court of competent jurisdiction for an appropriate equitable remedy. It shall not be a defense to the County's application for equitable relief that there is an adequate remedy at law.

## **ARTICLE IV. CHANGES AND AMENDMENTS**

### **Section 401. Initiation of Amendments**

The Onslow County Board of Commissioners may, on its own motion, upon recommendation of the Planning Board, or upon petition by an interested person who is a citizen or landowner of Onslow County, may, amend, modify or repeal the regulations or district boundaries established by this Ordinance. A petition by an interested person shall be submitted to the Onslow County Planning and Development Department according to established plan submittal policies.

#### **401.1 Petition**

A petition for any change or amendment shall contain a description and/or statement of the present and proposed zoning regulation or district boundary, and the names and addresses of the owner or owners of the property involved as well as the names and addresses of all adjoining landowners of the property requested to be rezoned. Such petition and fees shall be submitted to the Onslow County Planning Department in accordance with the procedures established herein.

#### **401.2 Petition for Amendment**

With the exception of requests originating with the Onslow County Planning Board, Board of Adjustment, County Administration, or Board of Commissioners a petition for any rezoning of the same property or any petition for the same amendment to the Zoning Ordinance text shall be permitted only once within any one year period. The Onslow County Board of Commissioners, by 4/5ths affirmative vote of its total membership, may waive this restriction.

### **Section 402. Action By the Planning Board**

Every proposed text or map amendment shall be referred first to the Onslow County Planning Department then to the Onslow County Planning Board for its recommendation and report. The Planning Board shall hold a public meeting to consider the request.

The following policy guidelines shall be followed by the Planning Board concerning zoning amendments and no proposed zoning amendment will receive favorable recommendation unless:

- A. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.
- B. There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.
- C. There is convincing demonstration that all uses permitted under the proposed new district classification are appropriate for the area included in the proposed change.
- D. There is convincing demonstration that the character of the neighborhood will not be materially or adversely affected by any use permitted in the proposed change.
- E. The proposed change is in accord with the Onslow County Comprehensive Plan, and any other officially adopted plan.

The Planning Board shall render its decision on any proposed text or map amendment and transmit a written recommendation and report, including the reasons for its determinations, to the Board of County Commissioners for approval or denial.

### **Section 403. Public Hearing**

After the Planning Board has completed its review and made a recommendation of a proposed zoning amendment, or has had at least thirty (30) days after receiving it to do so, the Board of County Commissioners shall hold a public hearing on the proposed amendment at its next available regularly scheduled meeting for zoning hearings, allowing sufficient time for required notices.

#### **A. Notice**

Notice of the public hearing shall be published once a week for two (2) successive weeks in a newspaper of general circulation in the County, with the notice being first published not less than ten (10) nor more than twenty-five (25) days before the hearing date.

If the amendment would change the zoning classification or uses permitted on land within five (5) miles of the outer boundaries of a military base, written notice of the hearing shall be sent to the base commander by certified mail, return receipt requested, not less than ten (10) nor more than twenty-five (25) days before the hearing date.

Except as otherwise provided in this section, where an amendment to the zoning map is proposed, written notice of the hearing shall be sent by first class mail to the owners of the subject property and to the owners of any property located entirely or partially within 300 feet of the boundary of the subject property not less than ten (10) nor more than twenty-five (25) days before the hearing date. If the zoning map amendment directly affects more than 50 properties owned by a total of at least 50 different property owners and if each of the two published notices required in this section is not less than one half of a newspaper page in size, mailed notice is not required for those property owners residing in the area of general circulation of the newspaper which publishes the notices. For the

purposes of this section, property ownership and the residence and mailing address of property owners shall be determined using to the county tax listing. Notice of the hearing shall also be prominently posted on the subject property or an adjacent public street or highway right-of-way at least ten (10) days before the hearing date.

The above time periods for notices shall not include the day of publication or mailing, but shall include the hearing date.

### **B. Hearing**

At the public hearing, the Board of County Commissioners shall receive the amendment proposal and recommendation of the Planning Board, and hear presentations of additional comments, exhibits, and arguments pertaining to the proposal by County staff, the applicant, representatives of the Planning Board, and any other interested party. To avoid unnecessary delay, the Board's presiding officer may impose reasonable limitations on the number of persons heard and on the nature and length of their presentation. The Board may continue the hearing to a later meeting to accommodate additional comments, information, or speakers. If the Board continues the hearing to a named date, no further notice of the continued hearing is required.

### **Section 404. Action By the Board of County Commissioners**

Following the public hearing, the Board of Commissioners shall review the proposed zoning amendment, recommendations of the Planning Board, and other information and comments submitted or presented at the hearing, and shall approve the proposed amendment, deny the proposal, or approve a modified amendment that is within the scope of matters considered at the public hearing. Before completing its review and making its final decision, the Board may postpone its discussion and/or action to a later meeting, or refer the application to a committee or back to the staff and Planning Board for further consideration.

In deciding whether to approve or deny a proposed zoning amendment, the Board of County Commissioners shall consider, and adopt a statement describing, whether the proposed amendment is consistent with the Onslow County Comprehensive Plan. It shall also consider, and adopt a statement explaining, why the proposed amendment is reasonable and in the public interest.

### **Section 405. Withdrawal of the Application**

Any application submitted in accordance with the provisions of this Article for the purpose of amending the regulations or district boundaries established by this Ordinance may be withdrawn at any time. Any fees submitted as part of the Amendment process shall be forfeited.

### **Section 406. Actions Following Final Decision**

The Zoning Administrator shall file a copy of the Board of County Commissioners' final decision on a proposed zoning amendment in the Planning and Development Department. Where an amendment of the zoning map was proposed by petition, the Zoning Administrator shall send written notice of the decision to the petitioner. If the amendment was approved, the Zoning Administrator shall record the changes into this ordinance's text or onto official copies of the zoning map.

## **ARTICLE V. BOARD OF ADJUSTMENT**

### **Section 501. Board Established**

There is hereby established a Board of Adjustment consisting of 5 regular and 2 alternate members.

### **Section 502. Powers and Duties**

**502.1** The Board of Adjustment shall hear and decide the following:

1. Special Use Permits,
2. Requests for variances, and
3. Appeals of any final and binding order, requirement, or determination by the Zoning Administrator or the Zoning Administrator's authorized agent.

**502.2** The Board of Adjustment shall follow quasi-judicial procedures when deciding appeals, requests for variances, and Special Use Permits.

### **Section 503. Appointment of Members**

**503.1** The Board of County Commissioners shall appoint all members of the Board of Adjustment.

**503.2** New members shall be appointed for a term of 3 years but may be appointed for a shorter period in order to stagger terms as provided herein.

**503.3** Terms must be staggered so that no more than 50 percent of the members' terms expire during any one year.

**503.4** Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members.

### **Section 504. Organization**

**504.1** The Board of Adjustment shall adopt rules of procedure for the conduct of its business, consistent with State law and the provisions of this ordinance. Such rules shall at a minimum provide for the selection of officers of the Board of Adjustment and establish procedures for the conduct of public hearings and voting.

**504.2** The Board of Adjustment shall elect one of its members as Chair and another as Vice-Chair on an annual basis and may appoint a Secretary and such other subordinates as necessary.

**504.3** The Zoning Administrator shall appoint a recording secretary to serve the Board of Adjustment. The secretary shall keep minutes to summarize all Board proceedings.

**504.4** Each alternate member serving on behalf of any regular member has all the powers and duties of a regular member; otherwise, alternate members shall not participate in deliberations or decisions, serve as officers, or be counted for voting purposes.

**504.5** Meetings of the Board of Adjustment shall be held at the call of the Chair and at such other times as the Board may determine.

## **Section 505. Quasi-Judicial Hearings**

### **505.1 Applicability**

Hearings for the following are considered quasi-judicial and must comply with the requirements in this section:

1. Special Use Permits,
2. Requests for variances, and
3. Appeals of any final and binding order, requirement, or determination by the Zoning Administrator or the Zoning Administrator's authorized agent.

### **505.2 Notice**

#### ***A. Mailed Notice***

Notice of any hearing conducted pursuant to this section shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and, for a Special Use Permit, to the owners of parcels of land located entirely or partially within 1,000 feet of the boundary of the parcel of land that is the subject of the hearing. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing.

#### ***B. Posted Notice***

Notice of any hearing conducted pursuant to this section shall be prominently posted on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. The notice must be posted at least 10 days, but not more than 25 days, prior to the date of the hearing and may be removed after the date of the hearing.

### **505.3 Hearing**

#### ***A. Quasi-judicial Proceedings***

It is not intended that quasi-judicial proceedings before the Board of Adjustment be conducted as formally as those before courts. Nevertheless, the Board shall take reasonable measures during the hearing to insure that decorum is maintained and an orderly process is followed in order to secure competent, material, and substantial evidence and to assure fairness to all interested parties.

#### ***B. Disqualification of Member***

A member of the Board of Adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change; undisclosed ex parte communications; a close familial, business, or other associational relationship with an affected person; or a financial

interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall vote on the objection.

***C. Administering Oaths***

The Chair of the Board of Adjustment or any member acting as chair and the Secretary to the Board of Adjustment are authorized to administer oaths to witnesses in any matter coming before the board.

***D. Subpoenas***

The Board of Adjustment through its Chair, or in the Chair's absence anyone acting as chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under G.S. 160A-393(d) may make a written request to the Chair of the Board of Adjustment explaining why it is necessary for certain witnesses or evidence to be compelled. The Chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The Chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the Chair may be appealed to the full Board of Adjustment. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board of Adjustment or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

**505.4 Decision**

- A. The Board of Adjustment shall determine contested facts and make its decision within a reasonable time.
- B. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record.
- C. The concurring vote of four-fifths of the Board of Adjustment shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered in the calculation of the requisite majority.
- D. Each quasi-judicial decision shall be provided in writing and shall state the Board of Adjustment's findings of fact, the application of applicable standards based on the Board's findings of fact, and any required conclusions in support of the Board's decision. The written decision shall be signed by the Chairman of the Board of Adjustment or other duly authorized member of the board.
- E. A quasi-judicial decision is effective upon filing the written decision with the Secretary to the Board of Adjustment.
- F. The Secretary to the Board of Adjustment shall deliver the decision of the Board by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy prior to the date the decision becomes effective and shall certify that proper notice has been made.

**505.5 Appeal from Board Decision**

Every quasi-judicial decision shall be subject to review by the Superior Court by proceedings in the nature of certiorari pursuant to G.S. 160A-393. A petition for review shall be filed with the Clerk of Superior Court by the later of 30 days after the decision is effective or after a written copy thereof is given pursuant to this Section. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

## **Section 506. Appeals from Administrative Decisions**

**506.1** The Board of Adjustment shall hear and decide appeals of any final and binding order, requirement, or determination by the Zoning Administrator or the Zoning Administrator's authorized agent pursuant to the requirements of this Section.

### **506.2 Notice of Decision**

The Zoning Administrator shall give written notice of each final, binding decision to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.

### **506.3 Notice of Appeal**

A. The owner or other party shall have 30 days from receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.

B. Any person who has standing under G.S. 160A-393(d) or the county may appeal a decision to the Board of Adjustment.

C. An appeal is taken by filing a notice of appeal with the County Clerk. The notice of appeal shall state the grounds for the appeal.

### **506.4 Transmittal of Record**

A. The County Clerk shall transmit a copy of the notice of appeal upon receipt to the Zoning Administrator.

B. Upon receipt of the copy of the notice of appeal, the Zoning Administrator shall transmit to the Board of Adjustment all documents and exhibits constituting the record upon which the action appealed from is taken and shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.

### **506.5 Stay of Enforcement**

A. An appeal of a Notice of Violation or other enforcement order stays enforcement of the action appealed unless the Zoning Administrator certifies to the Board of Adjustment, after notice of appeal has been filed, that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, or a stay would seriously interfere with enforcement of the ordinance. In such cases, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court.

B. Appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the Board of Adjustment may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.

### **506.6 Hearing**

A. If enforcement proceedings are not stayed, the appellant may file with the Zoning Administrator a request for an expedited hearing of the appeal, and the Board of Adjustment shall meet to hear the appeal within 15 days after such a request is filed; otherwise, the Board shall hear and decide the appeal within a reasonable time.

B. The hearing shall conform to the requirements for quasi-judicial hearings contained in Section 505 of this Ordinance.

C. When hearing an appeal pursuant to G.S. 160A-400.9(e) or any other appeal in the nature of certiorari, the hearing shall be based on the record and the scope of review shall be as provided in G.S. 160A-393(k).

D. The official who made the decision from which the appeal arises shall be present at the hearing as a witness.

E. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the county would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the Board shall continue the hearing.

### **506.7 Board Action**

A. After concluding the hearing, the Board of Adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. In so doing, the Board shall have all the powers of the official who made the decision.

B. The Board of Adjustment shall comply with all requirements set forth in Section 505 of this Ordinance in making, documenting, filing, and delivering its decision.

## **Section 507. Variances**

**507.1** The Board of Adjustment shall hear and decide petitions for variances from the terms of this Ordinance or the Subdivision Ordinance pursuant to the requirements in this Section. No change in permitted uses may be authorized by variance.

### **507.2 Petition**

A. The party seeking a variance shall submit a written petition for a variance to the Secretary to the Board of Adjustment.

B. Each petition for a variance shall include a site plan prepared as required for a Special Use Permit pursuant to Section 1309 of this Ordinance.

### **507.3 Hearing**

- A. The Board of Adjustment shall hear and decide on the petition within a reasonable time.
- B. The hearing shall conform to the requirements for quasi-judicial hearings contained in Section 505 of this Ordinance.

### **507.4 Board Action**

A. When unnecessary hardships would result from carrying out the strict letter of this Ordinance or the Subdivision Ordinance, the Board of Adjustment shall vary any of the provisions of the ordinances upon a showing of all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

B. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

C. The Board of Adjustment shall comply with all requirements set forth in Section 505 of this Ordinance in making, documenting, filing, and delivering its decision.

D. If the Board of Adjustment determines, after receiving evidence from the Zoning Administrator or the Zoning Administrator's authorized agent and after providing reasonable opportunity for all interested parties to submit evidence on the matter, that a substantial violation of a variance condition has occurred, the Board of Adjustment may revoke the variance.

## **ARTICLE VI. GENERAL PROVISIONS**

### **Section 601. Zoning Affects All Land and Every Building and Use**

No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered except in conformity with the regulations herein specified for the district in which it is located.

### **Section 602. Applicability to Incorporated and Extraterritorial Areas**

The provisions of the Ordinance are not applicable in the incorporated areas of Holly Ridge, Jacksonville, North Topsail Beach, Richlands, Surf City, Swansboro, or in the established extraterritorial jurisdictions of these municipalities.

### **Section 603. Street Access**

No building shall be erected on a lot which does not abut a public street or private street, or have access to a public street or private street, by a written or otherwise enforceable easement or agreement, provided that in a business district or in a planned project in a residential district, a building may be erected adjoining a parking area or other dedicated open space which has access to a street used in common with other lots.

### **Section 604. Relationship of Building to Lot**

Except in the case of a specially designed complex of institutional, residential, commercial, or industrial buildings in an appropriate zoning district and except as allowed pursuant to Section 901.2, every building hereafter erected, moved, repaired or structurally altered shall be located on a lot and in no case shall there be more than one (1) principal building on a lot, except that in the Rural Agricultural District two (2) permitted uses may exist on a zoning lot (parcel), providing that one (1) of the uses is a residential structure inhabited by the property owner or operator of the other use.

### **Section 605. Reduction of Lot and Yard Areas Prohibited**

No yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein, except for street widening or the construction of public utilities and sidewalks. Yards or lots created after the effective date of this Ordinance shall meet the minimum requirements established by this Ordinance except for Planned Residential Developments approved in the subdivision review process by the Onslow County Planning Board.

## **ARTICLE VII. ESTABLISHMENT AND INTENT OF DISTRICTS AND BOUNDARIES**

### **Section 701. General Use Zoning Districts Established**

For purposes of this Ordinance, the County of Onslow is hereby divided into zoning districts with designations as listed below:

RA Rural Agricultural

R-90 Residential District

R-30M Residential District R-

20 Residential District

R-15 Residential District R-

10 Multi-family District

- R-8M Mobile Home District R-
- 5 Multi-family District
- HB Highway Business District
- CB Community Business District
- O-I Office and Institutional District H-
- IN Heavy Industrial District
- L-IN Light Industrial District
- CON Conservation District
- MR Military Reservation District

### **Section 702. District Boundaries Shown on Zoning Map**

The boundaries of the districts are shown and made a part of the map accompanying this Ordinance, entitled “Zoning Map of Onslow County, North Carolina.” The Zoning Map and all notations, references, and amendments thereto, and other information shown thereon are hereby made part of this Ordinance the same as if such information set forth on the map were fully described and set out herein. The Zoning Map is posted at the Onslow County Planning Department and is available for inspection and review by the public.

### **Section 703. Rules Governing Interpretation of District Boundaries**

**703.1** Where uncertainty exists as to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

- A. Where such district boundaries are indicated as approximately following street or highway lines, such lines shall be construed to be such boundaries;
- B. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.

**703.2** Where district boundaries are so indicated that they are approximately parallel to the centerline of streets or highways, or the rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the zoning map;

**703.3** In case any further uncertainty exists, the Zoning Administrator shall initially interpret the intent of the map as to location of such boundaries.

### **Section 704. Intent of Zoning Districts**

Listed below is the intent of each zoning district. Each district was formulated using goals and recommendations from the Onslow County Land Use Plan and the Onslow County Citizens Comprehensive Plan. See Article XIX for the Table of Uses for permitted, special and special requirements uses for each district.

**704.1 Rural Agriculture**

The purpose of this district is to maintain a rural development pattern where low density single-family, multi-family, modular, on frame modular and manufactured homes are intermingled with agricultural uses. This district is also designed to protect rural areas from the intrusion of non-agricultural land uses that could create a nuisance, detract from the quality of life, and/or present a danger to the natural environment.

**704.2 90 Residential District**

The purpose of this district is to stabilize established and/or planned single-family residential neighborhoods by providing a place for low density stick-built homes, modular homes and recreational uses.

**704.3 30M Residential District**

The purpose of this district is to stabilize established and planned single-family residential neighborhoods by providing a place for low density stick-built homes, modular homes and recreational uses to be protected from undesirable future development and residential developments.

**704.4 20 Residential District**

The purpose of this district is to stabilize established and planned single-family residential neighborhoods by providing a place for low density stick-built homes, modular homes and recreational uses, to be protected from undesirable future development and residential developments.

**704.5 15 Residential District**

The purpose of this district is to stabilize established and planned single-family residential neighborhoods by providing a place for medium density stick-built and modular homes.

**704.6 10 Residential District**

The purpose of this district is to stabilize established and planned single-family and multi-family residential neighborhoods by providing a place for medium density stick-built and modular homes.

**704.7 8M Residential District**

The purpose of this district is to stabilize established and planned single-family residential neighborhoods by providing a place for mobile-home parks, mobile-home subdivisions and small multi-family developments.

**704.8 5 Residential District**

The purpose of this district is to stabilize established and planned high-density multi-family residential neighborhoods by providing a place for apartments, townhouses, and duplexes.

**704.9 HB Highway Business**

The purpose of this district is to accommodate the development of retail, service and related businesses abutting major roadways throughout the county that cater to the traveling public.

**704.10 CB Community Business**

The purpose of this district is to accommodate retail, service, and related businesses that cater to the immediate community. Community business districts should typically be located at the intersection of collector and arterial roads. These sites shall have access to collector and arterial roads.

**704.11 O-I Office and Institutional District**

The purpose of this district is to provide for a mixture of employment and/or institutional uses of varying types. The district may include office, governmental facilities, warehousing, distribution, institutional and limited retail and service uses in an attractive campus or corporate park setting. It is not intended that this district be used to accommodate residential uses.

**704.12 H-IN Heavy Industrial District**

The purpose of this district is to provide locations for heavy industrial and /or manufacturing, processing, and assembly uses and to protect adjacent rural/residential areas from such land uses.

**704.13 L-IN Light Industrial District**

The purpose of this district is to provide locations for light industrial and/or manufacturing, processing, and assembly uses and to protect adjacent rural/residential areas from such land uses.

**704.14 CON Conservation District**

The purpose of this district is to preserve certain land and/or water areas that serve as wildlife refuges, possess natural beauty, are utilized for outdoor recreation purposes, provide needed open space, and are environmentally sensitive. Flood plains, coastal waters, wetlands and areas of environmental concern may be included in this district. Intensive use of this land for residential, commercial, or industrial purposes will not be permitted.

**704.15 MR Military Reservation District**

The purpose of this district is to accommodate the military installations under federal authority within the planning jurisdiction of Onslow County. It is the intent of Onslow County to limit the activities occurring on military/federal property to those activities that are conducted by the military. In the event that property is abandoned, sold or otherwise becomes private, the new property owner shall apply for a rezoning to accommodate the proposed use.

**704.16 Conditional Districts**

The purpose of these districts is to allow the development and use of property subject to standards, regulations, or other conditions imposed as part of a legislative decision creating the district and applying it to a particular property.

**704.17 Overlay Districts**

The County reserves the right to adopt overlay districts to achieve zoning purposes consistent with this ordinance and the Onslow County Comprehensive Plan.

**Section 705. Group Developments**

**705.1 Purpose**

The purpose of promulgating standards for group developments is to promote orderly development where two (2) or more structures or uses are to be constructed on a single parcel, or group of parcels. The Zoning Administrator must approve a plan before construction shall begin. Group developments shall comply with this Article, as well as any other applicable requirements in this Ordinance. The Zoning Administrator has authority to require group developments involving two or more parcels to be filed in accordance with the provisions of the Subdivisions Ordinance.

### **705.2 Development Plan**

A development plan shall be submitted with the application and fees as set in the Planning and Development Department plan and supplemental policies. The development plan must be scaled, prepared and certified by a professional surveyor and/or professional engineer.

The plan shall include the following;

- a. Location, arrangement, and dimensions of parking spaces, width of aisles, width of bays, and parking angle;
- b. Location and dimensions of the properties subject to the plan;
- c. Location, arrangement, and dimensions of loading and unloading areas;
- d. Location and dimensions of ingress and egress points, all interior streets and all shared driveways and parking lots;
- e. General drainage systems;
- f. Location and material of fences, walls;
- g. Ground cover, topography, slopes, banks, and ditches;
- h. Location and general exterior dimensions of all buildings and accessory structures;
- i. Location of all buffers and planting areas;
- j. The plans for proposed sanitary sewers, storm sewers, wells or water distribution lines, to include the location of any shared or outlying drain fields/wastewater systems, and;
- k. Location of access and utility easements to be reserved and dedicated in support of any adjoining properties that do not possess a public right of way to a public street;
- l. Approval of Sedimentation and Erosion Control Plan and Storm Water Plan from NCDENR, if applicable;
- m. Plans for waste and refuse disposal equipment and method of disposal such as compactors, or dumpsters;
- n. Delineation of areas to be constructed in phases and sequential order and;
- o. Location of property reserved and dedicated to public use.

### **705.3 Plan Review**

The Zoning Administrator may distribute plans to NCDOT, Code Enforcement, Utilities, Fire Marshal, County Attorney, and other agencies as deemed appropriate for their review and comment.

### **Section 706 Manufactured Home Parks**

All manufactured home parks shall comply with the requirements of the Onslow County Manufactured Home and Manufactured Home Park Ordinance, as amended.

### **Section 707 Multi-Family Development (includes apartments, condominiums, duplexes, and townhouses)**

**707.1** Minimum density requirements shall not exceed those permitted for the zoning districts and shall not exceed ten (10) units per acre if access to public water and sewer systems is available.

**707.2** A minimum of fifteen percent (15%) of the gross acreage shall be open space.

**707.3** Any group of buildings forming a courtyard shall reserve at least twenty-five percent (25%) of the perimeter of such courtyard open for access by emergency vehicles.

**707.4** Buffers shall be installed meeting the requirements of this ordinance.

**707.5** A plan for solid waste storage, collection and disposal shall comply with the Solid Waste Ordinance.

**707.6** Upkeep and maintenance of the common open space, or any shared or outlying drain fields/wastewater systems as shown on the approved development plan, must be identified by one of the following methods for the purpose of upkeep and maintenance:

- a. By leasing or conveying title to a corporation, homeowner's association, or other legal entity; and
- b. if units are rented, the property owner or management firm.

**707.7** Identification of access and utility easements to be reserved and dedicated to allow future development of adjoining properties that do not possess a public right of way to a public street.

**707.8** A copy of the maintenance agreement must be submitted with the development plan.

### **Section 708. Shopping Centers**

**708.1** Minimum lot size of two (2) acres.

**708.2** Buildings and accessory structures shall be located a minimum of fifty (50) feet from any street right-of-way and thirty (30) feet from any side or rear property lines.

**708.3** Buffers shall be installed meeting the requirements of this ordinance.

**708.4** A plan for solid waste storage, collection, and disposal, shall comply with the Solid Waste Ordinance.

**708.5** The total ground cover of all principal buildings and all accessory structures shall not exceed thirty (30%) percent of the total site.

**708.6** Ten percent (10%) of all parking areas shall be comprised of landscaped areas distributed throughout the parking area.

**708.7** Engineered storm water plan.

**708.8** Identification of access and utility easements to be reserved and dedicated to allow future development of adjoining properties that do not possess a public right of way to a public street.

### **Section 709. Mini-warehousing**

**709.1** Buildings and accessory structures shall be located a minimum of fifty (50) feet from highways and thoroughfares and thirty (30) feet from any other side or service roads.

**709.2** Buildings and accessory structures shall be located no closer than twenty (20) feet from one another, providing adequate access for loading, unloading, ingress and egress.

**709.3** The total ground cover of all principal buildings and all accessory structures shall not exceed seventy percent (70%) of the total site.

### **Section 710. Overlay Districts**

#### **Section 710.1. US 17 Thoroughfare Overlay District (TOD)**

**A. Purpose**

The purpose of the US-17 Thoroughfare Overlay District (TOD) is to maintain an attractive aesthetic appearance along prominent highway corridors in the county through the regulation of incompatible land uses. These standards, when applied, are intended to assist with defining new development along this corridor.

**B. District Boundaries and Applicability**

The location of the US-17 TOD is shown on the Official Zoning Map for Onslow County. The US-17 TOD includes properties (or portions of properties) along both sides of US-17 rights-of-way to a maximum depth of 300 feet. The district is measured perpendicular to the existing road right-of-way.

**C. Certain Uses and Activities Prohibited**

Within the US-17 TOD, the following uses and activities shall be prohibited:

1. Junkyards, Salvage Yards, and similar uses
2. Outdoor storage of inoperable motor vehicles, boats, construction equipment and similar items within 300 feet of the right-of-way.
3. Outdoor storage or display of items held or offered for sale which are designed or intended for indoor use, such as furniture or appliances.
4. Outdoor storage of construction materials or debris within 200 feet of the right-of-way.

## 701.2 Flight Path Overlay District

### *A. Purpose*

The main purpose of this district is to ensure the compatibility between air operations associated with Marine Corps Base Camp Lejeune and Marine Corps Air Station New River and land uses on properties near these military bases, in terms of potential interference with safe aircraft operations, potential threats from falling aircraft, and potential impacts of aircraft noise.

### *B. Establishment*

The Flight Path Overlay District (FPOD) is hereby established as a district that overlays land within and immediately adjacent to designated flight paths towards fixed-wing landing areas and around helicopter landing areas within Marine Corps Base Camp Lejeune and Marine Corps Air Station New River, as delineated on the Onslow county Zoning Map.

### *C. Special Uses*

To the extent that any of the following uses are permitted by the underlying zoning district, they shall be permitted in the Flight Path Overlay District only with a Special Use Permit approved under Article XIII and subject to the additional standards of this subparagraph:

1. Sanitary landfills.

This use - which potentially involves significant attraction of birds - shall be allowed only if its size, location, design, and operations are such that the potential impact of interference with overhead aircraft due to the flocks of birds attracted to the landfill is not substantial.

2. Colleges, schools, child care centers with more than 30 children, hospitals, nursing homes, libraries, churches or assembly halls seating more than 150 people, spectator-oriented sports complexes or stadiums, fairgrounds, racetracks, theaters, auditoriums, hotels and motels with 3 or more stories, and shopping centers with more than 500,000 square feet of floor area.

These uses - which potentially involve high concentrations of people and/or activities particularly vulnerable to sensitive to noise - shall be allowed only if their size, location, design, and operations are such that the potential loss of life and injury due to falling aircraft and/or the potential adverse impacts on normal activities from noise created by overhead aircraft are not substantial.

3. Mining and quarrying, fertilizer manufacturing and storage, concrete products production, and asphalt products manufacturing.

These uses - which potentially involve significant airborne emissions of dust - shall be allowed only if their size, location, design, and operations are such that the potential impairment of pilot visibility for overhead aircraft due to the emission of dust is not substantial.

4. Chemical manufacturing, fertilizer manufacturing and storage, plastic products manufacturing, pharmaceuticals manufacturing, asphalt products manufacturing, refineries, aboveground bulk storage of oil and gasoline, or other similar use that is subject to the accidental release prevention requirements in 40 CFR part 68.

These uses - which potentially involve use and/or storage of significant amounts of materials that are

highly explosive, flammable, toxic, corrosive, or otherwise hazardous - shall be allowed only if their size, location, design, and operations are such that the potential loss of life and injury due to the impacts of falling aircraft is not substantial.

***D. Prohibited Uses, Development, Activities***

Any use, development, or activity is prohibited if it:

1. Produces smoke, dust, or other airborne substances in such amounts as to impair pilot visibility or otherwise interfere with the safe operation of overhead aircraft;
2. Produces light emissions - either direct or indirect (reflective) - of such intensity and directed in such directions as to impair pilot visibility or otherwise interfere with the safe operation of overhead aircraft; or
3. Produces electronic emissions that interfere with navigation signals or radio communications between aircraft and landing control facilities or with the aircraft's navigational or communication equipment.

***E. Height Limits***

Irrespective of building height limits in the underlying zoning districts, no structure within the Flight Path Overlay District shall have a height of more than one hundred (100) feet.

**Section 711. Conditional Zoning**

**711.1 Purpose**

Conditional zoning districts are zoning districts in which the development and use of a property is subject to regulations and conditions that are imposed as part of the legislative decision creating the district and applying it to the property. The reclassification of a property into a conditional zoning district attaches specific regulations and conditions to a proposed development to ensure its compatibility with the use and enjoyment of surrounding properties and with officially adopted county plans. The review and approval process established in this section affords a degree of certainty in land use decisions not possible when rezoning to a general use district.

**711.2 Conditional Zoning Districts**

A. Any number of conditional zoning districts may be created as parallel districts for each of the general zoning districts enumerated in this Ordinance. The Zoning Administrator, in consultation with the applicant, shall determine the parallel zoning district for each conditional zoning district based on the predominant uses and intensities proposed and consistent with the Comprehensive Plan. Each conditional zoning district shall be designated on zoning maps and other official documents by combining the designation of its parallel zoning district with the suffix, "(CZ)", e.g. RA(CZ). Where a Planned Unit Development is divided into sections having different sets of permitted uses and/or different densities, the conditional zoning district for the Planned Unit Development shall be designated "PUD(CZ)" on zoning maps and other official documents.

B. Individual conditional zoning districts may be created and applied to specific properties through the adoption of conditional zoning ordinances by the Board of Commissioners. The conditions agreed upon pursuant to the approval of conditional zoning shall be stated in each conditional zoning ordinance. Except as explicitly modified in the conditional zoning ordinance, the dimensional standards and

requirements of each conditional zoning district shall be those of the parallel general use district. For a Planned Unit Development that is divided into sections having different sets of allowed uses and/or different densities, the dimensional standards and requirements for each section shall be stated or referenced on the site plan. No uses shall be permitted in a conditional zoning district except those enumerated in the conditional zoning ordinance.

### **711.3 Pre-Application Meetings**

A. Applicants may request a pre-application meeting with the Zoning Administrator prior to submission of an application for conditional zoning to discuss procedural and substantive matters related to the proposed application.

B. The applicant may hold one or more community meetings with surrounding property owners and other interested parties and organizations prior to any hearing before the Planning board on an application for conditional zoning. A report of such meetings may be included in the application.

### **711.4 Application Materials and Submittal**

A. Only the owner(s) of all the property to be included in the district shall be eligible to apply for rezoning to a conditional zoning district. Where an application is made by an agent other than an attorney, the application shall include a written agreement signed by all property owners designating the agent as the owner's representative with binding authority.

B. The owner(s) shall submit an application that specifies all uses of the property and shall propose additional regulations to ensure compatibility between the development and the surrounding neighborhood. The application shall include a site plan prepared by a licensed land surveyor or engineer. The site plan shall be of a scale no smaller than 1 inch = 100 feet and shall include the following:

1. The names and addresses of the owner(s), tax parcel identification numbers and existing land uses of all adjoining properties.
2. A boundary survey and vicinity map showing the total acreage and current zoning classification of the property, the zoning classification of adjacent properties, and the general location of the property in relation to major streets.
3. Existing easements, reservations, dedications, or rights-of-way.
4. Approximate location of proposed buildings, structures, streets, and access points to the public road system.
5. Approximate dimensions, including height, of proposed commercial or industrial buildings.
6. Proposed use of all land and structures, including the maximum number of residential units and the total square footage of any nonresidential development.
7. All yards, buffers, screening, and landscaping proposed by the developer or required by ordinance.
8. Delineation of areas within the regulatory floodplain.

9. Proposed phasing, if any, and approximate completion time for each phase of the project.
10. The location of existing and proposed storm drainage patterns and facilities intended to serve the proposed development.
11. Approximate location of all existing and proposed infrastructure on the site, including water, sewer, and gas.
12. Generalized traffic, parking, and circulation plans.
13. Plans for the treatment of wastewater to include the approximate location of any wastewater treatment plants/facilities.

C. In the course of evaluating the proposed use, the Planning Board or Board of County Commissioners may request additional information from the applicant. A request for such additional information shall stay until a date certain established by the Board any further consideration of the application by the Planning Board or Board of County Commissioners. This information may include (but not be limited to) the following:

1. Storm water management and drainage plan.
2. Existing and proposed topography at contour intervals of five feet or less.
3. Locations of existing and proposed water and sewer lines, wastewater treatment facilities, and fire hydrants intended to serve the proposed development.
4. Proposed sign types and locations.
5. Scale of buildings relative to abutting property.
6. Proposed maximum allowable height of structures.
7. Exterior features of proposed development.
8. Description and copies of proposed deed restrictions to be placed on the property.
9. Any other information reasonably needed to consider the application in reference to these regulations.

D. No application shall be considered unless it contains or is accompanied by all items listed in Section 711.4(B) (and as may be required in Section 711.4(C)), the number of site plan copies as may be established by the Zoning Administrator, and a fee in accordance with a fee schedule approved by the Board of Commissioners for the submittal of a conditional zoning application.

### **711.5 Application Review and Ordinance Adoption**

Applications for conditional zoning shall be processed, considered, and voted upon using the same procedures and in accordance with the same requirements as those established in Article IV of this Ordinance for zoning map and zoning text amendments, subject to the following:

1. The application and supporting materials shall be reviewed by the technical review committee in accordance with its procedures for reviewing rezoning applications prior to the meeting of the Planning Board at which the application is to be considered. The recommendations and comments of the technical review committee shall be reported to the Planning Board.
2. The Board of Commissioners' consideration of an application for conditional zoning is legislative in nature, and the Board may consider any relevant information in its deliberations, including, but not limited to, the following:
  - a. Whether the proposed reclassification is consistent with the purposes, goals, objectives, and policies of plans for the development of the County as adopted by the Board of Commissioners.
  - b. Whether the proposed reclassification is compatible with the overall character of existing development in the immediate vicinity of the subject property.
  - c. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, emergency services, schools, storm water drainage systems, water supplies, waste water treatment systems, and garbage services.
  - d. Whether the proposed reclassification will adversely affect a known environmental, historical, or cultural resource.
  - e. The design of the proposed district in reference to the minimization of adverse effects, including visual impact of the proposed use(s) on adjacent lands and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, vibration, and other potential nuisances.
3. During the consideration of a conditional zoning ordinance, specific conditions may be proposed by the petitioner, the Board of Commissioners, the Planning Board, or county staff. Where the Board of Commissioners proposes specific conditions to be attached to the approval of an application, the applicant shall have a reasonable opportunity to consider and respond to such conditions prior to final action by the Board of Commissioners. Only those conditions mutually approved by the Board of Commissioners and the applicant may be incorporated into the conditional zoning ordinance. Conditions and site-specific standards imposed in a conditional zoning district shall be limited to those that address the conformance of the development and use of the site to county ordinances and officially adopted county plans and those that address the impacts reasonably expected to be generated by the development or use of the site.
4. Every conditional zoning ordinance shall specify the types of amendments to the ordinance that will be considered minor amendments. Minor amendments may not (i) alter the basic relationship of the proposed development to adjacent property, (ii) alter the uses permitted or

increase the density or intensity of development, or (iii) decrease the buffers or set-backs at the periphery of the property.

5. Specific findings of the Board of Commissioners are not required for action on an application for conditional zoning.

6. The owner(s) may withdraw the application at any time prior to approval by the Board of Commissioners.

7. Upon adoption of a conditional zoning ordinance, the official zoning map of Onslow County shall be amended to add the conditional zoning district. The Director of Planning and Development shall maintain a file for conditional zoning ordinances, and each conditional zoning ordinance, together with supporting documents and subsequent amendments, shall be filed therein. Failure to comply with this provision shall not render the ordinance invalid.

#### **711.6 Scope, Enforcement and Amendment**

A. A conditional zoning ordinance adopted as provided herein shall be considered an amendment of this Ordinance and shall be perpetually binding upon the affected property unless subsequently changed or amended as provided for in this Section.

B. The adoption of a conditional zoning ordinance does not necessarily preclude the application or enforcement of other county ordinance, to include with particularity the Subdivision Ordinance.

C. The adoption of a conditional zoning ordinance is a legislative process, subject to judicial review using the same procedures and standard of review as apply to the legislative process generally. If for any reason any provision of a conditional zoning ordinance is found to be illegal or invalid, or if the applicant should fail to accept any condition, the entire ordinance shall be null and void, and the property shall revert to its previous zoning classification without further action by the Board of Commissioners.

D. Any violation of a provision of a conditional zoning ordinance shall be treated the same as any other violation of this Ordinance and shall be subject to the same remedies and penalties as any such violation.

E. All changes to a conditional zoning ordinance shall be treated as amendments subject to the requirements of Article IV of this Ordinance except for changes meeting the specifications for minor amendments in the conditional zoning ordinance. Minor amendments may be made with the written approval of the Zoning Administrator, in which case a copy of the written approval shall be physically affixed to the conditional zoning ordinance filed by the Director of Planning and Development.

#### **711.7 Progress Review**

It is intended that the property shall be reclassified to a conditional zoning district only in light of firm plans to develop the property. Therefore, subject to any vested right in favor of the property owner and no sooner than 3 years after the date of adoption of the conditional zoning ordinance (or other date if established by a prior condition), the Planning Board may examine the progress made toward developing the property in accordance with the adopted conditional zoning ordinance. If the Planning Board determines that reasonable progress has not been made toward developing the property in accordance with the adopted conditional zoning ordinance, the Planning Board shall forward a report to

the Board of Commissioners with recommendations that may include that the property be rezoned upon petition by the County. Any petition by County to rezone the property shall be made in accordance with the processes and procedures for rezoning property contained in this Ordinance.

## **ARTICLE VIII. WIRELESS COMMUNICATION TOWERS**

All wireless communication towers shall meet the requirements of the Onslow County Wireless Communication Tower Ordinance.

## **ARTICLE IX. SECONDARY, TEMPORARY AND ACCESSORY USES**

### **Section 901. Secondary Uses**

#### **901.1 Owner Occupied Exemption**

In the RA (Rural Agriculture) District a property owner may place up to two (2) manufactured homes as additional dwellings, to for rent, on a single parcel. The property owner shall reside on the parcel in question. The property shall have an overall density of one-half acre (or 20,000 square feet) per dwelling, or the density required by the Environmental Health Department, whichever is greater, for an additional septic system. Dwellings must comply with all applicable requirements of the RA district.

#### **901.2 Family Cluster Exemption**

In the RA (Rural Agriculture) District a property owner may have three (3) single-family dwellings, for occupancy by family members only and not for rent, on a single parcel. The property shall have a density of 20,000 square feet per dwelling, or the density required by the Environmental Health Department, whichever is greater, for additional septic systems. Dwellings must comply with all applicable requirements of the RA district.

In the R-8M District, a property owner may have two (2) single-family residential dwellings, for occupancy by family members only and not for rent, on a single parcel of one acre or more.

In the R-30M District, a property owner may have two (2) single-family residential dwellings, for occupancy by family members only and not for rent, on a single parcel of two acres or more.

#### **901.2.3 Special Use for Hardship**

In a zoning district where manufactured homes are permitted, an individual may petition the Planning Board to place a manufactured home as a temporary second dwelling on a single parcel that does not meet minimum lot size requirements. However, prior to issuance of a Special Use for Hardship, the Environmental Health Department must approve the additional septic system on the parcel in question. The Planning Board must renew Special Uses for hardship annually. If for any reason the conditions of the hardship cease to exist, the special use shall become null and void. Special Uses for Hardship are for temporary situations only and may be renewed twice for a maximum of 12 months for a total of 24 months from the date of the first renewal request.

A property owner, who wishes to utilize the Owner Occupied or the Family Cluster Exemptions, must submit a written request to the Department of Planning and Development. If an individual fails to

comply with the above requirements of the Owner Occupied Exemption, Family Cluster Exemption, or the Special Use for Hardship, their permit shall be revoked immediately.

## **Section 902. Temporary Uses**

Temporary use of a manufactured home or recreational vehicle as a residence shall be permitted in any residential district in cases where the permanent home has been destroyed through no fault of the owner or when the home is being replaced or repaired as part of a government housing project. A Temporary Occupancy Permit must be obtained from the Zoning Administrator before the use of the manufactured home is initiated or at the same time as the Building Permit is applied for in the case of construction of a new permanent home on the same lot. This Temporary Occupancy Permit shall be valid for a specified period of time not to exceed six (6) months while reconstruction or construction takes place and may be renewed once for an additional six (6) month period by the Zoning Administrator. Applicable certifications from the Planning Department must be obtained for new home construction at the same time a Temporary Occupancy Permit is granted.

### **902.1 Temporary Construction Office**

A temporary occupancy permit shall be obtained from the Zoning Administrator which shall be valid for up to twelve (12) months and can be renewed for an additional six months.

### **902.2 Temporary Staging Area**

A temporary permit shall be obtained from the Zoning Administrator which shall be valid for up to twelve (12) months and can be renewed annually for a period not to exceed four (4) years. The use is subject to the following special requirements:

- a. A site plan is required.
- b. Only construction material (not construction debris), equipment, and dumpsters will be placed on site.
- c. The use must meet the requirements of the Onslow County Solid Waste Ordinance.

**902.3 Anemometers and Meteorological Towers.** A temporary pole or tower erected to use an anemometer or other meteorological measuring devices to test the wind conditions on-site does not require approval of a Wind Energy Permit Application but may be permitted as a temporary use.

A temporary permit shall be obtained from the Zoning Administrator prior to installation or erection of Anemometers and/or Meteorological Towers, said permit shall be valid for a period not to exceed 24 months. Each Anemometer and/or Meteorological Tower shall comply with the dimensional requirements of Section 1406.33 and any other application ordinances. A copy of a FAA determination report as a result of filing the FAA Form 7460-1, Notice of Proposed Construction or Alteration of an Object that may Affect the Navigable Airspace, shall be submitted prior to submission of any building permits for such Anemometer and/or Meteorological Tower. The Anemometer and/or Meteorological Tower must be setback from all property liens, dwelling units, rights-of-way, and access easement by a distance that is equal to or greater than the structure's height. The Anemometer and/or Meteorological Tower may not have signs or illumination, except as required by the FAA or Department of Defense. The Anemometer and/or Meteorological Tower must be removed within two (2) years of the date that it is erected or

installed.

**902.4 Special Events (Commercial)**

- A. Events sponsored by a government entity or non-profit organization are excluded from these requirements.
- B. A zoning permit is required.
- C. All parking must be contained on the property or accommodated at an off-site location, and guests shall be shuttled to and from the event. At no time shall event parking be allowed in a public or private right-of-way, except where permanent individually marked parking spaces are located on the street.
- D. When the attendance at the event is expected to exceed 1,000 people and/or the duration of the event is expected to extend beyond 10 p.m., the Onslow County Sheriff's Department shall be notified at least 48 hours prior to the event, and the event shall comply with the Onslow County Code of Ordinances related to noise.
- E. When the attendance at the event is expected to exceed 1,000 people, the event sponsor shall provide crowd managers as outlined in the North Carolina Fire Code.
- F. All solid waste generated by the event shall be collected and stored on site in commercial grade containers and removed from the site within 48 hours of the conclusion of the event.
- G. Where permanent restroom facilities are not available or sufficient to meet demand, event organizers shall provide temporary restroom facilities based on the rated occupant load or expected attendance at the event in accordance with the standards of the NC Building Code.

**902.5 Special Events (Non-Commercial)**

- A. A zoning permit is required when the event is held by someone other than the owner-occupant.
- B. Special events held on residentially zoned properties shall be limited to four (4) occurrences per calendar year.
- C. No parking may be provided on the site other than within the permanently established parking area associated with the dwelling. The parking of vehicles for guests of the event shall be accommodated at an off-site location, other than within a public or private street right-of-way, and guests shall be shuttled to and from the event.
- D. The Onslow County Sheriff's Department shall be notified at least 48 hours prior to the event, and the event shall comply with the Onslow County Code of Ordinances related to noise.
- E. All solid waste generated by the event shall be containerized at a location on the site, and shall be removed within 24 hours of the conclusion of the event.

## **Section 903. Accessory Uses**

### **903.1 Accessory Use/Structure**

Accessory uses and accessory structures as defined in this Ordinance are permitted in all zoning districts except CON, subject to any additional limitations or requirements set forth in this Ordinance.

### **903.2 Accessory Apartment**

Accessory apartments are permitted as an accessory use to a dwelling only in the RA, R-90, R-30M, R-20, HB and CB zoning districts, subject to the following requirements:

- a. The square footage of the accessory apartment shall be limited to 60% of the square footage of the principle structure or 900 square feet, whichever is less.
- b. Manufactured homes cannot be used as accessory apartments.

A site plan of sufficient detail and accuracy to allow a determination of compliance with the above requirements must be submitted with the zoning permit application.

### **903.3 Home Occupation**

Home occupations are permitted as an accessory use to a dwelling in all zoning districts except IND-H, IND-L, and CON, subject to the following requirements:

- a. No display of products shall be visible from the street. (Not applicable in the Rural Agriculture (RA) district.)
- b. No mechanical equipment shall be installed or used that creates vibration, glare, fumes, odors, or electrical interference that is detectable off site.
- c. The square footage of floor area devoted to the home occupation (which may be located within the home and/or accessory buildings) shall not exceed forty percent (40%) of the livable square footage of the home, or one thousand (1,000) square feet, whichever is smaller.
- d. The home occupation may only employ residents of the dwelling and up to two (2) nonresident employees.
- e. Signage identifying the home occupation shall be limited to a single sign with no more than four (4) square feet of sign area.
- f. The home occupation shall generate no more than thirty (30) vehicle trips per day or a number of vehicle trips equal to five percent (5%) of the average daily traffic volume on the adjacent street, whichever is less, nor more than sixteen (16) vehicle trips during that hour of the day when the street's traffic volume is at its peak.
- g. Shipments and delivery of products, merchandise, or supplies shall be limited to the hours between 8:00 AM and 8:00 PM and shall occur only via trucks or smaller vehicles typically used to serve residential areas. In no case may any commercial vehicle or truck with a gross weight greater than thirteen (13) tons be used for shipments, deliveries, or service. The site shall be able to accommodate the on-site loading/unloading and maneuvering of trucks used for shipments, deliveries, or service.

h. Home occupation commercial fishing (including, but not limited to, oystering, shrimping, clamming, scalloping, net fishing, and crabbing) may include use of accessory structures (e.g., buildings used for crab shedding) and equipment (e.g., refrigerators) provided, however, that crab pots, fishing nets, coolers, and other items necessary to operate commercial fishing activities must be kept so as not to pose a health or safety risk in violation of the Onslow County Solid Waste Management Ordinance.

A site plan of sufficient detail and accuracy to allow a determination of compliance with the above requirements must be submitted with the zoning permit application.

#### **903.4 Horse Stable**

Horse stables are permitted as an accessory use to a dwelling in all zoning districts, subject to the following requirements:

- a. The lot shall have an area of at least one (1) acre.
- b. Each structure or fence shall comply with setback requirements in this Ordinance.

**903.5 Small Wind Energy Facility.** Small Wind Energy facilities are permitted as an accessory to a dwelling in all zoning districts subject to the following requirements:

- A. All components of a Small Wind Energy Facility attached to a home must not exceed 60 feet in height.
- B. All components of a freestanding Small Wind Energy Facility must not exceed 75 feet in height.
- C. All component of a freestanding Small Wind Energy Facility must be setback 1 foot for each foot in height from a property line. Additionally, all components of a freestanding Small Wind Energy Facility must be setback 1 foot for each foot in height from any dwelling unit on the same property. This setback is not required for waterfront property where the owner proposed to place all components of a Small Wind Energy Facility in a body of water or on a dock or pier if the applicant can demonstrate there will be no significant impact on abutting properties.

**ARTICLE X. DIMENSIONAL REQUIREMENTS**

**Section 1001. Dimensional Requirements Tables**

Residential and RA Zoning Districts (see Section 1002 for setback requirements for accessory structures)

Zoning District	Minimum Lot Area (feet <sup>2</sup> )	Minimum Lot Width (feet)	Minimum Setbacks (feet) for Principal Structures			Maximum Density (dwelling units/acre)
			Front	Side	Rear	
RA	20,000	60	25	8 *	15	
R-90	90,000	60	25	8 *	15	
R-30M	30,000	60	25	8 *	15	1
R-20	20,000	60	25	8 *	15	2
R-15	15,000	60	25	8 *	15	2
R-10	10,000	50	20	8 *	15	4
R-8M	8,000	50	20	8 *	15	8
R-5	5,000	50	20	8 *	15	10

\* Minimum side setback is 20 feet for side(s) of corner lot abutting street.

ARTICLE X. DIMENSIONAL REQUIREMENTS

Commercial, Industrial and Conservation Districts

Zoning District	Structure Type/Location	Minimum Setbacks (feet)		
		Front	Side	Rear
HB	principal structure	45	20	25
	side(s) of corner lot abutting street		25	
	side(s) abutting property zoned residential		25	
	accessory structure less than 1 story	<i>See Section 1002</i>		
	accessory structure greater than 1 story		15	15
CB	principal structure	45	15	25
	side(s) of corner lot abutting street		20	
	side(s) abutting property zoned residential		25	
	accessory structure less than 1 story	<i>See Section 1002</i>		
	accessory structure greater than 1 story		15	15
O-I*	principal structure	25	10	10
	side(s) of corner lot abutting street		20	
	side(s) abutting property zoned residential		35	
H-IN	principal structure	50	35	35
	accessory structure over 1,000 feet <sup>2</sup>		35	35
	accessory structure 1,000 feet <sup>2</sup> and under		15	15
L-IN	principal structure	50	30	30
	accessory structure over 1,000 feet <sup>2</sup>		30	30
	accessory structure 1,000 feet <sup>2</sup> and under		15	15
CON	principal or accessory structure			

\*Minimum setback requirements for accessory structures are in Section 1002.2(b).

## **Section 1002. Accessory Structures**

### **Residential Accessory Structure Location and Setbacks**

**A.** Detached residential accessory structures may not be constructed or placed in the front yard on lots smaller than two (2) acres in size. Carports may be allowed in the front yard as long as they meet the required principal structure front and side setback for their respective zoning district. This requirement may be waived for waterfront lots (adjoining a navigable waterway) through the issuance of a Special Use Permit.

**B.** Detached residential accessory structures may be constructed or placed in the front yard on residential lots two (2) acres or greater and on flag lots provided that they meet the required front and side setbacks for principal structures in the zoning district.

**C.** The minimum setback for residential accessory structures shall be five (5) feet from side and rear property lines for structures that are less than 400 square feet, with the exception of corner and double frontage lots, where the required setback shall be ten (10) feet from the right-of-way or access easement. The minimum setback for residential accessory structures shall be eight (8) feet from side and rear property lines for structures that are 400 square feet or more, with the exception of corner and double frontage lots, where the required front setback shall be fifteen (15) feet from the right-of-way or access easement.

**D.** The height of residential accessory structures shall not exceed the height limit of the applicable zoning district.

**E.** Manufactured homes may be set up as an accessory structure only in zoning districts that allow manufactured homes as a principal use. Recreational Vehicles (RV's), campers, and other personal property including but not limited to trailers, boats, and buses may not be used as accessory structures.

**F.** In the RA Zoning District, accessory structures shall have the same setbacks as in the Residential Zoning districts with the exception that they may be located in the front yard and a principal structure is not required. The setbacks for principal structures shall apply to all accessory structures in the front yard.

**G.** Accessory structures shall not be located within any recorded easements or rights-of-way.

### **Non-Residential Accessory Structure Location and Setbacks**

**A.** Accessory structures under 2,000 square feet shall be located at least 10 feet from the side and rear property lines.

**B.** Accessory structures 2,000 square feet or greater shall meet the setback requirements of the principal structure for its respective zoning district.

C. Manufactured homes may be set up as an accessory structure only in zoning districts that allow manufactured homes as a principal use. Recreational Vehicles (RV's), campers, and other personal property including but not limited to trailers, boats, and buses may not be used as accessory structures.

D. Accessory structures shall not be located within any recorded easements or rights-of-way.

### **Section 1003. Lot Size**

Minimum lot sizes are contingent upon the ability of the lot to support a septic system where public water and sewer systems are not available. Larger lot sizes may be required based on the applicant's private wastewater and soil requirements.

Lot sizes may be platted less than the minimum area required provided that the density for the entire tract does not exceed the number of dwelling units prescribed for that district and the lots are being created as a Planned Residential Development approved through the subdivision review process by the Onslow County Planning Board. In calculating the density allowed, street rights-of-way or access easements are to be excluded. Common areas shall be so designated and platted.

### **Section 1004. Lot Width**

Lot width shall be measured at the front setback line but does not apply to duplex, townhouse and other multi-family units where the lot line runs through a building as a party wall.

### **Section 1005. Setbacks**

All front setbacks shall be measured from the right-of-way line and/or access easement. The right-of-way line is determined by measuring from the center of the road to one-half of the width of the right-of-way. For example, if the street has a 60-foot right-of-way, the line will be 30 feet from the center of the road. In the case of a corner lot, the applicant shall designate on the plot plan the front and corner side yards irrespective of the orientation of the building or the location of the driveway.

In the L-Ind and H-Ind districts, buildings with an area of less than 10,000 square feet may have a minimum front setback of 50 feet.

All double frontage lots shall maintain a sight easement in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Lots whose rear property lines are established by reference to a mean high water mark shall comply with all appropriate state (CAMA) and Federal setback limitation required for such lots.

For single-family uses in the Community Business and Highway Business districts, the side and rear setbacks for both the principal and accessory structures shall be the same as the Residential 15 zoning district.

### **Section 1006. Additional Right-of-Way Setbacks**

Lots fronting on an existing or proposed Federal or State Highways as shown on the officially adopted transportation plan shall have a 50 foot setback from the right-of-way.

Lots fronting on an existing or proposed State maintained thoroughfare as shown on the officially adopted transportation plan shall have a 50 foot setback from the right-of-way.

Lots fronting on all other State maintained roads shall have a 40-foot setback from the right-of-way.

### **Section 1007. Building Height**

Buildings may be constructed to a height of forty-two (42) feet by right in all zoning districts.

In the Rural Agriculture (RA), all Residential and Community Business (CB) districts, buildings may be constructed to a height above forty-two (42) feet, but no higher than fifty (50) feet, providing that either:

- a. A 30-foot-wide unobstructed clearing is maintained around the building, or
- b. A sprinkler system is installed for the building.

In the Rural Agriculture (RA), all Residential and Community Business (CB) districts, buildings may be constructed to a height exceeding fifty (50) feet only pursuant to a Special Use Permit.

In the Highway Business (HB), Light Industrial (Ind-L) and Heavy Industrial (Ind-H), buildings may be constructed to a height of eighty-five (85) feet providing that adequate provisions for fire protection have been made.

Within 10,000 feet of any public airport, no structure shall exceed 100 feet in height. This limitation includes steeples, flagpoles, chimneys, antennas, towers and other structures generally exempted from height limits in Article XI, Section 1103. The area limited by this requirement shall be measured linearly from the nearest property line of the airport to the base of the structure.

### **Section 1008. Golden Acres Subdivision**

The Golden Acres Subdivision is located along Waterway Drive in the Sneads Ferry community and is recorded in Map Book 15 Page 75.

Minimum square footage requirements for Golden Acres Subdivision. All residential structures within the Golden Acres Subdivision shall contain no less than one thousand (1,000) square feet of heated space on the first floor.

Additional setback requirements for Golden Acres Subdivision. All structures shall be set back no less than fifty feet from the street right-of-way and no less than ten feet from all other property lines.

Rear setback lines, for waterfront lots along Waterway Drive, shall be measured from the street right-of-way line. The rear setback line shall be the average (measured in feet) of the rear building lines of the two closest existing principle structures located on each side of such lot. The intent of this requirement is to maintain uniform waterfront yards.

### **Section 1009. Exceptions and Modifications**

Yard modifications. Architectural features such as open or enclosed fire escapes, steps, outside stairways, balconies and similar features, air conditioner units and uncovered porches shall not project more than four (4) feet into any required yard setback. Sills, cornices, eaves, gutters, buttresses, ornamental features, and similar items may not project into any required yard setbacks more than thirty (30) inches.

Height limit exceptions. Church steeples, chimneys, belfries, water tanks or towers, fire towers, flag poles, spires, wireless and broadcasting towers, monuments, cupolas, domes, antennas (except satellite dish antennas), and similar structures and necessary mechanical appurtenances may be erected to any height, unless otherwise regulated.

Zero lot lines. Any planned development may make use of the zero lot concept, that is, no minimum lot size or yard requirements, provided that the total area of the planned development meets the minimum lot size in this district, that the planned development remains under single control through a property owner's association or similar means, and that minimum yards and buffers, as required in this district, are preserved around the entire perimeter of the planned development. When a planned development is a subdivision, it shall be approved as such through the requirement of the Subdivision Regulations.

### **Section 1010. Fences**

Electrical fences shall be protected if within three feet from a property lines and any electrical fence along privacy fences shall be located within the privacy fence. Bona fide farms are exempt from this requirement.

## **ARTICLE XI. EXCEPTIONS AND MODIFICATIONS**

The dimensional requirements of this Ordinance shall be adhered to in all respects except that under the specified conditions as outlined in this Ordinance the requirements may be waived or modified as stated; and in addition, the dimensional requirements may be changed or modified by the Board of Adjustment as provided for in in this ordinance.

### **Section 1101. Front Yard Modifications in Residential Districts**

Where fifty percent (50%) or more of the lots in any block or within six hundred (600) feet on both sides of the proposed structure, whichever is less, is composed of lots which have been developed with buildings whose front yards are less than the minimum required front yard as specified in this ordinance, referring to the Dimensional Requirements Table, the required front yard shall be the average depth of front yards of the developed lots, or the minimum front yard as specified in this ordinance, referring to the Dimensional Requirements Table, whichever is less. Provided further that, if any lot lies between two buildings, which are less than one hundred (100) feet apart, the required front yard for such lot shall be no greater than the average front yard of the two adjoining lots or twenty-five (25) feet, whichever is more.

### **Section 1103. Height Limit Exceptions**

Church steeples, chimneys, belfries, water tanks or towers, fire towers, flag poles, spires, wireless and broadcasting towers, monuments, cupolas, domes, antennas (except satellite dish antennas), and similar structures and necessary mechanical appurtenances may be erected to any height, unless otherwise regulated.

### **Section 1104. Zero Lot Lines**

Any planned development in any district may make use of the Zero Lot Concept, that is, no minimum lot size or yard requirements, provided that the total area of the planned development meets the minimum lot size in its district, and that minimum yards and buffers, as required in its district, are preserved around the entire perimeter of the planned development. Such a planned development is a subdivision and must be approved as such through the requirements of the Subdivision Regulations, as well as meeting the requirements of the Zoning Ordinance.

### **Section 1105. Campers and RVs**

Campers and RVs may be set up in the R-8M, RA and R-30M zones as a Special Use.

### **Section 1106. Non-Conforming Lots.**

A lot of record existing prior to the enactment of this Ordinance which do not meet the area and/or width requirements, may be used for a buiding site provided that setbacks can be met. Additionally, in unique circumstances, the Zoning Administrator may reduce the yard and setback requirments for such lot of record by not more than thirty percent (30%).

## **ARTICLE XII. NONCONFORMING USES AND LOTS**

### **Section 1201. Definition and Purpose**

A “non-conforming use” is any use, building, structure, or lot which lawfully existed prior to the adoption of this Ordinance and which fails to comply with one or more of the applicable regulations or standards established herein. A non-conforming use is also any use, building, structure, or lot which was lawfully created, constructed, etc., under this Ordinance but which was subsequently rendered nonconforming due to circumstances that were not self-created.

The basic policy of this Ordinance is to allow the continuation of any non-conforming use and the normal maintenance and repair thereof, but to classify any expanding, altering, changing, rebuilding, or resuming of a non-conforming use as a special use and to review it to determine whether it will have substantial adverse impact upon adjoining properties, the neighborhood, or the community. If, at the discretion of the Board of Adjustment, a proposal to expand or improve a current non-conforming use will have a substantial adverse impact, it will be denied. Conditions and safeguards may be attached to a request to expand or improve a non-conforming permit to require that the non-conforming use be brought into compliance with the regulations of this Ordinance or that any potential hazards or problems be mitigated.

### **Section 1202. Amortization of Certain Uses**

There are some non-conforming uses that, by their nature, the Board of Commissioners hereby determine are harmful to the long-term health, safety, and welfare of adjacent properties and approximate communities. In order to fairly balance the interests of adjoining prperties and proximate communities with the economic expectations of the owners of such non-conforming uses, the non-conforming uses stated herein shall be allowed to remain in operation for the following amortization periods.

When, as a result of phased zoning by the county, the following uses exist in a zoning district which does not allow such use, they shall be required to cease operation within the amoritization period specified.

<u>Uses</u>	<u>Amoritization Period</u>
Adult Establishments	3 years
Junkyards and Auto Salvage Yards	3 years

**Section 1203. Continuation, Maintenance, and Repair of a Non-conforming Use Allowed Without Permit**

With the exception of uses specified to be amoritized, the continuation of a non-conforming use and the normal maintenance and repair thereof is allowed without a general or special use approval. Normal maintenance and repair means that which is necessary to maintain and to correct any damage or deterioration to the structural soundness of an improvement, not to exceed 50% of the replacement cost. Replacement cost shall be determined by reference to values stated for the improvements in the Onslow County Tax Office records, which value may be rebutted by the property owner by presentation of a MAI Certified appraisal.

**Section 1204. Bringing a Non-conforming use Into Compliance**

The owner of a non-conforming use may bring it into compliance by securing any permit or approval which would have been required in the first instance for the intended or resulting use, building, structure, or lot under this Ordinance or any other applicable local law. For example, if the owner of a building wants to change its use from one which is not allowed under this Ordinance to one which is allowed pursuant to a General Use Permit, he may secure a General Use Permit and thus eliminate the non-conforming use. Likewise, approval may be secured under this jurisdiction’s Subdivision Regulations to recombine two lots which do not comply with the minimum area regulations for building lots into one lot which does satisfy mimimum area regulations.

**Section 1205. Special Use Permit Required for Any Proposed Alteration, Expansion, Change, Rebuilding, or Resumption of a Non-conforming use**

The altering, expanding, changing, or rebuilding of a non-conforming use is only allowed pursuant to a Special Use Permit issued by the Board of Adjustment under this Article. The terms “altering, expanding and changing” shall be strictly construed.

The replacement of a non-conforming manufactured home with another manufactured home is allowed only pursuant to a Special Use Permit issued by the Board of Adjustment under this Article.

“Rebuilding” means the rebuilding, reconstruction, or restoration of any nonconforming building or structure which was damaged or partially destroyed by an exercise of the power of eminent domain or by fire, flood, wind, explosion, or other calamity or Act of God, if the cost of the rebuilding, reconstruction, or restoration will be fifty percent (50%) or more of the replacement cost of such building or structure as stated in Onslow County Tax records at the time such damage or destruction occurred. If the cost will be less than fifty percent (50%) of the replacement cost, a Special Use Permit must nevertheless be obtained from the Board of Adjustment under the procedures of this Article but the Board of Adjustment is only required to find that the nature and degree of the non-conforming use will not be changed or increased from that which existed prior to the damage or destruction.

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“Resuming” means the reusing or reoccupying of a nonconforming building or structure which was unused or unoccupied for a continuous period of one-hundred and eighty (180) days or more, or the resuming of a nonconforming use which was abandoned for a continuous period of one-hundred and eighty (180) days or more. If a nonconforming building or structure is reused or reoccupied or an abandoned use is resumed within a lesser period of time, no special use permit is required under this Ordinance as long as the nature and degree of the non-conforming use will not be changed or increased from that which existed before the non-conforming use became unused, unoccupied, or abandoned.

Property may not return to the status of a non-conforming use once it has been conformed to the district’s zoning requirements.

### **Section 1206. Standards for Granting a Permit for Any Proposed Alteration, Expansion, Change, Rebuilding, or Resumption of a Non-conforming use**

After taking evidence and testimony, the Board of Adjustment shall find whether the proposed alteration, expansion, change, or rebuilding of the non-conforming use will have a substantial adverse impact upon adjacent properties, the neighborhood, or the public. The Board of Adjustment may consider any relevant factor, but no petition shall be granted unless it complies with the requirements of the section entitled Special Use Requirements. If it finds that a petition will not have a substantial adverse impact, the Board of Adjustment may grant a Special Use Permit and may impose reasonable conditions and safeguards on the issuance of such permit.

If the Board of Adjustment finds that a petition will have a substantial adverse impact, it shall consider:

1. The possible detriment or benefit to the owner of the non-conforming use from refusing to issue the permit, issuing it but requiring, either wholly or partially, that the non-conforming use be brought into compliance, or issuing it as requested;
2. The possible detriment or benefit to the owners of adjacent or neighboring properties from refusing to issue the permit, issuing it but requiring, either wholly or partially, that the non-conforming use be brought into compliance, or issuing it as requested; and,
3. The possible detriment or benefit to the public from refusing to issue the permit, issuing it but requiring, either wholly or partially, that the non-conforming use be brought into compliance, or issuing it as requested and furthermore consideration of setting a precedent for other areas of the county.

The Board of Adjustment may consider any other relevant factors. The Board of Adjustment shall not approve a petition which fails to comply with the criteria in this section, unless it finds that the detriment to the owner from denying the permit will be so great as to prohibit any reasonable opportunity to recoup his investment in the non-conforming use while the benefit to adjacent and neighboring owners and the public from denying the permit will be minimal. If the Board of Adjustment grants a Special Use Permit, it may impose reasonable conditions and safeguards to mitigate any potential hazards or problems or to bring the non-conforming use into compliance to the extent necessary to protect the rights and interests of adjacent and neighboring owners and the public.

### **Section 1207. Reservation of Authority to Deal With Nonconformities Under Other Powers**

Notwithstanding the policies and provisions of this Ordinance with respect to non-conforming uses, the Onslow County Board of Commissioners expressly reserves its authority under its police and other powers to initiate criminal and civil proceedings against unlawful uses, buildings, structures, and lots, including those which unlawfully existed prior to the adoption of this Ordinance, and to control or abate noxious uses, to require the repair or demolition of unsafe buildings or structures, or to control or eliminate unsafe or hazardous conditions through the exercise of any powers other than the ones exercised under this Ordinance.

## **ARTICLE XIII. SPECIAL USES**

### **Section 1301. Purpose**

This section provides for certain uses that, because of their unique characteristics or potential impacts on surrounding land uses, are not permitted in zoning districts as a matter of right but may be permitted under a specific set of circumstances and conditions. While such uses, designated as Special Uses, are generally compatible with the intent and purpose of specific zoning districts created by this Ordinance, they require individual review of their location, design, and operation, and may require the imposition of conditions or mitigations, in order to ensure the appropriateness of the use at a particular location within a given zoning district.

### **Section 1302. General**

Any use or development designated in this Ordinance as a Special Use for a specific zoning district, or as allowed only pursuant to a Special Use Permit, may be established in the specified zoning district only after the use or development is authorized by the Board of Adjustment, or, in the case of a construction and demolition landfill, the Board of Commissioners, pursuant to the requirements in this Article.

Except for construction and demolition landfills, the Board of Adjustment shall issue Special Use Permits pursuant to the requirements in this Article. The Board of Commissioners shall issue Special Use Permits for construction and demolition landfills under the same requirements that apply to the issuance of Special Use Permits by the Board of Adjustment.

### **Section 1303. Application**

An owner of real property, or that owner's authorized representative, may apply for a Special Use Permit for that property by submitting all required application materials to the Zoning Administrator. The applicant is encouraged to meet with the Zoning Administrator prior to submitting application materials to discuss the proposed use or development.

An application for a Special Use Permit may be withdrawn by the applicant at any time prior to the Board taking action on the request.

In the event that an application for a Special Use Permit is denied by the Board of Adjustment or that the application is withdrawn after the public hearing, the Administrator shall not accept another application for the same request on the same property or any portion of the same property within one year of the original hearing. However, the Board of Adjustment may consider such an application within that time period if it finds there is new and different evidence that was not reasonably available at the time of the original hearing or that a substantially revised application/plan has been submitted.

Each application for a Special Use Permit must include a site plan of sufficient detail to allow the Zoning Administrator to reasonably understand the proposed development. To achieve this purpose, such site plans shall be drawn to scale with the minimum scale being 1 in. = 100 ft. Such site plans shall be prepared by a licensed land surveyor or engineer and include the information listed in the following paragraphs, although the Zoning Administrator may require other information to be provided in order to ensure a reasonable understanding of the proposed development. The Zoning Administrator may waive some of these requirements when a reasonable understanding of the proposal can be achieved with less information due to the scale or simplicity of the request.

- A. Zoned lot with dimensions.
- B. Adjoining deeded properties and their uses.
- C. Existing structures.
- D. Proposed structures with size and all required setbacks.
- E. Proposed use.
- F. Number of employees, if applicable.
- G. Hours of operation, if applicable.
- H. Off street parking, loading and unloading, access to existing streets.
- I. Easements and Rights-of-way.
- J. All pertinent development requirements of this ordinance.
- K. Floodplains or statement not in flood plain.
- L. Name, location and dimensions of any proposed streets.
- M. Location and dimensions of any drainage facilities, parking areas, recreation areas, required yards, and required turnarounds.
- N. Proposed phasing if applicable.
- O. In areas not served by public wastewater facilities, location of any shared or outlying drain fields/wastewater systems; where lots can reasonably support a septic system and repair area, documentation of such shall be submitted with the application as applicable for the proposed use or development.
- P. Location of access and utility easements to be reserved and dedicated in support of any adjoining properties that do not possess a public right of way to a public street;
- Q. Any additional information required by the Zoning Administrator to assess the merits of the application.

The Zoning Administrator shall review the Special Use Permit application for completeness and for compliance with the requirements of this Ordinance. If the Zoning Administrator certifies that the application is complete, it shall be deemed received. For each application certified as complete, the

Zoning Administrator shall prepare a report that outlines the proposed use or development, lists any deficiencies or potential negative impacts of the proposed use or development, and recommends conditions to mitigate any potential negative impacts.

### **Section 1304. Hearing**

The Board of Adjustment shall hear and decide on the application within a reasonable time.

The hearing shall conform to the requirements for quasi-judicial hearings contained in Section 505 of this Ordinance.

### **Section 1305. Board Action**

The Board of Adjustment shall comply with all requirements set forth in Section 505 of this Ordinance in making, documenting, filing, and delivering its decision.

The Board of Adjustment shall issue a Special Use Permit only when the Board makes an affirmative finding for each of the following:

- A. That the use will not materially endanger the public health or safety, if located where proposed and developed according to the plan submitted and approved;
- B. That the use meets all required standards set forth in this Ordinance;
- C. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity;
- D. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Onslow County Comprehensive Plan.

### **Section 1306. Use-Specific Standards**

In addition to the conditions specifically imposed in this article and such further conditions as the Board may deem reasonable and appropriate, special uses shall comply with all other regulations for the zoning district in which they are located unless the provisions for the special use provide to the contrary.

**Shooting Ranges** must comply with the Onslow County Shooting Range Ordinance.

**Banquet and Event Facilities.** Must meet Special Requirements Standards as outlined in Section 1406.

**Campgrounds/RV Parks** may be developed at a density of not more than 15 units per acre and shall comply with the Design Standards under Section 9-9 (1) and (2) of the Onslow County Mobile/Manufactured Home Park Ordinance.

**Bed and Breakfast** may be developed in accord with the following:

- a. Guest stays are limited to 14 consecutive days.
- b. The use is the permanent, principal residence of the owner or operator.
- c. A Bed & Breakfast can only be established in a site-built, single-family dwelling and there can be no substantial changes to the exterior that would alter the residential character of the

property.

- d. Meals served on the premises shall be only for overnight guest of the facility.
- e. No cooking facilities shall be established in individual rooms.
- f. The lot must have a minimum area of 30,000 square feet.
- g. One parking space for each bedroom and 2 for employees must be provided.
- h. Buffering is required to screen parking areas for more than two spaces and the location of solid waste container(s) from adjacent residential uses.
- i. Exterior signs shall not exceed 6 square feet for each freestanding and attached sign.

**Ground-Mounted Solar Electricity Systems** shall comply with the following requirements:

- a. Notification of intent to construct the ground-mounted solar electricity system shall be sent to all airports within 5 nautical miles of the site, the base commander of any military base located within 5 miles of the site, and the NC Commanders Council at least 30 days before the Special Use Permit hearing. Notification shall include the location of the system, the technology to be used, and the area of system. Proof of delivery of notification and date of delivery shall be submitted with the Special Use Permit application.
- b. The minimum parcel line setback required for ground mounted solar electricity system equipment, excluding any security fencing, poles, and wires necessary to connect to facilities of the electric utility, is 30 feet in the front, 15 feet on the sides, and 25 feet in the rear.
- c. Ground-mounted solar electricity system equipment, excluding any security fencing, shall not be located within 100 feet of any residential dwelling unit in place at the time the system is established.
- d. The height of the system as measured from the highest natural grade below each solar panel shall not exceed 20 feet; any utility poles or antennas constructed for the project are excluded from this limitation.
- e. For the purpose of determining buffer requirements pursuant to Article XIV of this Ordinance, ground-mounted solar electricity systems shall be considered an industrial use.
- f. Any lighting provided at the site shall be shielded and downcast such that the light does not spill onto adjacent parcels or the night sky. Motion sensor control is preferred.
- g. A warning sign concerning voltage and including the name of the system operator and a local phone number for the system operator in case of an emergency must be placed at the main gate or entry point.
- h. The system shall not produce light emissions - either direct or indirect (reflective) - of such intensity and directed in such directions as to impair pilot visibility or otherwise interfere with the safe operation of overhead aircraft.
- i. Removal of equipment and site restoration:

## ARTICLE XIII. SPECIAL USE

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1) A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following shall be submitted with the permit application:

- i. Defined conditions upon which decommissioning will be initiated (e.g. end of land lease, no power production for 12 months).
- ii. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations.
- iii. Restoration of property to condition prior to development of the system.
- iv. The timeframe for completion of decommissioning activities, which shall not exceed 18 months.
- v. The estimated decommissioning and restoration costs in current dollars and the method for ensuring that funds will be available to cover those costs.
- vi. Description of any agreement with the landowner (if different from the party responsible for decommissioning) regarding decommissioning.
- vii. The party currently responsible for decommissioning.
- viii. Plans for updating the decommissioning plan.

2) Evidence that the decommissioning plan was recorded with the Onslow County Register of Deeds must be provided prior to the final electrical inspection.

3) Failure to completely decommission the system and restore the site pursuant to the decommissioning plan shall constitute sufficient grounds for the Zoning Administrator to revoke any associated permit.

**Outdoor Adventure Operations** in the Conservation zoning district must be consistent with the purpose of the Conservation zoning district, demonstrate environmental sensitivity, and not substantially alter the quantity or quality of stormwater runoff or wildlife habitat.

**Outdoor Event Venues** would be subject to the following standards:

- A.** All parking must be contained on the property or accommodated at an off-site location, and guests shall be shuttled to and from the event. At no time shall event parking be allowed in a public or private right-of-way, except where permanent individually marked parking spaces are located on the street.
- B.** Facilities located in the RA Zoning District shall notify the Sheriff's Department at least 48 hours prior to each event, and the event shall comply with the Onslow County Code of Ordinances regarding noise.
- C.** All solid waste generated by the event shall be collected and stored on site in commercial grade containers. The container site must be shown on the site plan and surrounded by a 6 foot opaque fence and gate. All waste from the event must be removed from the site within 48 hours of the conclusion of the event.

- D.** Where permanent restroom facilities are not available or insufficient to meet demand, event organizers shall provide temporary restroom facilities based on the rated occupant load or expected attendance at the event in accordance with the standards of the NC Building Code.
- E.** All special events that will accommodate more than 200 vehicles in the parking area shall work with the Onslow County Sheriff's Department to determine the need for providing traffic control during the event to ensure safe ingress and egress of traffic.
- F.** When the attendance at the event is expected to exceed 1,000 people, the event sponsor shall provide crowd managers as outlined in the North Carolina Fire Code.
- G.** No less than 10-days prior to an event where 1,000 or more people are expected, the applicant must submit an event plan which addresses compliance measures for items C, D, E and F above. This plan shall include the number of attendees anticipated attendees, proposed dates/hours of operation for the event, proposed number of crowd managers and other pertinent information.
- H.** Failure of an applicant to comply and/or maintain compliance with the standards outlined above may result in a revocation of the zoning permit for the site and/or the denial of future events.

### **Section 1307. Exercise and Modification of Special Use Permit**

A Special Use Permit authorizes its holder to use or develop a parcel of land in a particular way, as specified by the approved site plan, any conditions imposed, and all applicable provisions of this Ordinance. A Special Use Permit is not a personal right but is tied to the specific parcel of property for which it is issued.

The issuance of a Special Use Permit does not relieve the holder of the Special Use Permit of the responsibility of obtaining a Building Permit or any other permit or approval required by applicable federal, state, and local laws. No use or development authorized by a Special Use Permit may be established until the Special Use Permit has been recorded and the Zoning Administrator has approved final plans for the authorized development or any phase thereof as conforming to the plans, terms, and conditions of the Special Use Permit and all applicable requirements of this Ordinance.

The Zoning Administrator may approve final plans that reflect minor modifications of the Special Use Permit's approved site plan. For the purposes of this Section, minor modifications are those that are necessary to comply with Special Use Permit's conditions or those that would not significantly change the development's general function, form, intensity, character, appearance, demand on public facilities, relationship to adjacent properties, impact on adjacent properties, or other characteristic related to the required affirmative findings for the issuance of a Special Use Permit. A change that would require evidentiary support in addition to that on which the Board of Adjustment based its decision to issue the Special Use Permit shall be considered a significant change. Any modification of the approved site plan that is not a minor modification requires the issuance of a separate Special Use Permit by the Board of Adjustment prior to the establishment of the use or development pursuant to the modified site plan.

### **Section 1308. Recording of Special Use Permit**

The Special Use Permit, together with any directly related county permit or approval, will automatically become void if the holder of the Special Use Permit fails to record the Special Use Permit in the office

of the Onslow County Register of Deeds within 90 days subsequent to the date that the Special Use Permit is issued.

Unless otherwise specified in the Special Use Permit, if the use authorized by a Special Use Permit is started but ceases for a continuous period of 12 months, the Special Use Permit will automatically become void.

If a use or development subject to a Special Use Permit fails to comply with the terms and conditions of the Special Use Permit, including the approved site plan, or with the requirements of this Section, the Special Use Permit shall automatically become void, and any structures completed pursuant to the Special Use Permit shall be regarded as nonconforming uses subject to the provisions of this Ordinance.

For each Special Use Permit recorded and subsequently voided pursuant to this Section, the Zoning Administrator shall record an instrument noting the voiding of the Special Use Permit in the office of the Onslow County Register of Deeds.

## **ARTICLE XIV. SPECIAL REQUIREMENTS**

### **Section 1401. Objectives and Purpose**

It is recognized that there are some land uses, which are basically in keeping with the intent, and purpose of the various zoning districts created by this Ordinance, yet these uses may have a significant impact on those districts. These impacts are best determined following careful review of the specific proposal by the Zoning Administrator and/or the Planning Board. In order to add flexibility to this Ordinance, certain uses are allowed by means of controls exercised through the Special Requirement process.

### **Section 1402. Procedures**

Applications involving Special Requirements uses shall include a site plan and be accompanied by a fee according to the Planning Department Fee Schedule.

The Zoning Administrator shall issue a zoning permit once a site plan has been reviewed and found to comply with the requirements of this ordinance.

### **Section 1403. Denial and Appeal**

If the Zoning Administrator denies the zoning permit, he/she shall notify the applicant his/her denial by personal services or certified mail, return receipt requested.

The applicant may then appeal the decision of the Zoning Administrator to the Board of Adjustment within thirty (30) days of notification of decision

### **Section 1404. Modification of Plans**

Where plans are required to be submitted and approved as part of the application, the Zoning Administrator may authorize modifications of the original plans.

### **Section 1405. Site Plan Required**

## ARTICLE XIV. SPECIAL REQUIREMENT

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This required site plan shall be in sufficient detail to allow the Zoning Administrator to reasonably understand the proposed development. To achieve this purpose, such site plans shall be drawn to scale with the minimum scale being 1 in. = 100 ft. Such site plans shall typically be prepared by a licensed land surveyor or engineer and include the information listed in the following paragraphs, although the Zoning Administrator may require other information to be provided in order to ensure a reasonable understanding of the proposed development. The Zoning Administrator may waive some of these requirements when a reasonable understanding of the proposal can be achieved with less information due to the scale or simplicity of the request.

- A. Zone lot with dimensions.
- B. Adjoining properties, property owners and uses.
- C. Existing structures.
- D. Proposed structure(s) with size.
- E. Proposed use.
- F. Number of employees, if applicable.
- G. Hours of operation, if applicable.
- H. Off-street parking, loading and unloading, access to existing streets.
- I. Easements and Rights-of-ways.
- J. Floodplains or statement not in flood plain.
- K. Wetlands and other areas of environmental concern, or statement that none exist.
- L. Name, location and dimension of any proposed streets, drainage facilities, parking areas, required yards, required turnarounds as applicable.
- M. Proposed phasing, if applicable.
- N. In areas not served by public wastewater facilities, documentation showing that each lot can reasonably support a septic system and repair area or, in the alternative, the location of any shared outlying drain fields/wastewater systems.
- O. Location of access and utility easements to be reserved and dedicated in support of any adjoining properties that do not possess a public right of way to a public street;
- P. Any additional information required by the Zoning Administrator to assess the merits of the application.

After the site plan has been approved, the following information will be required to be submitted along with the Building Permit application:

- 1. GIS Form
- 2. Septic permit/Sewer permit.

3. Sign Permit, if required.
4. Driveway Permit from NCDOT, if required.

## **Section 1406. Special Requirements**

### **Adult Uses.**

- a. Within the Highway Business Zoning District, Adult Uses are only permitted in the US-17 Thoroughfare Overlay District, provided the entire structure is wholly contained within the overlay district boundary.
- b. Adult Uses are subject to the requirements of the Ordinance to Regulate Adult Businesses and Sexually Oriented Businesses in Onslow County, NC (adopted September 21, 1992).

### **Arcades, Billiards/Pool Halls (This does NOT relate to an Adult Establishment).**

- c. Size limit; Maximum building size of fifteen thousand (15,000) sq. ft.
- d. No flashing lights on signs.
- e. Limited hours of operation; No operation between two (2) am and eight (8) am.
- f. Must comply with the Onslow County Noise Ordinance.

**Auction house/Auction Barn, Auto/Truck & Motorcycle Sales, Baseball Hitting Ranges; Bicycle sales, service, repair; Blacksmith Operations; Contractors Office; Electric/Electrical Repair Shop; Furniture/Refurnishing & Repair Shop; Glass & Mirror Shop; Heating & Refrigeration Repair Shop; Landscaping/Lawn and garden care; Lawnmower/Small motor repair; Metal fabrication/Sheet metal shop; Monument Works & Sales; Motor Vehicle Paint & Body Shop; Motor Vehicle Repair/Service & Towing Shop; Recreational Goods Rental Establishment; Sign Painting Shop; Surveying/Engineering/Architect office; Tire Recapping Shop; Machine & Welding Shop; Sawmills; Tree Service; Woodworking/Cabinet/Countertop shop.**

- a. Minimum lot size of two (2) acres (RA only).
- b. Proposed buildings housing the business shall be setback fifty (50) feet from the right-of-way and setback twenty (20) feet from all other property lines.
- c. Limit to one (1) on-premise sign not to exceed thirty-two (32) sq. ft.; limit to six (6) feet in height; setback one (1) foot from the right-of-way.

### **Banquet and Event Facilities.**

- a. All parking must be contained on the property or accommodated at an off-site location, and guests shall be shuttled to and from the event. At no time shall event parking be allowed in a public or private right-of-way, except where permanent individually marked parking spaces are located on the street.
- b. Facilities located in the RA Zoning District shall notify the Sheriff's Department at least 48 hours prior to each event, and the event shall comply with the Onslow County Code of Ordinances regarding noise.
  - c. All solid waste generated by the event shall be collected and stored on site in commercial

## ARTICLE XIV. SPECIAL REQUIREMENT

grade containers and removed from the site within 48 hours of the conclusion of the event.

- d. Where permanent restroom facilities are not available or insufficient to meet demand, event organizers shall provide temporary restroom facilities based on the rated occupant load or expected attendance at the event in accordance with the standards of the NC Building Code.
- e. All special events that will accommodate more than 200 vehicles in the parking area shall work with the Onslow County Sheriff to determine the need for providing traffic control during the event to ensure safe ingress and egress of traffic.

### **Cemetery (Private)**

- a. Minimum parent parcel size of three (3) acres. The maximum size of the proposed cemetery site is one (1) acre. When a private cemetery is proposed to be established on property of less than 3 acres, a Special Use permit will be required.
- b. Cemetery must be enclosed by fence or marked by permanent boundary markers.
- c. Surveyed site plan must show access easement and 20' minimum setback from all property lines.
- d. The boundary of the private cemetery and easement must be recorded at the Onslow County Register of Deeds.
- e. The Zoning Administrator may issue a temporary permit to allow for an interment giving the applicant 180 days to record the map and another 360 days to have the fence or markers installed.

### **Coin-operated Laundry.**

- a. Designed in conjunction with rental property to serve only those tenants.
- b. Meet setbacks as principal structure.

### **Community Centers, private.**

- a. The facility is designed to serve the residents of the subdivision/development in which it is to be located.
- b. Buffers must be installed between the use and any adjacent residential use.
- c. The facility site was included on the approved subdivision/development plan.

### **Flea Market.**

- a. Shall meet all the requirements of the Onslow County Solid Waste Ordinance.

### **Food Catering/Restaurant.**

- a. Limit to one (1) on-premise sign not to exceed thirty-two (32) sq. ft.; limit to six (6) feet in height; setback one (1) foot from the right-of-way.

### **Funeral Home without a Crematorium.**

- a. Limit to one (1) on-premise sign not to exceed thirty-two (32) sq ft.; limit to six (6) feet in height; setback one (1) foot from the right-of-way.

**Gift/Novelty/Souvenir shop, Hobby Shop, Interior Designers, Auto-Detailing, Barber/Beauty Shops, Building Cleaning & Maintenance Service, Exterminators, Gun & Ammunition Sales, Gunsmith, Locksmith, Photography Service/Studio, Sewing services (clothing)/Shoe Repair, Taxidermy, Upholstery Shop, Watch/Clock & Jewelry Repair Shop.**

- a. Proposed buildings housing the business shall be set back fifty (50) feet from the right-of-way and twenty (20) feet from all other property lines.
- b. Limited to one (1) on-premise sign not to exceed thirty-two (32) sq. ft. limit to six (6) feet in height; setback one (1) foot from the right-of-way.
- c. Storage of vehicles, lawnmowers, and/or raw materials shall be kept out of public view by screening.
- d. Shall comply with the Onslow County Solid Waste Ordinance.

**Golf Driving Range.**

- a. Minimum lot size of five (5) acres.
- b. All lights shall be oriented away from all property lines.
- c. Nets may be required to help protect adjacent properties.
- d. All nets, screens and buildings shall setback twenty (20) feet from the side and the rear property lines; front setbacks shall be sixty-five (65) feet from the right-of-way.
- e. Limited hours of operation; No operation between two (2) am and eight (8) am.
- f. Limited to one (1) on-premise sign not to exceed thirty-two (32) sq. ft.; limit to six feet in height; setback one (1) foot from the right-of-way.

**Greenhouses & Nurseries (Commercial).**

- a. Minimum lot size of two (2) acres.
- b. All buildings shall be setback fifty (50) feet from the right-of-way and twenty (20) feet from all other property lines.
- c. Limited to one (1) on-premise sign not to exceed thirty-two (32) sq. ft.; limit to six (6) feet in height; setback one (1) foot from the right-of-way.
- d. Storage of fertilizers, tractors, and other related equipment shall be screened from public view.
- e. Shall comply with the Onslow County Solid Waste Ordinance.

**Horse Show/Riding.**

- a. Minimum lot size of five (5) acres.
- b. Barns and other accessory structures must be setback fifty (50) feet off right-of-way and twenty (20) feet off all other property lines.

**Junkyards/Auto Salvage Yards & Open Storage Facility.**

## ARTICLE XIV. SPECIAL REQUIREMENT

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- a. Shall meet the requirements of the Onslow County Solid Waste Ordinance.
- b. Outdoor storage shall be setback 10' from all property lines. A suitable opaque screen must be installed 2' from the property lines.

### **Kennel and Animal Shelters.**

- a. Minimum lot size of two (2) acres.
- b. Setbacks shall be fifty (50) feet from the right-of-way and twenty (20) feet from all other property lines.
- c. All kennels and animal shelters shall be located in the back yard.
- d. Opaque Screening is required around the kennel or shelter.

### **Livestock Sales.**

- a. Minimum lot size of five (5) acres.
- b. All buildings shall be setback fifty (50) feet from the right-of-way and twenty (20) feet from all other property lines.
- c. Limited to one (1) on-premise sign not to exceed thirty-two (32) sq. ft. limit to six (6) feet in height; setback one (1) foot from the right-of-way.

### **Mini Warehouse.**

- a. All proposed buildings shall be setback fifty (50) feet from the right-of-way and twenty (20) feet from all other property lines.
- b. All buildings shall be spaced twenty (20) feet apart.
- c. Limited to one (1) on-premise sign not to exceed thirty-two (32) sq. ft.; limit to six (6) feet in height; setback one (1) foot from the right-of-way.

### **Multi-Family.**

- a. In the R8M zone apartments, duplexes and townhouses are permitted, provided that no one building exceeds 12 units.

### **Nursing, Convalescent & Assisted Living Facility.**

#### **Outdoor Event Venue.**

- a. All parking must be contained on the property or accommodated at an off-site location, and guests shall be shuttled to and from the event. At no time shall event parking be allowed in a public or private right-of-way, except where permanent individually marked parking spaces are located on the street.
- b. Facilities located in the RA Zoning District shall notify the Sheriff's Department at least 48 hours prior to each event, and the event shall comply with the Onslow County Code of Ordinances regarding noise.
- c. All solid waste generated by the event shall be collected and stored on site in commercial grade

## ARTICLE XIV. SPECIAL REQUIREMENT

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containers. The container site must be shown on the site plan and surrounded by a 6 foot opaque fence and gate. All waste from the event must be removed from the site within 48 hours of the conclusion of the event.

- d. Where permanent restroom facilities are not available or insufficient to meet demand, event organizers shall provide temporary restroom facilities based on the rated occupant load or expected attendance at the event in accordance with the standards of the NC Building Code.
- e. All special events that will accommodate more than 200 vehicles in the parking area shall work with the Onslow County Sheriff's Department to determine the need for providing traffic control during the event to ensure safe ingress and egress of traffic.
- f. When the attendance at the event is expected to exceed 1,000 people, the event sponsor shall provide crowd managers as outlined in the North Carolina Fire Code.
- g. No less than 10-days prior to an event where 1,000 or more people are expected, the applicant must submit an event plan which addresses compliance measures for items C, D, E and F above. This plan shall include the number of attendees anticipated attendees, proposed dates/hours of operation for the event, proposed number of crowd managers and other pertinent information.
- h. Failure of an applicant to comply and/or maintain compliance with the standards outlined above may result in a revocation of the zoning permit for the site and/or the denial of future events.

### **Par 3 Golf Courses.**

- a. Minimum lot size of ten (10) acres.
- b. Lights shall be oriented away from adjacent property lines.
- c. Limited to one (1) sign not to exceed thirty-two (32) sq. ft.; limit to six (6) feet in height; setback one (1) foot from the right-of-way.

### **Health/Recreation Club.**

- a. Maximum building size of fifteen thousand (15,000) square feet.

### **Publishing & Printing Shop.**

- a. Maximum building size of fifteen thousand (15,000) square feet.

### **Recycling Facility.**

- a. Buffers meeting the specifications in Section 1603 are required along the side and rear lot lines abutting any non-industrial use.
- b. Materials to be recycled or disposed of must be screened from public view as outlined in Section 302.9C of the Onslow County Solid Waste Management Ordinance. A chain link fence (with slats, etc.) shall not be considered an opaque fence or wall for screening purposes.
- c. No material to be recycled or disposed of shall remain on the site for a period of more than 45 days.
- d. In the Rural Agriculture and Highway Business zoning districts, the sorting/processing of construction and demolition waste shall occur only within a fully enclosed structure.

e. Dust control measures shall be implemented to prevent dust from moving off-site or causing visibility problems. These measures include wet suppression of both the access areas and processing areas.

**Residential Development Sales (Model Sales Home).**

- a. Sign not to exceed eight (8) square feet.
- b. Zoning permit shall be renewed annually; each model shall have a separate permit.

**Rodeo.**

- a. Minimum lot size of five (5) acres.
- b. All buildings shall be setback fifty (50) feet from the right-of-way and twenty feet from all other property lines.
- c. Limited to one (1) sign not to exceed thirty-two (32) sq. ft.; limit to six (6) feet in height; setback one (1) foot from right-of-way;
- d. When or if lighting is required or installed, it shall be oriented away from all other adjacent property lines.

**Sewer System (Private)**

- a. The facility site was included on the approved subdivision or development plans.
- b. The facility may allow excess capacity to serve neighboring properties.

**Stables/Saddleries (Public).**

- a. Minimum lot size of five (5) acres.
- b. All barns and other accessory structures shall be setback fifty (50) feet from the right-of-way and twenty (20) feet from all other property lines.
- c. Owners should consult the Cooperative Extension Office for best management practices and guidelines for pasture areas.

**Taxi Dispatch and Garage.**

- a. Minimum lot size of 30,000 square feet.
- b. All buildings shall be setback forty (40) feet from the right-of-way and ten (10) feet from all other property lines.
- c. Limited to one (1) sign not to exceed thirty-two (32) square feet in area; six (6) feet in height; and setback one (1) foot from the right-of-way.
- d. Vehicles under repair shall be kept out of public view.
- e. Shall comply with buffer standards and all other provisions of the Onslow County Solid Waste Management Ordinance.

**Truck/Freight Terminal, Warehouses, & Wholesale Distribution.**

- a. Minimum lot size of two (2) acres.

- b. All buildings shall be setback fifty (50) feet from the right-of-way and twenty (20) feet from all other property lines.
- c. Limited to one (1) sign not to exceed thirty-two (32) sq. ft.; limit to six (6) feet in height; setback one (1) foot from the right-of-way.
- d. Vehicles under repairs shall be kept out of public view.
- e. Shall comply with the Onslow County Solid Waste Ordinance.

### **Wildlife Sanctuary and Rehabilitation Centers**

- a. The use must meet all of the standards of the North Carolina Wildlife Resource Commission.
- b. A minimum setback from property lines is required for each structure equal to the height of the structure unless a larger setback is required by a different zoning ordinance provision.
- c. In the Rural Agriculture Zoning District, Wildlife Sanctuary and Rehabilitation Centers must be located on a lot containing a minimum area of five acres.
- d. In the Rural Agriculture Zoning District, no more than one on-premise sign is allowed, which must be setback at least one foot from the right-of-way and must not exceed 32 square feet in area or six feet in height.

### **Wireless Communication Towers.**

- a. Shall meet all of the requirements of the Onslow County Wireless Communication Ordinance.

### **Cottage Developments**

#### ***Purpose and Review Process***

Cottage developments are intended to provide for alternative housing opportunities in a manner that is environmentally sensitive and compatible with surrounding land uses while promoting the efficient use of land and infrastructure. To ensure that this purpose is met, cottage developments shall be subject to the review and approval procedures for major subdivision sketch plans as provided in Appendix B (Subdivisions), Article IV, Section 402.2. Appeals of decisions of the Planning Board regarding cottage developments shall be to the Board of Adjustment as provided for major subdivisions in Appendix B (Subdivisions), Article IV, Section 4.4.

#### ***Minimum Development Area, Density, Setback, Utility Service and Separation Requirements***

- A. The minimum development area shall be 30,000 square feet for cottage developments. Other than this restriction, cottage developments shall not be subject to the lot size, width or frontage limitations of the underlying zoning district.
- B. In general, the minimum and maximum number of units in a cottage development shall be five and 25, respectively. The Planning Board may approve a larger number of units if deemed appropriate given consideration of development area size, environmental features, compatibility with surrounding development, on-site amenities provided by the developer, housing affordability and similar issues which could warrant higher site density. Cottage developments shall not be subject to the density limitations of the underlying zoning district, except that a minimum of 3,000 square feet of development area shall be provided for each cottage home.
- C. The minimum setback requirements for principal and accessory structures in cottage developments

shall be as follows:

1. All structures shall be setback at least 20 feet from any adjoining street right-of-way or property line. This setback requirement does not apply to property lines and streets internal to the cottage development.
2. All structures shall be setback at least six feet from internal streets, parking areas, and alleys. This requirement shall not apply to attached or detached garages, carports, or other similar structures used for the parking of vehicles.
3. There shall be at least six feet separating cottage homes from each other on all sides.
4. Accessory structures shall be located at least six feet from other structures.

D. Cottage developments shall be served by public or regional private water and sewer utilities.

E. In order to ensure compatibility with existing and future development through the dispersion of cottage developments throughout the county, cottage developments shall be separated by a minimum distance of 2,500 feet as measured from the nearest property line. The Planning Board may waive this requirement if significant waterways, large wetland areas, public lands, or other major environmental or topographic features achieve the purpose of dispersion as determined by the Board.

***Building Design Requirements***

A. The maximum gross floor area for individual cottage homes shall be 1,825 square feet, with a maximum gross floor area on the ground floor of 1,200 square feet. For the purpose of this subsection, gross floor area shall include the floor area of any attached garages or carports and shall not include the floor area of any roofed porches, provided such porches are not enclosed. Accessory structures shall not contain more than 1,000 square feet of gross floor area.

B. The maximum height for cottage homes shall be 30 feet. Accessory structures shall not exceed 20 feet in height unless they contain accessory dwellings, in which case they shall not exceed 30 feet in height.

C. Each cottage home shall be provided with an unenclosed, roofed porch off the front entrance. This porch shall contain a minimum floor area of 80 square feet and shall have a minimum dimension of eight feet along any one side. Such porches may be screened but shall not be otherwise enclosed.

D. Cottage homes and accessory structures shall have a gable or hip roof with a medium pitch or greater (5:12 or greater). Roofed porches, decks or stoops may be covered with a shed roof. Dormers that do not exceed the peak of the main roof structure are allowed.

E. Exterior siding materials for cottage homes and accessory structures shall be clapboard (wood or fiber-cement), stucco, stone, vinyl, or brick or a combination thereof.

***Parking Requirements***

A. The minimum and maximum parking requirement for cottage developments shall be one space per each cottage home and two spaces per each cottage home, respectively. For cottage developments containing eight or more cottage homes, visitor parking shall be provided at 0.5 space per each cottage home; such visitor parking shall be designated with signage and shall be constructed with permeable materials (gravel, paver blocks, reinforced grass surfaces or similar approved materials).

B. Parking shall not be provided within 25 feet of an adjoining street right-of-way or property line unless screened from such right-of-way by a vegetated or opaque fence buffer as specified in Article XVI. This requirement does not apply to internal streets and drives.

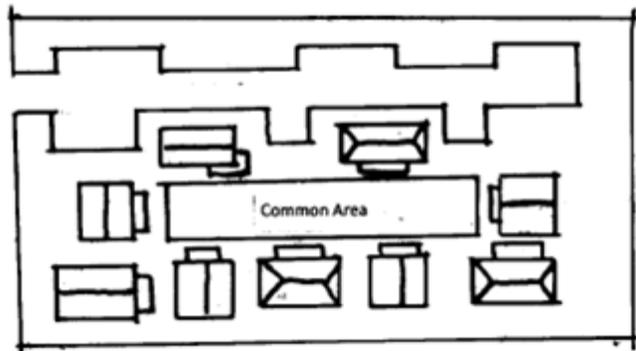
C. Parking for cottage developments should generally be dispersed across the site in groupings of 12 or fewer spaces unless precluded by access, wetlands or other site design constraints.

***Accessory dwellings.***

Cottage developments shall not contain accessory dwellings, except that an accessory dwelling of not more than 400 square feet of gross floor area may be provided above a detached garage. The number of such accessory dwellings shall not exceed 50% of the total number of cottage homes in a cottage development. One additional parking space shall be required for each such accessory dwelling.

***Open space requirements.***

A. Common open space – A minimum of 500 square feet shall be provided for each cottage home and a minimum of 300 square feet shall be provided for any accessory dwelling. Common open space shall be arranged so that at least 75% of the cottage homes have direct front door access to the open space so that it forms a central common green. See the illustration below. For cottage developments containing 10 or more cottage homes, up to two additional common greens may be approved provided 100% of the cottage homes have direct front door access to one or more areas of common open space.



B. Private open space – A minimum of 300 square feet shall be provided for each cottage home. Private open space shall be designated by fencing, landscaping, hardscaping or other means to create a separate private area for the exclusive use of the person(s) residing in each individual cottage home. If the required private open space is provided in more than one location (such as a flower bed in the front and a fenced yard or patio in the rear), no one area shall contain less than 100 square feet; private open space in excess of the 300 square feet requirement is exempt from this minimum size limitation.

***Maintenance of Common Open Space.***

Maintenance of common open space, parking areas, and other common areas in cottage developments shall be provided for through recorded deed restrictions, homeowners association instruments, condominium documents, or conservation easements; other recordable provisions acceptable to the County Attorney may also be used to fulfill this requirement.

## **Wind Energy Facilities (Large and Utility-Scale)**

### **1406.33.1 Purpose and Review Process**

Large and Utility-Scale Facilities are intended to provide for alternative energy sources in a manner that is environmentally sensitive and compatible with the Navigable Airspace of Marine Corps Base Camp Lejeune, Marine Corps Air Station New River and Albert J. Ellis Airport as well as surrounding land uses. To ensure that this purpose is met, these facilities shall be subject to review and approval by the Onslow County Planning Board according to the standards set forth in this Section.

Any application submitted shall be forwarded to the Commanding Officers at Marine Corps Air Station New River and Marine Corps Base Camp Lejeune and to the Onslow County Airport Director in order to provide for review and comment concerning potential impacts on the operations and mission of the installations/airport. No application submitted hereunder shall be deemed complete until such time as the aforementioned review is completed and comments are received.

#### **Community Meeting Required**

Prior to an application for a large or utility-scale wind facility being accepted by the County, the applicant shall hold at least one community meeting. Notice of such meeting shall be provided by first class mail to all property owners within one thousand (1,000) feet of the property and to affected and/or other interested parties and organizations as reasonably determined by the applicant and/or Zoning Administrator. A summary report shall be provided to the Zoning Administrator, which shall include, at a minimum, a copy of the written notice showing the time, date, and location of the meeting, a list of all property owners within 1000 feet of the property to whom notices were sent, a roster of the persons in attendance at the meeting, and a summary of issues discussed at the meeting. The Zoning Administrator, or his/her designee, may act as a facilitator if requested by the Applicant in order to avoid *ex parte* contacts. No member of the decision-making entity may participate in the meeting.

#### **Application Requirements**

In addition to the application form and associated fee, applications for a Large or Utility-scale Wind Energy Facility shall contain a minimum of the following items:

**Summary of Proposed Facility.** A comprehensive overview of the project, including the generating capacity of the Wind Energy Facility.

**Facility Inventory.** A tabulation describing the:

- A. Specific number, types, and height of each wind turbine to be constructed, including their generating capacity.
- B. Dimensions and respective manufacturers.
- C. Appurtenant structures and/or facilities.

**Vicinity map.** An aerial map including all property lines within 1000 feet of the property lines of the proposed

wind energy facility site.

**Site Plan.** A plan showing the:

- A. Planned location of each wind turbine.
- B. Setback lines.
- C. Access road and turnout locations.
- D. Substation(s).
- E. Electrical transmission lines from the Wind Energy Facility to the substation(s) and from the substation(s) to where the electricity is proposed to leave the site.
- F. Ancillary equipment, buildings, and structures, including temporary and permanent meteorological towers.
- G. Conservation Areas, including natural areas protected by law, such as wetlands that meet the definition in the Clean Water Act; shore land areas; water bodies; floodplains, riparian buffers; populations of endangered or threatened species, or habitat for such species; archaeological sites, cemeteries, and burial grounds; important local historic sites; existing healthy, native forests consisting of at least one acre of contiguous area; individual existing healthy trees that are at least 100 years old; other significant natural features and scenic view sheds; existing trails or corridors that connect the tract to neighboring areas.
- H. Location of all structures and properties within the required wind energy facility setbacks.
- I. A landscaping plan that shows proposed screening and buffering of all buildings and other non-tower structures on the site or sites.

**Environmental Impact Study.** An Environmental Impact Study (EIS) shall be submitted that includes review comments from all applicable state and federal agencies, including a minimum of the following:

- A. N.C. Department of Environment and Natural Resources,
- B. N.C. Department of Health and Human Services,
- C. N.C. Department of Transportation,
- D. N.C. Wildlife Resources Commission,
- E. U.S. Fish and Wildlife Service, and
- F. U.S. Army Corps of Engineers.

The EIS shall cover, at a minimum, the potential impacts on the human population (such as audible and inaudible sound, shadow flicker and blade glint, view sheds, blade throw, hurricane resistance, etc.), as well as the animal populations, land, water (including impacts on groundwater resources due to foundations, pilings, etc.), and air. The study area shall include at least the 2 miles surrounding the proposed wind turbines.

**Decommissioning Plan.** A detailed description of how the structural and turbine materials will be disposed of and how the site will be restored, as well as:

- A. Anticipated life of the wind energy facility.

- B. Estimated decommissioning costs (in current dollars).
- C. Method for ensuring that funds will be available for decommissioning and restoration.
- D. A verifiable means of determining if the decommissioning plan needs to be activated due to abandonment, such as a letter from the electric utility stating that it will notify the Planning Department within 10 (ten) business days if electricity is not received from the Wind Energy Facility for any 30 (thirty) consecutive days.

**Stand-down Plan.** The applicant shall certify that the proposal is for an International Electrical Congress (IEC) Class S wind turbine that is designed or will be designed to meet the NC Building Code. A Stand-down Plan for High Wind Conditions shall be included, along with any other materials needed for the certification.

### **Air Space Impacts.**

- A. If any portion of a proposal will be more than 100 feet tall, the applicant shall provide a copy of a FAA determination as a result of filing the FAA Form 7460-1, Notice of Proposed Construction or Alteration of an Object that may affect the Navigable Airspace.
- B. If any portion of a proposal will be located within 20,000 feet of the runway surface of the Albert J. Ellis Airport, runway surfaces aboard Marine Corps Air Station New River, runway surfaces aboard Marine Core Base Camp Lejeune, or designated Flight Path Overlay Districts (FPOD), the applicant shall provide a copy of a FAA determination as a result of filing the FAA Form 7460-1 and demonstrate compliance with Onslow County's applicable Zoning Ordinance requirements.
- C. The applicant shall establish that the proposal will not adversely impact the restricted air space in Onslow County, particularly as it relates to the flight paths to and from Albert J. Ellis Airport, Marine Corps Air Station New River and Marine Core Base Camp Lejeune.
- D. The applicant shall provide a narrative description of all risks to:
  - 1. Civil air navigation; and
  - 2. Military air navigation routes, military air traffic control areas, military training routes, military special-use air space, military radar or other potentially affected military operations, and shall further include documentation that addresses any potential adverse impact on military operations and readiness as identified by the Department of Defense clearinghouse and any mitigation action(s) agreed to by the applicant.

**Visual Impacts.** The applicant shall furnish a visual impact assessment which shall include:

- A. A computer-generated "zone of visibility map" covering a minimum one-mile radius from the proposed facility shall be provided to illustrate locations from which the proposed installation may be seen, with and without foliage
- B. Pictorial representations of "before and after" views from key viewpoints inside of the county as may be appropriate and required, including, but not limited to, state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites

normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers, or residents.

Guidance will be provided concerning the appropriate key sites. The applicant shall provide a map showing the locations of where the pictures were taken and the distance of each location from the proposed facility.

**Impacts on surrounding Communities.** If the proposed wind energy facility is within three (3) miles of a municipality or another county, written notification of the application shall be provided by the applicant to the legislative body of each, with copies of each to the Planning Department.

**Shadow Flicker and Blade Glint Report.** The report shall:

- A. Evaluate the worst case scenarios of wind constancy, sunshine constancy, and wind directions and speeds.
- B. Map and describe the zones where shadow flicker and blade glint will likely be present within the project boundary and a one-mile radius beyond the project boundary.
- C. Identify existing residences and the locations of their windows, locations of other structures, wind speeds and directions, and existing vegetation and roadways.
- D. Calculate the locations of shadow flicker caused by the proposed project and the expected durations of the flicker at these locations, including outdoor view sheds.
- E. Calculate the total number of hours per year of flicker at all locations, including the outdoor view shed.
- F. Identify problem zones within a 1-mile radius where shadow flicker will interfere with existing or future residences and roadways and describe proposed measures to mitigate these problems.

**Maintenance Plan.** The Applicant shall detail the quarterly, storm follow-up, and non-scheduled maintenance actions that will be taken to keep the Wind Energy Facility operating quietly, efficiently, and will ensure the non-polluting of the land, water, and air, including (but not limited to) the minimization of loud or high-pitched sound, low frequency sound or vibration, blade glint, and fluid leaks.

**Scenic Route or By-way.** If any portion of a proposed Large System or Utility-scale wind energy facility is to be located within 2,000 feet of the right-of-way of any Federally-designated or State-designated Scenic Route or By-way, the applicant shall describe the proposed measures to be taken to minimize the visual impact of the proposed facility (including shadow flicker and blade glint) upon a Scenic Route or By-way.

**Ancillary Materials.** Other relevant studies, reports, certifications, and approvals as may be requested by Onslow County to ensure compliance with this Ordinance.

**Fees.** Applications for a Wind Energy Facility shall include the required fees as set forth in the Onslow County Fee Schedule. The Planning Director and/or Planning Commission reserve the right to obtain engineering or other professional services to aid in the review of the application. The applicant will be notified of the County's intent to secure such services, and provided an opportunity to withdraw its application or proceed forward with the application. If the applicant decides to proceed forward with its application after being notified of the County's intent to secure engineering or other professional services to aid in the review of the application, the applicant shall

advance the expected costs of same, and shall reimburse Onslow County for the actual cost thereof that exceed the expected costs advanced prior to the Planning Board rendering a decision on the application.

**Standards for Planning Board Decision**

During its deliberation of a proposed Wind Energy Facility application, the Planning Board shall, at a minimum, render a determination on each of the following items. A negative determination on all of the below issues must be obtained in order to approve the application.

- A. Whether the proposed facility conflicts with safety and safety-related codes and requirements.
- B. Whether the use or construction of a wind energy facility is contrary to an already-stated purpose of a specific zoning or land use designation.
- C. Whether the placement and location of a wind energy facility would create an unacceptable risk to residents, the public, employees, and agents of the county, or employees of the service provider or other service providers. Such impacts may include, but are not limited to, noise impacts, visual impacts, and/or impacts on surrounding communities.
- D. Whether the placement and location of a wind energy facility would result in a conflict with, or compromise or change in, the nature or character of the surrounding area.
- E. Whether the proposed facility conflicts with the provisions of this Ordinance.
- F. Whether the application is in any way incomplete with regard to the requirements in this ordinance, including the requirements for a complete Decommissioning Plan, Stand-down Plan, Maintenance Plan, and/or Road Analysis.
- G. Whether the wind energy facility as proposed conflicts with the Military's unrestricted ability to use the Restricted Air Space above Onslow County, including potential flight hazards and/or use limitations.
- H. Whether construction or operation of the proposed wind energy facility would encroach upon or would otherwise have a significant adverse impact on the mission, training, or operations of any major military installation or branch of military in North Carolina and result in a detriment to the continued military presence in the State.
- I. Whether the proposed wind energy facility will cause interference with air navigation routes, air traffic control areas, radar systems, and/or military training routes.
  - J. Whether the proposed wind energy facility poses a threat to environmentally sensitive areas within the County (as determined by the Environmental Impact Study).

The approval by the Onslow County Planning Board shall be valid for a period of two (2) years. Prior to the expiration of such approval, the Owner or Agent of the Wind Energy Facility may submit an approval extension application to the Planning Board for up to an additional two (2) years. All approval extension applications shall be accompanied by the appropriate fees and a letter explaining the reasons that would justify an approval extension, rather than allowing the approval to lapse. In no case, shall more than two (2) extensions be granted.

**Dimensional Requirements.**

All wind energy facilities shall comply with the standards set forth in the following table:

Facility Type	Minimum Setback From Any Property Line, Dwelling Unit, Public or Private R-O-W, and/or Access Easement (measured from the outermost extension of the wind energy facility).	Maximum Wind Turbine Height*
Large	€ 1,000 feet	200 feet
Utility-scale	€ 1000 feet for structures less than 300 feet in height. € 4 feet for each foot in height for structures between 300 feet and 550 feet in height.	550 feet

\* Height is measured from the lowest adjacent grade to the highest point of the structure, including any attachments, such as a lightening protection device or a turbine rotor or tip of the turbine blade when it reaches its highest elevation.

Any structure proposed to be located with the Flight Path Overlay District is subject to the height limitations for that overlay district.

No portion of any wind turbine blade shall be closer than 25 feet to any portion of the ground that surrounds any wind energy facility.

**Installation, Design and Operation Standards**

**NC Building Code.** All Wind Energy Facilities shall be designed to meet the requirements of the NC Building Code. Building Permit applications shall include engineered/sealed plans designed in accordance with the provisions of ASCE 7.

**Power Collection.** The electrical connection system from the wind turbines to a collection point or substation shall, to the maximum extent possible, be placed underground. Any requests to use overhead transmission lines shall be forwarded to the Onslow County Planning Board for consideration.

**Visual and Physical Impacts.** The facility shall be designed to meet the following requirements:

- A. Be a non-obtrusive color (such as light blue, off-white, or light gray), as determined by the Onslow County Planning Board.
- B. Not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

The Applicant shall not install any lighting that exceeds the minimum required by the FAA. Where alternatives to strobe lighting are available from the FAA, strobe lighting shall be the last resort and only if required by the FAA.

- C. Not contain any signs or other advertising (including flags, streamers or decorative items or any identification of the turbine manufacturer, facility owner and operator). This does not include any identification plaques that might be required by the electric utility or governmental agency.
- D. Be sited and operated so as to not interfere with television, internet service, telephone (including cellular and digital), microwave, satellite (dish), navigational, or radio reception in neighboring areas. The applicant and/or operator of the facility shall be responsible for the full cost of any remediation necessary to provide equivalent alternate service or correct any problems caused or exacerbated by the operation of such equipment.
- E. Have a leak containment system for oil, hydraulic fluids, and other non-solids that is certified to capture all such fluids before they reach the ground by an expert (such as an engineer, turbine manufacturer, etc.) acceptable to the Zoning Administrator or his/her designee. The applicant shall pay all associated costs.

**Shadow Flicker and Blade Glint Impacts.** The applicant shall provide a shadow flicker and blade glint report for each proposed large and utility-scale wind energy facility. The report shall:

- A. Evaluate the worst case scenarios of wind constancy, sunshine constancy, and wind directions and speeds.
- B. Map and describe the zones where shadow flicker and blade glint will likely be present within the project boundary and a one-mile radius beyond the project boundary.
- C. Identify existing residences and the locations of their windows, locations of other structures, wind speeds and directions, and existing vegetation and roadways.
- D. Calculate the locations of shadow flicker caused by the proposed project and the expected durations of the flicker at these locations, including outdoor view sheds.

- E. Calculate the total number of hours per year of flicker at all locations, including the outdoor view shed.
- F. Identify problem zones within a 1-mile radius where shadow flicker will interfere with existing or future residences and roadways and describe proposed measures to mitigate these problems.

Based upon the findings of the report, the wind energy facility shall be designed so that shadow flicker or blade glint will not fall on or in any roadway or occupied property, unless approved by the Planning Board.

- A. Shadow flicker or blade glint that falls on a portion of an occupied property is acceptable only under the following circumstances:
  - 1. The flicker or glint does not exceed 120 seconds per day for 7 consecutive days, with a 20-hour maximum per year, and
  - 2. The flicker or glint falls more than 100 feet from an existing residence or business property.
- B. Shadow flicker or blade glint that falls on a roadway is acceptable only under the following circumstances:
  - 1. The traffic volumes are less than 500 vehicles per day on the roadway, and
  - 2. The flicker or glint shall not fall onto an intersection of public roads.

If shadow flicker or blade glint exceeds any of the conditions listed in this Section, the wind energy facility shall be shut down until the flicker or glint problem is remedied. Each such occurrence shall be a separate violation of this ordinance and the penalties shall be cumulative.

**Noise Impacts.** No Large System or Utility-scale wind energy facility or any generators, equipment, or apparatus shall produce noise above forty-five (45) decibels for more than five (5) consecutive minutes, as measured at any property line. Each such occurrence shall be a separate violation of this ordinance and the penalties shall be cumulative.

If noise levels exceed forty-five (45) decibels for more than twenty-four (24) consecutive hours, as measured at any property line, the applicant and/or owner shall shut down the wind energy facility within one (1) business day of being informed to do so by the Zoning Administrator or his/her designee. The facility shall remain shut down until it can be demonstrated to the satisfaction of the Zoning Administrator or his/her designee that the facility can be operated so as to not exceed 45 (forty-five) decibels for more than 5 (five) consecutive minutes, as measured at any property line.

**Maintenance.** The Applicant shall conduct preventive maintenance inspections at least once every two (2) years and after any wind event defined as a tropical storm or Category 1-5 Hurricane. Each inspection shall look for such things as metal fatigue, nut loosening, and other potential failures

that might impact the public health and safety, as well as the items detailed in the Maintenance Plan. Such inspection reports shall be provided to the Planning Director or his/her designee within 30 (thirty) days of the inspection.

**Road Analysis.** The applicant shall reimburse NCDOT and/or County (as appropriate) for any and all repairs and reconstruction to roads that are necessary due to the construction or decommissioning of the Large or Utility-scale Wind Energy Facility. A qualified independent third party or other qualified person, agreed to by NCDOT and/or County (as appropriate) and the applicant, shall be hired to pre-inspect the roadways to be used during construction and/or decommissioning. This third party shall be hired to evaluate, document, and rate the road conditions prior to construction or decommissioning of the Large or Utility-Scale Wind Energy Facility, and again 30 days after the Wind Energy Facility is completed or removed.

- A. Any road damage during construction that is done by the applicant and/or one or more of its contractors or subcontractors that identified by the third party inspector shall be repaired or reconstructed to the satisfaction of NCDOT and/or County (as appropriate) at the applicant's expense prior to the final inspection. In addition, the applicant shall pay for all costs related to work of the third party pre-inspection prior to receipt of the final inspection.
- B. The surety for removal of a decommissioned wind energy facility shall not be released until the Planning Director or designee is satisfied that any road damage that is identified by the third party inspector during and after decommissioning by the applicant and/or one or more of its contractors or subcontractors has been repaired or the road reconstructed to the satisfaction of the NC DOT and/or County (as appropriate) at the applicant's expense. In addition, the applicant shall pay for all costs related to work of this third party's inspection prior to receipt of the release of the surety.

**Financial Guarantee Required.** Prior to the issuance of a building permit, the applicant must submit a financial guarantee in the amount of the estimated cost to decommission the facility plus a contingency amount of 25 percent. The guarantee shall be in the form of a bond with an approved surety payable to Onslow County, a letter of credit payable to Onslow County, or cash. The term of the guarantee shall be a minimum period of three (3) years. No extension to the two-year permit is to be considered by the Planning Board unless a replacement guarantee has been submitted extending the term for three (3) additional years.

**Decommissioning or Abandonment.** If the Code Enforcement Administrator condemns any portion of a Large or Utility-scale Wind Energy Facility, or if no electricity is generated for 3 consecutive months, the Wind Energy Facility owner and/or property owner shall have 3 months to remedy the safety issues or complete the decommissioning of the Wind Energy Facility, according to the approved plan.

- A. The Planning Board may grant extensions of time for repair and/or maintenance, for good cause, such as the need to back-order parts that are not currently available from the

manufacturer or supplier or the need to repair a Large or Utility-scale Wind Energy Facility damaged by a hurricane.

- B. Decommissioning shall include the complete removal of wind turbines, buildings, cabling, electrical components, roads, and any other associated facilities and/or structures, including below-ground items such as foundations and power lines.
- C. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

**Facility Security.** Large system or utility-scale wind energy facilities shall meet the following requirements in respect to the owner providing security for the site:

- A. The facility shall be fenced, or otherwise secured so as to prevent unauthorized access.
- B. An emergency contact number shall be posted on the facility gate at all times in order for officials to be able to contact a responsible person who can access the site.
- C. Made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or collided with.

### **Appeals**

If an application is denied by the Planning Board, the applicant may appeal such decision to the County Board of Commissioners within thirty (30) days of the Planning Board decision.

## **Section 1407. Special Requirement Uses Not Requiring a Surveyed or Engineered Site Plan**

### **Family Care Home.**

- a. Cannot be located within five hundred (500) feet of another family care home.

### **Greenhouses (Private).**

- a. Greenhouses shall be located in the side or back yard.
- b. Greenhouses shall be setback fifteen (15) feet from all side and rear property lines.

### **Livestock (Non-Farm).**

- a. Minimum lot size of three (3) acres.
- b. Fenced yard housing animals shall be setback twenty (20) feet from all property lines.

### **Outdoor Adventure Operations**

- a. A minimum setback from property lines is required for each structure equal to the height of the structure unless a larger setback is required by a different zoning ordinance provision.
- b. In the Rural Agriculture zoning district, outdoor adventure operations must be located on a lot that has an area of at least 5 acres.
- c. In the Rural Agriculture zoning district, no more than one on-premise sign is allowed, which must be set back at least 1 foot from the right-of-way and must not exceed 32 square feet in area or 6 feet in height.

**Recycling & Collection Center.**

- a. Shall comply with the Onslow County Solid Waste Ordinance.

**Small Wind Energy Facility**

- a. All components of a Small Wind Energy Facility attached to a structure must not exceed 60 feet in height.
- b. All components of a freestanding Small Wind Energy Facility must not exceed 75 feet in height.
- c. All components of a freestanding Small Wind Energy Facility must be setback 1 foot for each foot in height from any property line and 1 foot for each foot in height for any dwelling unit on the same property. This setback is not required for waterfront property where the owner proposed to place the components of a Small Wind Energy Facility in a body of water or on a dock or pier if the applicant can demonstrate there will be no significant impact on abutting properties.

**Stables/ Saddleries (Private).**

- a. All barns and other accessory structures shall be setback fifty (50) feet from the right-of-way and twenty feet from all other property lines.
- b. Minimum lot size of one (1) acre.

**ARTICLE XV. PARKING AND LOADING**

**Section 1501. Off-Street Parking Required**

At the time of the erection of any building, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guestrooms, seats, or floor area, or before conversion from one type of use to another, permanent off-street parking space shall be provided in the amount specified by this Article. Such parking space may be provided in a parking garage or properly guarded open space together with adequate driveway and maneuvering space and loading areas.

**Section 1502. Certification of Minimum Parking Requirements**

Each application for a Zoning Permit shall include information as to the location and dimensions of off-street parking and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Zoning Administrator to determine whether the requirements of this Article are met.

**Section 1503. Combination of Required Parking Space**

The required parking spaces for any number of separate uses may be combined in one (1) lot, but the required space assigned to the one (1) use may not be assigned to another use, except that one-half (1/2) of the parking spaces required for churches whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays.

### **Section 1504. Remote Parking Space**

If the off-street parking spaces required by this Ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within reasonable distance of the main entrance to such principal use, provided such land is in the same ownership as the principal use or an agreement with the owner may be provided and in the same zoning district.

### **Section 1505. Requirements for Parking Lots**

Where parking lots for more than five (5) cars are required, the plan shall comply with the following provisions:

- A. The lot may be used only for parking and not for any type of loading, sales, dead storage, repair work, dismantling or servicing, but shall not preclude convention exhibits or parking of rental vehicles.
- B. All entrances, exits, and drainage plans shall be approved and constructed before occupancy.
- C. A strip of land five (5) feet wide adjoining any street line, right of way, or any lot zoned for residential uses shall be reserved as open space, guarded with wheel bumpers, curb and or other, and planted in grass and/or shrubs or trees, exclusive of driveways.
- D. Only one (1) entrance and one (1) exit sign, no larger than two (2) square feet prescribing parking regulations, may be erected at each entrance or exit.
- E. Any lighting of parking areas shall be shielded so as to avoid casting light upon adjacent properties and streets.

### **Section 1506. Vehicle Storage**

#### **A. Residential Districts (not to include RA District)**

Only vehicles intended for personal use shall be parked or stored on any property zoned for residential use. No storage of commercial inventory whatsoever shall be permitted and no inoperative or unlicensed vehicles shall be permitted to be parked or stored, except as permitted by this ordinance.

Commercial trucks, buses or vans driven home by employees shall be allowed. The intent of this section is to regulate those motor vehicles which are visible from a public street.

#### **B. Non-Residential Districts**

Customer and employee parking is permitted along with the parking and storing of governmental or commercial vehicles. 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 junk or wrecking yard.

### **Section 1507. Minimum Off-Street Parking Requirements**

The number of off-street spaces required by this Article shall be provided on the same lot with the principal use. The required number of off-street parking spaces specified for each use shall be considered as a minimum. These spaces shall be outside of the right-of-way in addition, a developer shall evaluate the needs of his development to determine if such needs are greater than the minimum

ARTICLE XV. PARKING AND LOADING

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specified by this Ordinance. Required handicapped spaces shall be in accordance with all applicable North Carolina State Building Codes.

<b>Land Uses</b>	<b>Required Parking</b>
Air, truck and rail freight terminals	Two (2) parking spaces for each three (3) employees, plus one (1) space for each business or commercial vehicle in the operation.
Airports, railroad passenger stations and bus terminals	One (1) parking space for each four (4) seats for waiting passengers, plus two (2) spaces for each three (3) employees, plus one (1) space for each vehicle used in the operation.
Auditoriums	One (1) parking space for each four (4) seats in the largest assembly room.
Banks and Finance offices	One (1) parking space for each two hundred (200) square feet of gross floor space, plus one (1) space for each two (2) employees.
Barber and Beauty Shops	One (1) parking space for each service chair plus one (1) additional parking space for each employee.
Bed and Breakfast Operations	One (1) parking space for each room to be rented plus residential requirements.
Bowling Alleys	Two (2) parking spaces for each alley plus one (1) space for each 200 square feet of gross floor
Camp or Care Center	One (1) parking space for each employee and one parking space for each five (5) beds.
Cemeteries	One (1) parking space for each employee.

Land Uses	Required Parking
Churches	One (1) parking space for each four (4) seats in the largest assembly area.
Civic Clubs, Fraternal Lodges, or Community Centers	One (1) parking space for each two hundred (200) square feet of gross floor space.
Clinics (medical/dental)	Five (5) parking spaces for each doctor plus one (1) parking space for each employee.
Child Care Center and Preschools	One (1) parking space for each employee plus one (1) parking space for every (5) students.
Dwellings	Two (2) parking spaces per single or duplex dwelling unit.  For multi-family dwelling projects, one and one half (1.5) parking spaces per 1 bedroom unit, two (2) parking spaces per 2 bedroom unit, and two and one half (2.5) parking spaces per 3 or more bedroom unit. Total required parking spaces shall be rounded to the nearest whole number.
Fire Stations	One and one-half (1 1/2) parking spaces per employee or fireman on duty at one time.
Funeral Homes	One (1) parking space for each four (4) seats in the largest assembly room.
Golf Courses	Four (4) spaces for each hole, and one (1) space for each employee.
Greenhouse and Nursery Operations	One (1) parking space for each employee, plus five (5) parking spaces for each greenhouse.
Home Occupations	One (1) parking space per home occupation in addition to residence requirements.
Hospitals and Sanitariums	One (1) parking space for each employee on the longest shift plus one (1) parking space for each two (2) beds.
Hotels, Motels, Tourist homes	One (1) parking space for each room to be rented, plus one (1) additional parking space for each two (2) employees, plus additional parking spaces as may be required for any commercial or business uses located in the same building.
Industrial and Manufacturing Uses	One (1) parking space per two employees.

Land Uses	Required Parking
Libraries	One (1) parking space for each four (4) seats provided for patron use.
Nursing, Retirement and Convalescent Homes	One (1) parking space for each five (5) beds intended for patient use.
Offices	One (1) parking space for each employee.
Private Clubs and Lounges	One (1) parking space for each two (2) seats at bars and one (1) parking space for each four (4) seats at tables.
Public Buildings	One (1) parking space for each employee plus one (1) space for every three hundred (300) square feet plus one (1) space for each four (4) seats in the largest assembly room.
Public Utility Buildings	One (1) parking space for each employee.
Recreational Facilities, Not Otherwise Listed (without facilities for spectators)	One (1) parking space for each employee plus one (1) parking space for every two (2) participants at full capacity.
Recreational Facilities, Not Otherwise Listed (with facilities for spectators)	Same as recreational facilities without spectators plus one (1) parking space for every four (4) spectator seats.
Restaurants and Cafeterias	One (1) parking space for each four (4) seats at tables, and one (1) parking space for each two (2) seats at counters or bars plus one (1) parking space for each two (2) employees.
Retail Uses Not Otherwise Listed	One (1) parking space for each four hundred (400) square feet of gross floor area.
Riding Facility and Stables	One (1) parking space for each employee plus one (1) parking space for every three (3) stalls or horses (whichever is more). Horse trailers are not to be stored in required parking spaces.
Schools, Elementary and Junior High or Middle School	Two (2) parking spaces for each classroom and administrative office and one (1) large space for each bus.
Schools, Senior High	Four (4) parking spaces for each classroom, plus one (1) parking space for each administrative office, plus one (1) large space for each bus.

Land Uses	Required Parking
Schools, Colleges, Technical and Trade	One (1) parking space for every six (6) students, based upon the maximum number of students attending classes at any one time, plus one (1) space for each administrative office, plus one (1) space for each professor or teacher.
Service Stations	Five (5) parking spaces for each service bay.
Services not otherwise listed	One (1) space for every two hundred (200) square feet of floor space.
Shopping Centers	Six (6) parking spaces for each one thousand (1,000) square feet of gross floor space in the center.
Stadiums and Arenas	One (1) parking space for each four (4) seats in the stadium or arena.
Stores, Department	One (1) parking space for each two hundred (200) square feet of gross floor area.
Stores, Retail Food	One (1) parking space for each two hundred (200) square feet of gross floor area.
Theaters, Indoor	One (1) parking space for each four (4) seats up to four hundred (400) seats, plus one (1) space for each six (6) seats above four hundred (400).
Wholesale Uses	One (1) parking space for each employee on the longest shift.

**Section 1508. Design Standards for Off-Street Parking**

All off-street areas required by this Article shall conform with the following Design Standards:

- A. All parking spaces shall have minimum dimensions of nine (9) feet in width and eighteen (18) feet in length. All access or backup aisles shall conform to the following minimum dimensions:

<u>Parking Angle</u>	<u>Aisle Dimension</u>
90 degrees	24 feet
60 degrees	18 feet
45 degrees	14 feet
30 degrees	12 feet
0 degrees	12 feet

- B. The use of streets, sidewalks, alleys or other public rights-of-way for parking or maneuvering to and from off-street parking spaces is prohibited, except where such maneuvering is necessary in the use of driveways for access to and from single-family and two family dwellings.
- C. Parking area edges shall be protected by suitable curbing, wheel guards, or other means to prevent vehicular encroachment on a public right-of-way or on adjacent property, and to protect the public right-of-way and adjoining properties from the damaging effects from surface drainage from parking lots.
- D. Where parking or loading areas are provided adjacent to the public street, ingress and egress shall be made only through driveways not exceeding twenty-five (25) feet in width at the curb line of said street, except where the Zoning Administrator and NCDOT finds that a greater width is necessary to accommodate the vehicles customarily using the driveway.
- E. Businesses adjacent to, or integrated in, a shopping center or cluster of commercial uses shall use the common access with other business establishments in the center.
- F. No driveway shall be located closer than twenty-five (25) feet to any street intersection.
- G. Any lighting of parking areas shall be shielded so as to cast no direct light upon adjacent properties and streets.

### **Section 1509. Off-Street Loading Purpose and General Requirements**

Off-street loading requirements are established in order to ensure the proper and uniform development of loading areas throughout the County, to relieve traffic congestion in the streets and to minimize any detrimental effects of off-street loading areas on adjacent properties.

Each application for a Zoning Permit shall include plans and other information of sufficient detail to enable the Zoning Administrator to determine whether or not the requirements of this Article have been met. Plans for off-street loading areas shall include information as to:

- A. The location and dimensions of driveway entrances, access aisles and loading spaces.
- B. The provisions for vehicular and pedestrian circulation.
- C. The location of sidewalks and curbs.

The Zoning Permit for the construction or use of any building, structure or land where off-street loading space is required shall be withheld by the Zoning Administrator until the provisions of this Section have been met. If at any time such compliance ceases, any Certificate of Occupancy which shall have been issued for the use of the property shall immediately become void and of no effect.

### **Section 1510. Design Standards for Off-Street Loading Spaces**

The off-street loading spaces required by this Article shall be provided for loading, and unloading operations either inside or outside a building, on the same lot with the use served, and shall conform to the following standards:

- A. Each off-street loading space shall have minimum dimensions of twelve (12) feet in width and twenty-five (25) feet in length.
- B. All off-street loading spaces shall have a minimum vertical clearance of fourteen (14) feet.
- C. Access aisles or apron spaces shall be of sufficient width to allow for proper backing and/or turning movements.
- D. Required off-street loading areas including drives and access aisles shall be constructed with a hard surface material (i.e. rock / asphalt).
- E. Loading spaces and access ways shall be located in such a way that no truck or service vehicle using such areas shall block or interfere with the free, normal movement of other vehicles on a service drive or on any off-street parking area, public street, aisle or pedestrian way used for general circulation. In addition, the off-street loading facilities shall be designed and constructed so that all maneuvering of vehicles for loading and unloading purposes shall take place entirely within the property lines of the premises.
- F. Loading area edges shall be protected by suitable curbing to prevent encroachment on a public right-of-way or on adjacent property, and to protect the public right-of-way and adjoining properties from the damaging effects of surface drainage from off-street loading areas.
- G. Any off-street loading areas and access ways adjacent to property used or zoned for residential purposes, shall be provided with screening meeting the standards described in Buffers and Screening.

**Section 1511. Minimum Off-Street Loading Requirements**

Off-street loading shall be provided and maintained as specified in the following:

- A. Uses which normally handle large quantities of goods, including but not limited to industrial plants, wholesale establishments, storage warehouses, freight terminals, hospitals or sanitariums, and retail sales establishments shall provide off-street loading facilities in the following amounts:

<u>Gross Floor Area</u> <u>(Square Feet)</u>	<u>Minimum Number of</u> <u>Spaces Required</u>
5,000 - 20,000	1
20,001 - 80,000	2
80,001 - 170,000	3
170,001 - 260,000	4
Add one space for each additional 45,000 over 260,000	1

Uses which do not handle large quantities of goods, including but not limited to office buildings, restaurants, funeral homes, hotels, motels, apartment buildings, and places of public assembly, shall provide off-street loading facilities in the following amounts:

<u>Gross Floor Area</u> <u>(Square Feet)</u>	<u>Minimum Number of</u> <u>Spaces Required</u>
5,000 - 80,000	1
80,001 - 200,000	2
200,001 - 320,000	3
320,001 - 500,000	4
Add one space for each additional 180,000 over 500,000	1

## **ARTICLE XVI. BUFFERS AND SCREENING**

### **Section 1601. Purpose of Buffers**

Buffers, or screens, are required to protect one authorized use from adverse impacts caused by another authorized use, screen its functional aspects from the street and neighboring properties, and absorb and/or deflect any excessive noise.

### **Section 1602. Buffers Required**

In all districts, a uniform buffer or screen is required along the side and rear lot lines between commercial, institutional and industrial uses and residential or rural agricultural districts or residential uses, churches or historical properties. Buffers are also required between proposed manufactured home parks or apartments and single-family dwellings, churches, or historical properties. Information shall be submitted to the Zoning Administrator showing details of the proposed buffer as to the location and type of buffer.

### **Section 1603. Buffer Specifications**

Unless specified elsewhere in this Ordinance, a buffer shall be one of the following:

1. An six (6) foot high opaque fence/wall installed no closer than three feet from the property line with evergreen plantings between the fence and property line; or
2. A buffer that is eight (8) feet wide shall include two (2) staggered rows of evergreen plantings, to include 6 trees, 6 feet in height and 20 shrubs per 100'; or
3. A twenty (20) foot wide natural wooded barrier, or
4. A combination of a barrier and plantings as approved by the Zoning Administrator.

A buffer shall not be placed in the right-of-way or where in will interfere with a sight triangle.

The opaque fence or wall must dampen noise and shall not permit visibility from one side to the other. It may be of decorative masonry, wood plank, or basket weave construction.

Where evergreens (trees and shrubs) are used, a species as recommended by the County Agricultural Extension Agency and size no less than 3 gallon container size.

The natural wooded barrier shall be undisturbed, natural low bushes, shrubs, or trees. The natural buffer must provide reasonable screening in the estimation of the Zoning Administrator.

#### **Section 1604. Construction and Maintenance**

A buffer must be installed or constructed prior to the issuance of a Certificate of Occupancy. Once erected, a buffer shall be properly maintained at all times. The construction and maintenance of a buffer shall be the responsibility of the landowner, business owner or developer, except as provided below in Deferring requirements.

#### **Section 1605. Deferring Requirements**

The required planting may be deferred for up to five (5) months after approval of the deferment by the Zoning Administrator, upon the receipt of a buffering guarantee security payable to Onslow County and meeting the following requirements.

The developer may deposit cash, cashier's check, bond or an Irrevocable Letter of Credit, either Onslow County or in escrow with a financial institution designated as an official depository of Onslow County.

The developer or property owner shall provide a landscaping plan and guaranteed cost estimate (official bid) from a landscaping firm.

The amount shall equal one and a half (1.5) times the entire cost of installing all required landscaping, based on the average of three (3) landscapers' bids.

Any guarantee of \$9,999.99 or less must be in the form of a cashier's check, or similar bank check, payable to the County of Onslow and valid for a minimum period of six (6) months.

Any guarantee of \$10,000 or more may be a cashier's check, cash, bond or irrevocable letter of credit.

In the case of a failure on the part of the property owner or developer to complete the landscaping, the County may complete the work and the County may retain the actual cost and a service charge of twenty-five percent (25%) of its total cost and return the balance to the property owner or developer. This provision does not preclude the County from pursuing all other legal or equitable remedies necessary to enforce the construction of appropriate buffers.

#### **Section 1606. Buffer waivers**

The Board of Adjustment may issue a special use permit to waive all or a portion of the buffer requirements under certain circumstances involving situations where water or other scenic views or significant environmental features may be negatively affected by the buffer or in cases where public safety is an overriding consideration.

In these specific types of circumstances, the applicant may submit a Special Use Application along with a petition from the adjoining property owner(s) requesting that the buffer requirement be waived either wholly or partially. The Board of Adjustment would then consider the request and make a decision on the buffer waiver. During its review, the Board could eliminate the buffer requirement or require an

alternate buffer design (i.e. smaller buffer yard; fence or vegetation at a height less than 6 feet). Upon approval by the Board of Adjustment, it shall be the responsibility of the owner of the property upon which the buffer is to be located to record the Special Use Permit at the Register of Deeds office under the owner's chain of title and provide evidence of such recordation to the Planning and Development Department in order to effect the waiver.

## **ARTICLE XVII. SIGNS**

### **Section 1701. Signs Permitted in all Zoning Districts**

The following signs shall be permitted in all zoning districts. Such signs shall not require a sign permit as long as they conform to the requirements stated below.

Official Government Signs – Such as traffic or similar regulatory or directional signs and legal notices.

Identification Signs – Not to exceed two square feet in display area bearing only addresses or names of occupants of the premises and located on privately owned property.

Memorial Plaques – Such cornerstones, historical tablets, and similar devices.

Instructional Signs – Signs on private property, not to exceed six (6) square feet in display area, which provide direction, safety or convenience information, including signs which identify restrooms, parking area entrances or exits, freight entrances and similar devices, warning danger, church/civic directional and no trespassing signs.

Flags or Emblems – Flags/emblems of civic, philanthropic, educational or religious organizations erected on private property, provided that such flags or emblems shall not exceed sixteen (16) square feet in size.

Temporary “For Sale,” “For Rent” and Construction signs – Signs pertinent to realty on the premises offered for sale or rent. A sign may be placed along a waterfront, trail, golf course when such property abuts one of these. Signs giving information pertaining to construction taking place on the lot upon which the sign is located, which signs shall be removed within 30 days of an issuance of a certificate of occupancy. Temporary signs shall not be illuminated.

### **Section 1702. Permitted Signs Requiring a Permit**

Church or Public Building Bulletin Boards and Identification Signs - These signs shall not exceed forty-eight (48) square feet in area. There shall be a limit of one such sign for each street front.

Signs Advertising Agricultural Products – Not to exceed thirty-two (32) square feet in area, there shall be a limit of one such sign for each street front.

Signs identifying, by Name, Residential Subdivisions, Planned Housing Developments, or Manufactured Home Parks – The sign face shall not exceed thirty-two (32) square feet in area; when circumstances exist whereby a developer chooses to place the identification sign more than 50 feet from the right-of-way of the existing road, the sign face size may be permitted to be no greater than 64

square feet. There shall be a limit of one double-faced sign or two single-faced signs for each road or driveway entrance to the development. When a golf course or other type of recreational or other facility that will be open to be public exists within the development, the name of such facility is permitted as part of the development identification sign.

Signs Advertising Only the Name, Time and Place of any Bona Fide Fair, Carnival, Festival, Bazaar, Horse Show or Similar Event – No such sign shall be placed in a residential district, not including RA, except on the site of the event to which it pertains; and provided that all such signs shall be removed within ten (10) days after the last day of the event.

Political Signs - Political signs associated with a political campaign shall not be placed in the right-of-way of any public street. Political signs shall be removed within 30 days of the final election date.

On-Premise Business Signs – Business signs shall be permitted on the premises of the business in districts in which the principal use is permitted either by right or as a special use.

### **Section 1703. Attached Signs**

Business signs shall not project more than one (1) foot from any building wall or canopy.

If suspended from a canopy, the sign must be at least eight (8) feet above the sidewalk, pavement or ground level.

Attached signs shall have a total display area in square feet per establishment no greater than one square foot for each linear foot of building front, but in no case greater than 300 square feet. The building front and one side may have an attached sign.

### **Section 1704. Freestanding Signs**

Freestanding business signs shall be setback one foot from the right-of-way or property line.

Business establishments shall be permitted one freestanding signs no greater than 200 square feet in area. A shopping center consisting of three or more businesses located in a unified building or group of buildings may have one freestanding sign not to exceed 300 square feet in area per street front.

No freestanding sign shall exceed 30 feet in height.

### **Section 1705. Outdoor Advertising Signs (off-premise)**

No outdoor advertising sign may exceed four hundred and fifty (450) square feet in area and fifty (50) feet in height.

Attached signs, side by side signs and two sign structure facing in the same direction shall be prohibited.

Rooftop signs are prohibited.

No part of any outdoor advertising sign shall be located within a one thousand (1,000) feet radius of another outdoor advertising sign.

The backs of all outdoor advertising sign shall be painted in a neutral color to blend with the surrounding area and to prevent the reflection of car lights and sunlight.

No part of any outdoor advertising sign shall be located within a five hundred (500) foot radius from any park property, school property, church property, or navigable body of water.

No part of any outdoor advertising sign shall be located within a two hundred and fifty (250) foot radius from any residential structure.

No sign shall be affixed to trees without the written permission of the property owner

No sign shall be affixed to utility poles.

Off-premise outdoor advertising signs having automatic changeable copy/display shall meet the follow requirements:

1. The sign shall not contain or display flashing, intermittent, or moving lights, including animated or scrolling advertising.
2. The sign copy/display shall not change or alternate more frequently than once every 8 seconds.
3. Sign copy/display changes shall be accomplished without the use of animation, movement, or scrolling, except for any mechanical movements of the sign facing structure necessary to change the sign copy/display.
4. Sign copy/display changes shall be accomplished as quickly as the sign technology allows and in all cases shall be accomplished within an interval of two seconds or less.
5. The sign shall be designed and equipped to freeze the sign in one position with no more than the maximum allowable illumination if a malfunction occurs.
6. The sign shall have a light sensing device that adjusts the brightness of the sign automatically as ambient light conditions change.
7. The sign shall not exceed a maximum illumination level of 0.3 foot candles above ambient light, regardless of the method of illumination. The 0.3 foot candles above ambient light shall be measured at a distance from the sign equal to the following equation:

$$\sqrt{(\text{Sign Area in square feet} \times 100)}$$

8. Prior to permitting, the applicant shall submit a signed letter from the sign manufacturer stating that the sign is equipped with the ability to comply with the regulations in this section and will be programmed to do so prior to operation. The applicant shall also submit a signed letter from the sign owner or operator stating that they have read the regulations in this section and will not tamper with the manufacturer preset illumination settings.

9. Any automatic changeable copy/display off-premise outdoor advertising sign lawfully established according the regulations in effect at the time of its establishment that does not conform to the standards in this section must be either removed or rendered conforming within 30 days from the date that non-conforming status is determined by the Zoning Administrator.

### **Section 1706. Prohibited Signs**

Any sign that obscures a sign displayed by public authority for the purposes of giving traffic instruction or direction or other public information.

Any sign that uses the word “stop” or “danger” or otherwise presents or implies the need or requirement of stopping or caution or the existence of danger, or which is a copy or imitation of or which for any reason is likely to be confused with any sign displayed by a public authority.

Any sign that obstructs any door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress or egress.

Any sign that is placed in the public right-of-way except for signs placed by a governmental agency.

No sign of any kind may be affixed or attached to any utility or service pole.

Except for off-premise outdoor advertising signs meeting all requirements of Section 1705.10, flashing signs are prohibited.

### **Section 1707. Sign Maintenance**

Whenever a sign becomes structurally unsafe or endangers the safety of a building or the public, the Zoning Administrator shall order that such a sign be made safe or be removed. A period of ten (10) days following receipt of said order by the person, firm or corporation owning or using the sign shall be allowed for compliance.

No sign shall have more than twenty (20) percent of its surface area covered with disfigured, cracked, ripped or peeling paint or poster paper for a period of more than thirty (30) successive days.

No sign shall be allowed to have weeds, trees, vines or other vegetation growing upon it or obscuring its view from the street or highway from which it is to be viewed for a period of more than thirty (30) successive days; before any removal of said vegetation, a permit may be required from NCDOT.

### **Section 1708. Illumination**

All signs illuminated under the provisions of this section shall be constructed to meet the requirements of the State Building Code.

Illuminated signs shall be limited to those lighted internally with glass or plastic faces bearing the advertisement; provided, however, that exposed neon tubing and exposed incandescent or other bulbs not exceeding fifteen (15) watts each shall be permitted.

Display lighting shall be shielded so as to prevent direct rays of light from being cast into a residential area or district and/or vehicles approaching a public right-of-way from any direction.

Flame as a source of light is prohibited.

### **Section 1709. Setback Requirements**

Signs shall be setback at least one foot from any public right-of-way or property line and no part of any sign shall project over any right-of-way or property line. All signs shall be setback at least fifty feet from a road intersection (measured at the intersection of the right-of-way line) except those erected for orderly traffic control and other governmental purposes, or directional signs of less than six (6) square feet.

### **Section 1710. Non-conforming Signs**

All non-conforming signs existing on the effective date of this ordinance may remain in place subject to the following requirements:

- a. No nonconforming sign shall have any changes made in the words or symbols used or the message displayed on the sign unless the sign is specifically designed for periodic change of message. However, this ordinance shall not prohibit the normal maintenance of signs to keep them neat.
- b. No nonconforming sign shall be structurally altered so as to change the shape, size, type or design of the sign, nor shall any nonconforming sign be relocated unless said change or relocation causes the sign to conform to the terms of this ordinance.

No nonconforming sign shall be allowed to remain after the activity, business or use to which it was related has been discontinued.

If a nonconforming sign is damaged in such a manner that the estimated expense of repairs exceeds forty percent (40%) of its replacement value, the sign shall not be allowed to remain or be repaired and must be removed or brought into compliance.

### **Section 1711. Removal of Nonconforming signs**

Under failure to comply with any of the above requirements, the Zoning Administrator shall cause the removal of any nonconforming signs.

The Zoning Administrator shall give the owner of the nonconforming sign notice of the violation by first class mail. Notice to the owner or the occupant of the premises on which the sign is located shall be sufficient. These notices shall contain a brief statement of the particulars in which this Article is violated and the manner in which such violation is to be remedied and the right to request a meeting with the Zoning Administrator. In the absence of appeal to the Board of Adjustment, after 30 days, the County shall have the right to take appropriate actions to remove the sign with no further recourse or just compensation and at the cost of the owner.

### **Section 1712. Filing Procedure**

Applications for permits to erect, hang, place or alter the structure a sign shall be submitted on forms obtainable from the Zoning Administrator. Each application shall be accompanied by a plan showing the following:

1. Property on which the sign is to be located;
2. Size, character, general layout and design proposed for painted displays;
3. The method and type of illumination, if any;
4. The location proposed for such signs in relation to property lines, and existing signs;
5. If conditions warrant, the Zoning Administrator may require such additional information as will enable him to determine if such signs are to be in compliance with the regulations;

Applicants shall pay any administrative fee established by the County at the time of the application.

### **Section 1713. Master Sign Plans**

#### **Purpose**

The purpose of the Master Sign Plan is to encourage innovative, creative, attractive, and effective signage by providing an alternative to the permanent signage criteria contained within this Article.

#### **Applicability**

As an alternative to the permanent signage criteria contained within this Article, any planned residential development or commercial retail development that has a total gross floor area of five-thousand (5,000) square feet or more shall be allowed to submit an application for a Master Sign Plan.

#### **Architectural Theme**

Signage proposed as a part of the Master Sign Plan shall be architecturally integrated with the building design and/or site using similar and coordinated design features and materials. Specifically, proposed signage must satisfy the following criteria:

##### **1. Freestanding Signs:**

- a. Structural aspects of signs, such as poles, supports, and cabinets, shall be constructed of materials and colors related to the principal building.
- b. The text, or sign copy, of freestanding signs shall be limited to the name and/or logo of the business/establishment and the street address only (except for fuel-pricing signs).

##### **2. Attached (wall) Signs:**

- a. No power supply shall be visible from pedestrian areas, parking areas, or streets.
- b. In strip shopping centers, each establishment's sign(s) shall be centered horizontally over the storefront and/or entrance(s).
- c. No sign shall extend above the building roof line.

##### **3. Awning Signs:**

- a. The shape, design, and color of awnings shall be carefully designed to coordinate with, and not dominate, the architectural style of the building. Where multiple awnings are used on the building and/or site, the design and color of the sign awnings and all other awnings shall be coordinated.
- b. The signage text and/or logo shall be located only on the valance of the awning itself.
- c. Sign copy text shall be limited to the name of the business and/or the business logo.

**Application Requirements**

The Master Sign Plan application shall include a signage plan including the following:

1. A site plan identifying the locations of all proposed signs.
2. A list of each type of sign proposed to be allowed within the development. At a minimum, the following information will be provided:
  - Freestanding sign standards to include dimensions of and materials used in support structures, dimensions of sign face, maximum individual and aggregate sign area per establishment, and maximum height of sign.
  - Wall (attached) sign standards to include maximum individual and aggregate sign area per establishment and maximum area in relation to storefront area.
  - Directional sign standards to include height and sign area.
  - Illumination guidelines describing the type(s) proposed, placement, intensity, and hours of illumination.
  - Changeable copy guidelines.
  - Temporary sign guidelines.
  - Theme and color guidelines to include graphic depictions of sign designs, color palettes, font style and letter size, illumination, materials, and sample copy areas.

**Signage Standards**

**A. Standards for Permanent Signs**

Sign Type	Number Allowed	Max. Sign Height	Max. Sign Area
Freestanding Sign* (Primary)	1 per street frontage	20 feet	200 square feet, plus 10 square feet per additional tenant, up to a maximum of 300 square feet
Freestanding Sign** (Auxiliary)	See Below	8 feet	32 square feet
Wall Sign – Front Elevation	N/A	Not to extend above the building roof line	1 square foot per linear foot of building wall***
Wall Sign – Side / Rear	Up to 2 Signs	Not to extend above	1 square foot per linear

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Elevation		the building roof line	foot of building wall***
Canopy Sign	N/A	Not to extend above the building roof line	0.5 square feet per linear foot of building wall
Awning Signs	1 per occupancy per street frontage	N/A	15 square feet
Window Signs	Up to 5 per occupancy	N/A	10 percent of the ground floor window area

\* Individual commercial logos are permitted on multi-tenant signs so long as they are designed to reflect a unified graphic appearance (i.e. size and material type)

\*\* An additional auxiliary freestanding sign per street frontage will be allowed for property having in excess of 200 linear feet of street frontage. Auxiliary signs may not exceed 8 feet in height and 32 square feet in area, and will not be allowed within 100 feet of another auxiliary or primary freestanding sign on the same parcel.

\*\*\* The total area of wall signs may be increased by 10% if such wall signs consist only of individual, outlined alphabet, numeric, and/or symbolic characters without background, except the background provided by the building surface to which the sign is affixed. In strip shopping centers, the linear feet of building wall pertains to each occupancy.

**B. Base Landscaping** – All primary freestanding signs shall be located in a landscaped bed, at least 40 square feet in area, consisting of low-growing plants. Such areas will be bordered by a minimum of a 6” high vertical curb.

**Approval Criteria**

The Onslow County Planning & Development Director, or his/her designee, will review Master Sign Plan applications and approve such applications if it is determined the proposed Plan is consistent with the standards in Section 1713 and all other applicable sections of this Ordinance.

All future sign permit applications for signage within the site must comply with the approved Master Sign Plan.

**ARTICLE XVIII. DEFINITIONS**

**Section 1801. Definitions**

For the purpose of this Ordinance certain terms and words are defined as follows:

Words used in the present tense include the future tense. Words used in the singular number include the plural, and words used in the plural number include the singular. The word "person" includes a firm, association, organization, partnership, corporation, trust, and company as well as an individual. The word "lot" includes the word "plot" or "parcel." The word "building" includes the word "structure." The word "shall" is always mandatory and not directory. The word "may" is permissive. The words "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended," "arranged," or "designated to be used" or "occupied." The words "residential property" shall apply to

land zoned for residential use and to other land occupied by residential structures. The words "a map", "a zoning map", or "Onslow County Zoning Map" shall mean the Zoning Map of Onslow County, North Carolina. The words "article," "Zoning Ordinance," or "Onslow County Zoning Ordinance" shall mean the Zoning Ordinance of Onslow County, North Carolina. The words "Onslow County planning area" or "planning area" shall mean the area within which Onslow County exercises zoning authority. All other words not defined below shall be defined by the North American Industry Classification System (NAICS). If the word cannot be found in the NAICS the standard edition of the Webster's Dictionary shall be used.

**ACCESSORY APARTMENT.** A secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot.

**ACCESSORY STRUCTURE.** Any building or structure that:

1. Is subordinate to and serves a principal structure or use;
2. Is subordinate in extent and purpose to the principal structure or use served; and,
3. Is located on the same lot as the principal structure or use served.

Garages, carports, pools, freestanding antennas, solar panels, and storage sheds are common accessory structures. Doghouses, fences, playground equipment, satellite dishes, yard decorations, etc. are not regulated by this ordinance.

**ACCESS EASEMENT.** The right of a dominant property owner to use the property of a servient owner for egress and ingress. For purposes of this Ordinance, all access easements shall include the right to install utilities.

**ADULT USES.** Any structure or use of land which meets the definition of adult business or sexually oriented-business as defined in the Onslow County Ordinance to Regulate Adult Business and Sexually-oriented Businesses or the definition of an adult establishment as outlined in G.S.14-202.10. For the purposes of this zoning ordinance, lingerie modeling, exotic dancing and private dancing shall be considered as and subject to the same ordinances and regulations as those provided for adult uses. (Licensed health massage/body work therapists shall not be considered an adult massage business)

**AGRICULTURAL LAND.** Any parcel of land which is used in the raising of agricultural, dairy, or forest products, livestock, poultry, or fur-bearing animals. (See Bona Fide Farm)

**AGRICULTURAL, CROP PRODUCTION.** The use of land for the primary purpose of raising and harvesting row, field, or tree crops on a commercial basis on a bona fide farm. The growing and sale of agricultural crops on the premises shall not constitute agricultural crop production. (See Bona Fide Farm).

**AGRICULTURAL, LIVESTOCK PRODUCTION.** The use of land for the primary purpose of raising animals or producing animal products, such as eggs or dairy products, on a commercial basis on a bona fide farm, including grazing, ranching, and dairy farming. (See Bona Fide Farm).

**AIRPORT, PRIVATE.** A landing field for the private use of the property owner or lessee, including hangar area for aircraft used by the owner or lessee at the private airport.

**AIRPORT, PUBLIC.** Landing fields, aircraft parking or service facilities, passenger or baggage terminals, or related facilities for operation, service, fueling, repair, storage, charter, sales, or rental of aircraft, operated by an airport authority or other corporation.

## ARTICLE XVIII. DEFINITIONS

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**ALLEY.** A vehicular way used for providing service access along rear or side property lines of lots.

**AMMUNITION MANUFACTURING.** The manufacture of small arms ammunition, comprising any activity classified under 2007 North American Industry Classification System (NAICS) code 332992.

**AMORTIZATION.** The process of providing for a timed extinction of a use, which is not in compliance with this Ordinance.

**AMUSEMENT PARK.** A commercially operated enterprise that offers rides, games, and other forms of entertainment. This does NOT relate to an Adult Establishment or Use.

**ANIMAL HOSPITAL/VETERINARY CLINIC.** Any facility used for the purpose of giving licensed medical treatment to animals or pets and any other customarily incidental treatment of the animals, such as grooming, boarding, or selling of pet supplies.

**AQUARIUM.** An establishment where aquatic collections of living organisms are kept and exhibited.

**APARTMENT.** A room or suite of rooms which provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation in each separate unit.

**APPEAL.** An action requesting reversal or modification of an interpretation or decision made by the Zoning Administrator in the application of these regulations.

**ASPHALT PRODUCTS MANUFACTURING.** A facility preparing asphalt and/or concrete mixtures for street, parking lot and driveway paving.

**AUCTION HOUSE.** A structure or enclosure where goods are sold by auction.

**AUTOMATIC TELLER MACHINE.** A machine that provides banking or financial services.

**AUTOMOBILE SALVAGE YARD.** Any establishment which is maintained, used or operated for storing, keeping, buying and/or selling two or more wrecked, junked, scrapped, ruined, dismantled or inoperable motor vehicles, regardless of the length of time which individual motor vehicles are stored or kept at said establishment. Shall meet all requirements of the Onslow County Solid Waste Ordinance.

**AUTOMOBILE, TRUCK, AND MOTORCYCLE SALES.** An establishment primarily engaged in the retail sale of new and used automobiles, trucks, motorcycles, motor scooters, mopeds, all-terrain vehicles, snowmobiles, go-carts, golf carts, utility trailers, and similar items.

**BANQUET AND EVENTS FACILITY.** A facility or ballroom that is hired or rented by individuals or groups to accommodate private functions such as banquets, weddings, receptions, anniversaries or any other similar celebrations and social events. Such facilities may include kitchen facilities for the preparation of food.

**BASE FLOOD.** A flood having a one percent chance of being equaled or exceeded in any given year. (See Flood Damage Prevention Ordinance).

**BASE FLOOD ELEVATION.** The elevation of the reach of the one hundred-year flood waters. (See Flood Damage Prevention Ordinance).

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**BED AND BREAKFAST.** An owner-occupied or manager-occupied residential facility providing no more than 12 rooms for overnight lodging, or lodging and meals.

**BONA FIDE FARM.** Crop lands, timber lands, pasture lands, orchards, idle or other farm lands as well as any farm houses, barns, poultry houses, and tenant houses for workers, as long as such houses for workers shall be in the same ownership as the farm and located on the farm. (The above definition relates to zoning and should not be associated with tax or other definitions).

**BUFFERS.** The portion of a yard where special plantings or fences may be required by the Zoning Ordinance to separate and partially screen two adjacent land uses that are ordinarily incompatible. Buffers may include uniform walls, fences, hedges, landscaped areas, berms, additional setbacks or, at the discretion of the Zoning Administrator, combinations of the above.

**BUILDABLE AREA.** The area of a zoning lot remaining after the minimum setback requirements of this Ordinance have been satisfied.

**BUILDING, (SEE STRUCTURE).** Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any person, process, equipment, or goods.

**BUILDING, PRINCIPAL.** The building in which the principal use of the zoning lot is conducted.

**BUILDING HEIGHT.** The maximum height of a building permitted on a lot. Building height is determined from the vertical distance as measured from the lowest adjacent grade to the building to the highest point on the building.

**BUILDING MATERIALS, SALES.** An establishment engaged in selling lumber and a general line of building materials and hardware to the public.

**BUSINESS OFFICES.** An establishment primarily engaged in providing: accounting, auditing, and bookkeeping services; public relations services; legal services; real estate services; the services of insurance agents, brokers and carriers; the services of security and commodity brokers; and the services of bank holding companies.

**CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS.** A site intended and designed to accommodate recreational vehicles or tent spaces as temporary living quarters for recreational or vacation purposes.

**CAMPSITES.** Unimproved sites for tents only, no utility hookups are permitted.

**CARPORT.** A roofed structure enclosed on not more than two sides and used for the parking of motor vehicles. (See Dimensional Requirements Table for setbacks).

**CAR WASH.** A facility where motor vehicles are washed, cleaned, and/or waxed by hand or with manually-operated equipment or automatic machinery.

**CEMETERY, PUBLIC.** Land and facilities used for burial of the dead meeting the requirements of a perpetual care cemetery under State law. Such a facility includes any burial ground, mausoleum, or columbarium.

**CEMETERY, PRIVATE.** Land and facilities used for the burial of the dead, which have not been licensed and do not meet the licensing requirements of a perpetual care cemetery under State law.

**CERTIFICATE OF ZONING COMPLIANCE.** A statement, signed by the Zoning Administrator, stating that

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the plans for a building, structure, or use of land complies with the Zoning Ordinance of Onslow County.

**CHILD CARE CENTER.** A day care facility in which day care is provided for thirteen or more children when any child is preschool-age, or sixteen or more children when all children are school age.

**CHILD DAY CARE (SMALL HOME).** A day care operation in which day care is provided for up to five preschool-age children, plus up to three additional school-age children. (See Home Occupation for requirements).

**CHILDREN'S HOME.** A facility engaged in the care of children who have been abandoned or given up for adoption such home may include living quarters, dining areas, recreation areas, education facility, etc. (See Home Occupation)

**CHURCH.** A facility of a religious organization operated for worship and which may include religious training or study.

**CLUB OR LODGE.** A building or land used for the activities of a non-profit membership organization for recreation or social purposes but not adjunct to or operated in connection with a drinking establishment (bar, nightclub, or tavern) or an Adult Use.

**CODE ENFORCEMENT DEPARTMENT.** Onslow County Code Enforcement Department. (Inspections Department).

**COLLEGE OR UNIVERSITY.** An institution of higher education offering associate, undergraduate and/or graduate degrees.

**COMMON OPEN SPACE.** Open space held in common ownership by property or unit owners in a development, normally provided for in the declaration or restrictive covenants.

**COMMUNITY CENTER, PUBLIC.** An area or facility designed to meet the demand for active recreation, including play fields, ball diamonds, parks with picnic and playground equipment, tennis courts, swimming pools, tot lots and similar uses, available to the public and under the management or control of a public agency.

**COMMUNITY CENTER, PRIVATE.** An area or facility established to serve as a recreation and/or meeting area for the residents of a subdivision or development if the site is shown on the approved subdivision or development plans.

**CONDITIONAL ZONING.** Zoning in which the development and use of the property is subject to standards, regulations, or other conditions imposed as part of the legislative decision creating the district and applying it to the particular property, as authorized by G.S. 153A-342.

**CONDOMINIUM.** A dwelling unit owned as a single-family home within a multiple property together with an undivided portion of ownership in areas and facilities held in common with other property owners in the development. Condominiums may take a number of forms such as attached townhouses, apartments, or other forms of residential structures. The common areas and structures may include underlying land, parking areas, recreation facilities, swimming pools, and in the case of an apartment house, hallways, basements, heating units, and elevators.

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**CONSTRUCTION, START OF.** After issuance of a building permit by the Inspections Department, the first placement of a structure, including a manufactured home, on a site, for which a building inspection is required. This shall include forming, and bracing for concrete placement; the subsequent installation and tying of steel reinforcements for footings, piles, or columns (if required), the pouring of slabs, or footings, or excavation or the placement of a manufactured home on a foundation.

**CONTIGUOUS AREA.** Any area which abuts directly on a subject property or is separated from the subject property by a street or the right-of-way of a railroad or other utility or public service corporation.

**CONVENIENCE CENTER.** A lot or parcel of land established by a local government for the collection of recycling material and/or other solid waste.

**CONVENIENCE STORE.** Any retail establishment offering for sale gasoline, diesel fuel, kerosene, automotive products, prepackaged food products, household items, and/or other goods commonly associated with the same.

**CORNER LOT.** See Lot, Corner.

**CORRECTIONAL FACILITY.** A facility providing housing and care for individuals confined by law, operated under the authority of local, State, or Federal government.

**COTTAGE DEVELOPMENT.** A cluster of small detached single-family residences constructed to specific design standards and arranged around common open space, generally at a higher density than the underlying zoning would allow for traditional detached single-family residential development.

**COTTAGE HOME.** A small detached single family residence constructed to specific design standards and arranged around common open space as part of a cottage development.

**COUNTRY CLUB (PRIVATE).** A private club that requires a paid membership, that has an area designed for golf, including a Par 3 golf course, having at least nine holes, each with a tee, fairway, green, and one or more hazards. A clubhouse, pool and other facilities associated with a country club built around a golf course are considered part of the golf course.

**COUNTY CLUB (PUBLIC).** An area open to the public, designed for golf, including a Par 3 golf course, having at least nine holes, each with a tee, fairway, green, and one or more hazards. A clubhouse, pool and other facilities associated with a country club built around a golf course are considered part of the golf course.

**CREMATORIUM.** A location containing properly installed, certified apparatus intended for use in the act of cremation.

**CROP PRODUCTION.** SEE AGRICULTURAL CROP PRODUCTION.

**DENSITY.** The ratio of dwelling units permitted on a zoning lot to the area of the zoning lot.

**DIRECTOR OF PLANNING AND DEVELOPMENT.** The Director of the Onslow County Planning and Development Department.

**DISTILLERY.** A facility or establishment engaged in the manufacture, production, distillation, packaging and distribution of spirituous liquor.

**DWELLING, DUPLEX.** A building containing two dwelling units, each of which is totally separated from the other by an un-pierced wall extending from ground to roof or an un-pierced ceiling and floor extending from the exterior wall to exterior wall, except from a common stairwell exterior to both dwelling units.

**DWELLING, MODULAR.** A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant, having a permanent foundation and inspected as a site built home.

**DWELLING, MODULAR (ON FRAME).** See manufactured home.

**DWELLING, SINGLE-FAMILY (Site-built).** A residential building constructed completely on-site for occupancy by one single family.

**DWELLING, MULTIFAMILY.** A building constructed on-site in compliance with the North Carolina State Building Code and designed for three or more dwelling units.

**EASEMENT.** A grant of one or more of the property rights for a specific purpose by the property owner to, or for the use by the public, a utility or other persons.

**EMS DEPARTMENT.** Onslow County Emergency Services Department.

**ENGINEER.** A person licensed to practice engineering in the State of North Carolina.

**ENVIRONMENTAL HEALTH.** Onslow County Environmental Health Department.

**EROSION.** The wearing away of land surface by the action of wind, water, gravity, or any combination thereof.

**EROSION CONTROL ACT.** The North Carolina Sedimentation Pollution Control Act of 1973 and all rules and orders adopted pursuant to it and amendments. (Regulated by NCDENR)

**EROSION, NATURAL.** The wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions on property undisturbed by man.

**FAMILY.** One or more persons related by blood, adoption, or marriage, and their foster parents, or children, or stepparents, or stepchildren, living together in a single dwelling unit; or a number of persons eighteen years or older, not exceeding four and their children or stepchildren under eighteen years of age, living together in a single dwelling unit, though not all related by blood, adoption, or marriage; and such domestic servants as are employed on the same premises. A family may include five or fewer foster children placed in a family foster home licensed by the State of North Carolina. The term family shall not be construed to include any group of persons living together as a fraternal, sororal, social, honorary, or professional organization.

**FAMILY CARE HOME.** A housing facility with support and supervisory personnel licensed by the State of North Carolina or operated by a nonprofit corporation chartered pursuant to Chapter SSA, North Carolina General Statutes, which provides room and board, personal care and rehabilitation services in a supportive family environment for not more than six residents, exclusive of supervisory personnel, including but not limited to, handicapped persons, older adults, foster children, abused individuals,

homeless persons, and those recovering from drug or alcohol abuse. This use shall include Family Care Homes, as defined in North Carolina General Statute 168-21. This use shall not serve primarily as an alternative to incarceration, shall not include individuals who are dangerous to others, as defined in North Carolina General Statute 122C3-(11), and shall not include persons living together as a fraternal, sororal, social, honorary, or professional organization.

FARM TENANT HOUSING. A dwelling unit occupied by the family of a person employed in agriculture-related activities on the premises.

FEDERAL AVIATION ADMINISTRATION. FAA

FEDERAL COMMUNICATIONS COMMISSION. FCC

FEDERAL TELECOMMUNICATIONS ACT OF 1996. FTA.

FIREARMS MANUFACTURING. The manufacture of small firearms that are carried and fired by the individual, comprising rifles manufacturing and any activity classified under 2007 North American Industry Classification System (NAICS) code 332994.

FIRE MARSHALL. Onslow County Fire Marshall's Office.

FIRING RANGE, INDOOR. An enclosed facility designed as business or commercial enterprise for public use and used for the discharge of firearms at targets.

FIRING RANGE, OUTDOOR. An outdoor facility designed as a business or commercial enterprise for public use and used for the discharge of firearms at targets.

FLASHING SIGN. Any sign which contains a light source and maintains the same appearance or copy display for twenty-nine (29) seconds or less. Electronic message boards whose copy display or message does not change more frequently than every thirty (30) seconds shall not be considered flashing.

FLOOD BOUNDARY AND FLOODWAY MAP. An official map on which the Federal Emergency Management Agency has delineated both the floodway and floodway fringe areas. Said maps also contain cross sectional information relevant to both the floodway and floodway fringe areas with data available in official reports supplied by the Federal Emergency Management Agency.

FLOOR AREA, GROSS. The total number of square feet on all floors of a building, as measured from the outside faces of the building.

FOOD STORE. An establishment primarily engaged in selling food for home preparation and consumption, and other related items.

FRONTAGE. The property abutting on one side of a street measured along the street right-of-way line.

FUNERAL HOME. An establishment engaged in undertaking services, such as preparing the human dead for burial and in arranging funerals.

**FURNITURE AND HOME FURNISHINGS STORE.** An establishment primarily engaged in the retail sale of new or used household furniture, floor coverings, draperies, curtains, and upholstery materials, and miscellaneous home furnishings, such as bedding and linens, lamps and shades, mirrors, venetian blinds, and window shades.

**GOLF DRIVING RANGE.** An open-air golf practice facility.

**GRADING BUSINESS.** A business that provides grading services and that does not store or manufacture asphalt, concrete, sand or other similar materials on site.

**GREENHOUSES, PRIVATE.** A small facility where plants are grown for personal use, not for retail or commercial sale.

**GREENHOUSES AND NURSERIES, COMMERCIAL.** An establishment primarily engaged in the retail sale of trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, fertilizers, pesticides, garden tools, and other garden supplies to the general public.

**GREENWAY.** A linear open space along a natural or constructed corridor which may be used for pedestrian or bicycle passage. Greenways often link areas of activity, such as parks, schools, or historic sites with each other and with populated areas.

**GROUND COVER.** Any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion. (EROSION CONTROL)

**GROUP DEVELOPMENT.** Development of multiple buildings and/or uses within single parcel or parcels such as a manufactured home park, multi family development, shopping center, mini warehouses, or office complex.

**HARDSCAPING.** A paved area (concrete, paver blocks, stone, or other generally impervious surface) designed to serve as a public or private site amenity that includes benches or other street furniture, children's play areas, landscaped islands, and/or similar features that support its function as an amenity area.

**HARDWARE STORE.** An establishment primarily engaged in the retail sale of a number of basic hardware lines, such as tools, paint, and housewares, lumber and other related items.

**HATCHERIES.** An establishment where the eggs of fish or chickens are incubated and raised for commercial purposes.

**HAZARDOUS MATERIAL.** Any substance listed as such in the Superfund Amendments and Reauthorization Act (SARA) Section 302, Extremely Hazardous Substances; the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Hazardous Substances; or Section 311 of the Clean Water Act (CWA) (oil and hazardous substances).

**HAZARDOUS SUBSTANCE.** Any chemical defined as a physical hazard or a health hazard under standards of North Carolina Administrative Code 7C.0101(a)(105). Physical hazards include, but are not limited to, chemicals which are combustible, explosive, flammable, and reactive. Health hazards include, but are not limited to, chemicals which are carcinogens, toxins, corrosives, and irritants.

## ARTICLE XVIII. DEFINITIONS

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**HOME OCCUPATION.** Is a business, profession, occupation, or trade for the economic gain or support of a resident of the dwelling, and which is incidental and secondary to the residential use of the lot.

**HOSPITAL.** A facility providing medical, psychiatric, or surgical services for sick or injured persons, including emergency treatment, diagnostic services, training, research, administration, and other related services.

**HOTEL OR MOTEL.** A building or group of buildings used principally to provide shelter, with or without meals, for not fewer than four paying guests.

**JUNKYARD.** Any open area which is maintained, operated, or used for storing, keeping, dismantling, disassembling, salvaging, buying or selling junk regardless of length of time that junk is stored or kept and shall meet the requirements of the Onslow County Solid Waste Ordinance.

**KENNEL.** Any facility used for the purpose of boarding domesticated animals for hire. Kennels may conduct other such incidental activities, such as the sale of animals, treatment of the animals, grooming or cleaning, and the sale of pet supplies. Domesticated animals, for the purpose of this ordinance, shall be defined as dogs, cats, and other generally accepted household pets.

**LAKE OR NATURAL WATERCOURSE.** Any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake or pond, natural or man made.

**LAND DISTURBING ACTIVITY.** Any use of the land by any person that results in a change in the natural cover or topography that may cause or contribute to sedimentation. May require a permit from NCDENR.

**LANDFILL, CONSTRUCTION AND DEMOLITION.** A landfill which accepts construction or demolition debris or waste including solid waste from construction, remodeling, repair or demolition operations on pavement, buildings, or other structures. Such landfills shall meet criteria set by the State of North Carolina.

**LANDFILL, SANITARY.** A facility for the disposal of all types of solid wastes, excluding hazardous wastes or toxic substances. Such landfills shall meet criteria set by the State of North Carolina.

**LANDOWNER.** Any owner of real property, including the heirs, successors, assigns and personal representative of such owner. The owner may allow a person holding a valid option to purchase, to act as his agent or representative for purposes of submitting a proposed site-specific development plan in the manner allowed by this Ordinance.

**LANDSCAPE ARCHITECT.** A person licensed to use the title of landscape architect in the State of North Carolina.

**LARGE WIND ENERGY FACILITY.** A single or collection of wind turbines that produce an aggregate energy transmission rate greater than 20kW but less than 750 kW.

**LIBRARY, PUBLIC.** A publicly operated facility housing a collection of books, magazines, audio and videotapes, or other material for use by the general public.

**LIQUOR STORE.** An establishment regulated by the Alcoholic Beverage Control Board selling alcoholic

beverages.

LIVESTOCK PRODUCTION. SEE AGRICULTURAL LIVESTOCK PRODUCTION.

LIVESTOCK SALES. A commercial establishment wherein livestock is collected for sale or auctioning.

LOG HOME MANUFACTURING. A facility where all components of log homes are produced and shipped to work sites.

LOT. A designated parcel, tract, or area of land established by plat, subdivision, deed or as otherwise permitted by law to be separately owned, used, developed or built upon. Also known as a lot of record.

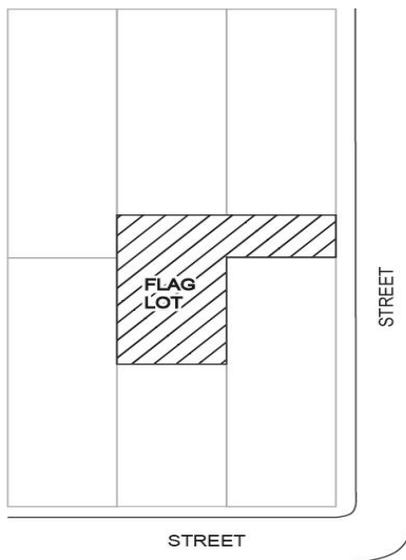
LOT, ADJACENT. Any lot or parcel, which has a common boundary, right-of-way, or easement with the subject lot.

LOT, CORNER. A lot or parcel of land abutting upon two or more streets at their intersection.

LOT COVERAGE. That portion of the lot area, expressed as a percent, that is covered by impervious surface.

LOT, DOUBLE FRONTAGE. A lot having frontage on two or more streets. A corner lot shall not be considered as having double frontage unless it has frontage on three or more streets.

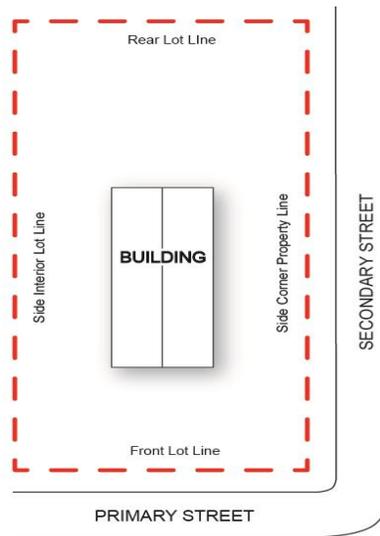
LOT, FLAG. An irregularly shaped lot where the buildable portion of the lot is connected to the access street frontage by a narrow access where the driveway is constructed within a narrow portion of the lot (or combination of lots via an easement) which resembles a flagpole. The front setback is to be measured from the line parallel to the street immediately after the lot widens.



LOT FRONT. That side of a lot, which fronts on a street regardless of the orientation of the house/building. In the case of a corner lot, the subdivider shall designate the front of the lot for purposes of these regulations by labeling the front and side-building lines as such on the final plat or plot plan.

LOT, INTERIOR. A lot other than a corner or double frontage lot.

**LOT LINES:** The lines bounding a lot. Where a lot of record includes a portion of the right-of-way area or access easement, the lot lines for the purpose of measuring setbacks and area are presumed not to extend into the right-of-way or access easement.



**LOT LINE, FRONT.** The line that separates the lot from a street right-of-way or access easement.

**LOT LINE, REAR.** That lot line, which is opposite and most distant from the front lot line.

**LOT LINE, SIDE.** A lot line other than a rear or front lot line.

**LOT, NONCONFORMING.** A lot which does not meet all the dimensional requirements of the zoning district in which it is located, which exists by virtue of the fact that it lawfully existed on the day before the effective date of the Zoning Ordinance or subsequent amendments, and which continues to exist.

**LOT WIDTH.** The horizontal distance between the side lot lines at the building front setback line as measured along a straight line parallel to the front lot line or parallel to the chord thereof.

**LOT OF RECORD.** A lot which is a part of a subdivision plat which has been recorded in the office of the register of deeds, or a lot which is described by metes and bounds, the description of which has been so recorded, prior to the effective date of this Ordinance.

**MALL.** See "Shopping Center".

**MANUFACTURED HOME.** A dwelling unit that is composed of one or more components, each of which was substantially assembled in a manufacturing plant after 1973 and designed to be transported to the home site on its own chassis. For the purpose of this ordinance, an on frame modular is included in this definition since tie downs are required. (See mobile home).

**MANUFACTURED HOME PARK. (MOBILE HOME PARK)** A track of land set up with two (2) or more mobile or manufactured home spaces for lease or rent.

**MANUFACTURED AND ON FRAME MODULAR HOMES, AND RECREATIONAL VEHICLE SALES.** An establishment primarily engaged in the retail sale of new and used manufactured homes, modular homes, recreational vehicles, and similar items.

## ARTICLE XVIII. DEFINITIONS

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**MANUFACTURED HOME SPACE.** The land in a manufactured home park allotted to or designed for the accommodation of one manufactured home.

**MEAT PACKING AND POULTRY PROCESSING PLANTS.** An establishment primarily engaged in the slaughtering of cattle, chickens, hogs, sheep, lambs, and calves for meat to be sold or to be used on the same premises in canning, cooking, curing, and freezing, and in making sausage, lard, and other products.

**MEDICAL AND DENTAL CLINICS.** An establishment primarily engaged in furnishing medical and surgical services and licensed for such practice by the State.

**MEDICAL OR DENTAL LABORATORIES.** An establishment primarily engaged in providing professional analytic or diagnostic services; or an establishment primarily engaged in making dentures, artificial teeth, and orthodontic appliances.

**METAL FABRICATION PLANT.** A large-scale (greater than 3,001 square feet) facility, which is engaged in the shaping of metal and similar materials.

**METAL FACBRICATION SHOP.** A small-scale (3,000 square feet or less) facility which is engaged in the shaping of metal and similar materials.

**MINING, QUARRYING, OR RESOURCE EXTRACTION.** Any mining activity, as defined in State law, including:

(A) he breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter.

(B) Any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils, and other solid matter from its original location.

(C) The preparation, washing, cleaning, or other treatment of minerals, ores, or other Solid matter so as to make them suitable for commercial and other uses.

Mining shall not include plants engaged in processing minerals produced elsewhere and whose refuse does not affect more than one acre of land. Mining shall not include excavation or grading when conducted solely in aid of on-site farming or of on-site construction for purposes other than mining. Removal of overburden and mining of limited amounts of any ores or mineral solids shall not be considered mining when done only for the purpose and to the extent necessary to determine the location, quantity, or quality of any natural deposit, provided that no ores or mineral solids removed during such exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business, and provided further that the affected land resulting from any such exploratory excavation does not exceed one acre in area.

**MINI-WAREHOUSE.** Moving and/or storage services for household and business goods, including self-service storage facilities.

**MOBILE HOME.** Any manufactured structure built prior to 1974.

**MOBILE HOME PARK.** See manufactured home park.

## ARTICLE XVIII. DEFINITIONS

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**MONUMENT SALES.** An establishment where concrete or rock-based monuments, such as yard décor, tombstones, etc., are sold.

**MOTOR VEHICLE.** Every vehicle, which is self-propelled, and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. For purposes of this definition, the term motor vehicle shall also include vehicles or implements used in farming or construction, but shall not include golf carts, ATVs and other similar recreational vehicles.

**MOTOR VEHICLE BODY OR PAINT SHOP.** An establishment primarily engaged in bodywork, painting, or customizing of automobiles or other motor vehicles.

**MOTORCROSS TRACK.** A facility designed as a business or commercial enterprise for public use and used for the racing of two wheel motor cycles, bikes, four wheel all terrain vehicles or similar motorized vehicles.

**MOTOR VEHICLE REPAIR.** An establishment engaged in providing mechanical automotive maintenance and repair. This use includes service stations but does not include bodywork or painting.

**MUSEUM OR ART GALLERY.** A structure used for the display and preservation of paintings, sculpture, and other constructed or natural objects illustrating human or natural art and/or history. This does NOT relate to an Adult Establishment or Use.

**NCDENR.** North Carolina Department of Environment and Natural Resources.

**NCDOT.** North Carolina Department of Transportation.

**N.C.G.S. or G.S.** North Carolina General Statute NON-

### CONFORMING USE

**NURSING, CONVELESCENT, ASSISTED LIVING FACILITY.** A home for persons aged, ill (to include substance abuse rehabilitation), or handicapped in which two or more persons not of the immediate family of the owner or manager of said home is provided with food, shelter, and nursing care.

**OIL AND GASOLINE BULK STORAGE.** The storage on a zoning lot of two thousand five hundred gallons (2,500) or more of flammable liquid, or two thousand (2,000) gallons water capacity or more of flammable gas, excluding storage tanks, above ground as defined herein below.

**OPAQUE BARRIER:** A vertical structure constructed of masonry, concrete, metal, wooden material, or berm, which does not allow light to pass through.

**OPEN SPACE.** Any area, which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements for purposes other than open space conservation.

**OPEN SPACE, COMMON.** Open space within a development not in individually owned lots, which is designed and intended for the common use or enjoyment of the occupants of the development.

**OPEN STORAGE FACILITY.** Any area which contains trash collection areas or dumpsters, open air docks, outdoor storage of bulk materials and/or parts, or areas regularly used for outdoor repair areas or service stations, motor vehicle dealers, or inspection stations as the principle use, but excluding temporary construction and related activities and closed bay docks.

## ARTICLE XVIII. DEFINITIONS

**OUTDOOR ADVENTURE OPERATIONS.** A commercial, recreational, outdoor use that incorporates and/or mimics natural features and that does not incorporate directly into recreational activities any mechanized propulsion of patrons. Examples include zip lines, ropes courses, climbing towers, biking trails, paddle tours, and corn mazes.

**OUTDOOR EVENT VENUE:** A facility that is established to accommodate a variety of events held privately or open to the general public in an outdoor setting even though some facilities may include permanent enclosed structures and/or temporary event tents. Such facilities may include kitchen facilities for the preparation of food as well as other entertainment and/or recreation facilities on the site. Events would include but not be limited to concerts, festivals, theatrical exhibitions, as well as swap and shop markets and flea markets.

**OUTPARCEL SITE.** A lot developed separately but linked functionally to a shopping center.

**OVERLAY DISTRICT.** A zoning district which overlays and combines with one of the principal zoning districts established by this Ordinance. In such case the property involved is subject to the requirements of both districts.

**PARKING, COMMERCIAL.** A principal use of a zoning lot with or without a parking structure for use as a place for the temporary or long-term parking of motor vehicles.

**PERSON.** Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.

**PLANNED RESIDENTIAL DEVELOPMENT.** A residentially zoned area, planned and developed as a unit, which is characterized by environmentally sensitive design through the use of flexible development standards.

**PLANNED UNIT DEVELOPMENT**

**PLANNING BOARD.** The Onslow County Planning Board.

**PLANNING STAFF:** The Zoning Administrator or appointed authorized official(s) in the Onslow County Planning and Development Department.

**PLANTING AREA.** An outdoor area, the surface of which may not be covered by impervious surface cover, such as asphalt, concrete or gravel, nor by structures, and must be devoted entirely to the planting and maintenance of trees, shrubs, and groundcovers, or construction of fences, walls, and/or earth berms.

**PLAT.** A surveyed map or plan of a parcel of land which is to be, or has been subdivided. A map or plan of a parcel of land which is to be, or which has been, subdivided.

**PLAT, FINAL.** The final map of all or a portion of a subdivision or site, showing the boundaries and location of lots, streets, easements and any other requirements of the Subdivision Regulations which is presented for local government approval and subsequent recordation with the Register of Deeds.

**PLAT, PRELIMINARY.** A map indicating the proposed layout of the subdivision or site showing lots, streets, water, sewer, storm drainage, and any other requirements of the Subdivision Regulations which is presented for preliminary approval.

PORTABLE SIGN. See Sign, Portable.

POST OFFICE. A facility or structure used for the collection, sorting, and distribution of mail and having retail services for the general public.

PREMISES. A lot or parcel of real property where a business, profession, service, commodity, product, accommodation, event, attraction or other enterprise or activity or use exists or is conducted, manufactured, sold, offered, maintained or takes place.

PRINCIPAL BUILDING. See Building, Principal.

PRINCIPAL USE. See Use, Principal.

PRIVATE RECREATION CLUBS. A private facility designed to meet the demand for active recreation, including play fields, ball diamonds, parks with picnic and playground equipment, tennis courts, swimming pools, tot lots and similar uses. This does NOT relate to an Adult Establishment or Use.

PROPERTY. Means all property subject to zoning regulations and restrictions and zone boundaries within the zoning jurisdiction of the County.

PUBLIC. Under the control or responsibility of the Elected Body on behalf of the general population, rather than individual or private control.

PUBLIC SEWER SYSTEM. An approved sewage disposal system, including municipal and sanitary district sewerage systems.

PRIVATE SEWER SYSTEM. A wastewater treatment facility established to serve all or a portion of a residential or commercial development.

PUBLIC UTILITY FACILITY. Facilities of any agency which under public franchise or ownership, provides the general public with electricity, gas, oil, water, sewage, electronic signals, or rail transportation. The term utility shall not be construed to include the following: corporate or general offices; storage or service buildings or yards; gas or oil processing, manufacturing or storage facilities; transmission towers; or postal facilities.

PUBLIC WATER SUPPLY SYSTEM. An approved water supply system, including municipal and sanitary district water systems approved by the Environmental Health Department in consultation with the NC Division of Health Services.

QUARRY. See Mining.

RADIO AND TELEVISION STUDIOS. An establishment primarily engaged in providing two-way radio/telephone communication services, telephone voice and data communications, telegraph services, radio and television broadcasting, or cable and other pay television services, but excluding those uses classified as utilities.

RECREATION AREA, COMMON. An area which is required in certain types of developments for active, or passive recreational uses. This does NOT relate an Adult establishment or use.

RECREATIONAL GOODS RENTAL ESTABLISHMENT. An establishment that rents recreational goods, such

## ARTICLE XVIII. DEFINITIONS

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as canoes, kayaks, jet skis, scuba gear, bicycles, and golf carts.

**RECREATIONAL VEHICLE.** A vehicular type accommodation, other than a manufactured home, designed as temporary accommodations for travel, vacation, or recreation purposes, which is propelled by its own motive power or is mounted on or drawn by another vehicle.

**RECREATIONAL VEHICLE SPACE.** A plot of land within a recreational vehicle park designed for the accommodation of one recreational vehicle, tent, or other individual camping unit on a temporary basis.

**RECYCLING COLLECTION CENTER.** An incidental use that serves as a community drop-off point for temporary storage of recoverable resources. No processing of such items is allowed. This facility would generally be located in a shopping center parking lot or in other public or institutional areas, such as churches and schools.

**RECYCLING PLANT.** A facility at which recoverable resources, such as newspapers, magazines, books, and other paper products; glass; metal and aluminum cans; waste oil; iron and steel scrap; rubber; and/or other products are recycled, and treated to return such products to a condition in which they may again be used for production.

**RECYCLING FACILITY.** A facility where inert debris, such as unpainted concrete, brick, concrete block, and uncontaminated soil, rock, and gravel; solid waste generated from land clearing activities, such as stumps, trees, limbs, brush, and untreated wood; and/or solid waste generated from construction and demolition operations, such as shingles, siding, insulation, treated wood, and painted wood, is sorted and otherwise processed into material to be reused or recycled and material to be disposed of. This does not include any landfill requiring a permit from the State of North Carolina.

**REFINERIES.** A facility which produces petroleum based products.

**REHABILITATION FACILITY.** A facility engaged in the treatment of substance abuse

Patients and or to restore (a handicapped person, for example) to useful life through education and therapy.

**RENTAL OF VEHICLES.** An establishment primarily engaged in furnishing motor vehicle rental, leasing, and parking services to the public.

**RESEARCH ACTIVITIES.** An establishment primarily engaged in commercial research and providing testing services such as calibration and certification of instruments, food testing services, forensic laboratories, metallurgical testing, and industrial X-ray inspection services.

**RESIDENTIAL.** Referring to permanent dwellings as defined herein.

**RESTAURANT (WALK-IN, DRIVE-THROUGH SERVICE).** An establishment which delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

**RESTAURANT (WALK-IN).** An establishment which serves food and beverages primarily to customers seated at tables or counters located within the building or designated outdoor seating areas. This includes cafes, tearooms, and outdoor cafes. And has no drive through service.

## ARTICLE XVIII. DEFINITIONS

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**RETAIL STORE.** An establishment primarily engaged in selling merchandise for personal or household consumption not classified elsewhere.

**SANITARIUM AND MENTAL INSTITUTIONS.** A health station, retreat, or a institution for the recuperation and treatment of persons suffering from physical or mental disorders.

**SCHOOL, ELEMENTARY, MIDDLE, HIGH.** A structure used primarily by and for any age or grade levels and operated by the public school system or approved by the North Carolina Department of Public Instruction as meeting the requirements of State law.

**SCHOOL, PRIVATE.** Any building or group of buildings the use of which meets state requirements for elementary, secondary, or higher education and which use does not secure the major part of its funding from any governmental agency.

**SCREENING.** The method by which sound or the view from one site to an adjacent site is shielded or hidden. Screening techniques include buffers, berms, opaque fences or walls, and certain vegetative screens.

**SEDIMENTATION.** Solid particulate matter, both mineral and organic, that has been or is being transported off the site of the land disturbing activity or into a lake or natural watercourse.

**SEDIMENTATION AND EROSION CONTROL PLAN.** Plan that shows the measures, structures, or devices which control the soil material within the land area under responsible control of the person conducting the land disturbing activity (Regulated by NCDENR).

**SEPTIC SERVICES.** A service provider who collects and disposes of solid and liquid wastes from private sewage disposal systems.

**SERVICES, BUSINESS.**

A) An establishment primarily engaged in providing a service(s) to businesses and to a lesser extent, individuals. All merchandise and rental equipment is stored inside enclosed buildings. This does NOT relate to an Adult establishment or use.

B) An establishment primarily engaged in providing services to commercial and business establishments. Operations may include large-scale facilities and storage of merchandise and equipment outside enclosed buildings. This does NOT relate to an Adult establishment or use.

**SERVICES, HEALTH.** Kidney dialysis centers, blood banks, birth control clinics, drug treatment centers, and similar uses.

**SETBACK.** The required minimum distance from any lot line that establishes the area with which a structure may be located.

**SHOPPING CENTER.** A building or group of buildings either connected or freestanding, which is designed with common parking, pedestrian movement, ingress and egress, and used for the sale of, merchandise or services to the public.

**SIGN AREA –** The sign area shall be the sum of each smallest possible square foot area that can be enclosed around each sign face within either or fewer lines that join each other at right angles. Two-sided freestanding signs shall be computed on the basis of one face only provided that the opposite face

## ARTICLE XVIII. DEFINITIONS

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is identical. The sign area of three dimensional or multi-sided signs shall not exceed the maximum sign area as would be permitted for a two-sided freestanding sign.

**SIGN FACE** – The part of the sign that is or can be used to identify, advertise, or communicate information. The frames or structural members may be considered a part of the sign face if it is so designed with lighting or other ornamentation, which is incorporated in the sign design.

**SIGN, PORTABLE** – A sign which, by design, can be moved easily and is not on a permanent foundation; these signs shall be considered a freestanding sign for the purposes of this ordinance.

**SITE-SPECIFIC DEVELOPMENT PLAN (for vested right)**. A plan which has been submitted to the County by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. The contents of a site-specific development plan that is submitted in the interest of obtaining a vested right, shall meet the requirements of this ordinance.

**SITE PLAN**. A plan which has been submitted to the County by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property.

**SMALL WIND ENERGY FACILITY**. A single or collection of wind turbines that produce a maximum energy transmission rate of 20kW. Such facilities are considered to be an accessory use and do not require approval of a Wind Energy Permit Application. However, Small Wind Energy Facilities shall comply with the dimensional requirements set forth in this ordinance and any other applicable ordinances.

**SOLAR ELECTRICITY SYSTEM, GROUND-MOUNTED**. A ground-mounted system having the components and subsystems required to convert solar energy into electricity to be consumed principally at a different location and including all the land inside the perimeter of the system, which extends to any fencing.

**SPECIAL EVENTS (COMMERCIAL)**: For profit events such as circuses, fairs, carnivals, concerts and festivals that are open to the public. Events held or sponsored by a government entity or non-profit organization are not included in this definition.

**SPECIAL EVENTS (NON-COMMERCIAL)**: Private events (not for hire) held on residential properties in a residential zoning district (excluding RA) such as weddings, reunions and similar gatherings, which are private (not open to the public) and the number of guests are expected to exceed 100 persons.

**SPECIAL USE PERMIT**. A permit issued by the Board of Adjustment that authorizes the recipient to make use of property in accordance with the requirements of the zoning ordinance or as well as any additional requirements imposed by the Board of Adjustment.

**STABLES (Private)**. A facility intended to house, board, handle, train or otherwise keep or care for horses belonging to the owner.

**STABLES (Public)**. A facility intended to house, board, handle, train or otherwise keep or care for horses belonging to the owner or occupant of the property, customers, patrons and or others.

**STICK BUILT**. A single-family or multi-family dwelling constructed on site in accordance to the North Carolina State Building Code.

## ARTICLE XVIII. DEFINITIONS

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**STREAM BUFFER.** A natural or vegetated area through which stormwater runoff flows in a diffuse manner and which provides for infiltration of runoff and filtering of pollutants. The buffer is measured landward from the top of the bank defining the edge of the stream channel.

**STREAM, PERENNIAL.** A watercourse that flows year-round, including rivers, streams, lakes, and ponds, indicated as a solid blue line on the most recent version of USGS 7.5 minute (1:24,000 scale) topographic maps.

**STREET.** A public right-of-way or private easement which affords traffic circulation and a means of access to abutting property. The term street includes road, avenue, place, way, drive, lane, boulevard, highway, and any facility principally designed for motor vehicle traffic, except an alley or an easement solely for utilities, private access or pedestrians.

**STREET, PRIVATE.** Street, road, or right-of-way, which affords access to abutting properties, requires a subdivision streets (roads) disclosure statement in accordance with G.S. 136-102.6 and is not dedicated to or maintained by the public.

**STREET RIGHT-OF-WAY.** Street right-of-way shall mean any right-of-way set aside for public travel.

**STRUCTURE.** Anything constructed or erected which is above grade including a manufactured home and a storage trailer. For purposes of this Ordinance structure does not include landscape features, such as ornamental pools, planting boxes, sculpture, birdbaths, open terraces, at-grade bridges and walkways, at-grade slab patios, driveways, recreational equipment, flagpoles, underground fallout shelters, air-conditioning compressors, pump houses, wells, mailboxes, outdoor fireplaces, burial vaults, cemetery markers or monuments, bus shelters and parking lots.

**SUBDIVISION.** Refer to the Onslow County Subdivision Ordinance, as amended, for a definition of "subdivision."

**SUPERMARKET.** Food markets or combination food markets and department stores with more than 3,000 square feet of floor area.

**SURVEYOR.** A person licensed to practice surveying in the State of North Carolina.

**SWIMMING POOL, PRIVATE.** A swimming pool intended for the private, noncommercial use by a property owner(s), homeowner's association, residential development, or club.

**SWINE FARM.** Any tract or contiguous tract of land in Onslow County devoted to raising animals of the porcine species, served by animal waste management systems having a design capacity of 600,000 steady state live weight (SSLW) or greater regardless of the actual number of swine on the farm.

**TAXI DISPATCH STAND.** A business where taxicabs are temporarily parked during hours of operation and including a building which houses the office of the taxi company and the dispatching equipment and/or where taxicabs wait to pickup patrons.

**TAXIDERMY.** A facility or establishment engaged in the practice of preparing, stuffing, and mounting the skin/pelt of a deceased animal. This may include the incidental processing of animal meat. (See Slaughterhouse)

**TELEPHONE CALL CENTERS.** An establishment primarily engaged in answering telephone calls and

## ARTICLE XVIII. DEFINITIONS

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relaying messages to clients and/or in providing telemarketing services on a contract or fee basis for others, such as promoting clients' products or services by telephone; taking orders for clients by telephone; and soliciting contributions or providing information for clients by telephone.

TEMPORARY STAGING AREA. A lot or portion thereof established by a contractor to store construction material, equipment and/or dumpsters related to construction activities in the immediate vicinity.

THOROUGHFARE. Any street or street extension designated on an official transportation plan.

TOWNHOUSE. A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having an exposed front and rear wall to be used for access, light, and ventilation.

TRAILER, TRAVEL. See Recreational Vehicle.

TRUCK/FREIGHT TERMINAL. Any facility for handling and/or transporting freight, with or without storage and maintenance facilities. For the purposes of this section only, a truck is any vehicle with more than two axles.

USE. The purpose or activity for which land or structures are designed, arranged, or intended, or for which land or structures are occupied or maintained, including any such activity with respect to the requirements of this Ordinance.

USE, ACCESSORY. A use or activity which is customarily incidental to a specific principal use and which is located on the same zoning lot as the associated principal use.

USE, NONCONFORMING. Any use not permitted in the zoning district in which it is located, which lawfully exists by virtue of the fact that it lawfully existed or lawfully existed as of the effective date of the Zoning Ordinance or subsequent amendments, and which has not been discontinued under the provisions of the Zoning Ordinance.

USE, PRINCIPAL. Those uses of land listed in Table of Uses in the Zoning Ordinance.

USE, TEMPORARY. A use which may be located in a zoning district not allowing the use on a permanent basis, after issuance of a permit specifying a limited duration for the use.

UTILITY-SCALE WIND ENERGY FACILITY. A single or collection of wind turbines that produces an aggregate energy transmission rate of 750kW or greater.

USGS. United States Geological Survey.

VARIANCE. An action requesting consideration for relief from the strict enforcement of the standards of the ordinance where special circumstances or unusual considerations may exist on the parcel of land.

VESTED RIGHT. A right pursuant to General Statute 153A-344(b) to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan.

VETERINARY CLINIC. SEE ANIMAL HOSPITAL/ VETERINARY CLINIC.

WAREHOUSING. Establishments primarily engaged in the warehousing and storage of general merchandise, refrigerated goods, and/or farm products.

## ARTICLE XVIII. DEFINITIONS

**WATER SUPPLY WATERSHED.** An area from which water drains to a point of impoundment and the water is then used principally as a source for a public water supply.

**WETLANDS.** Areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support and, under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas and fall under the jurisdiction of the State and/or the US Army Corps of Engineers.

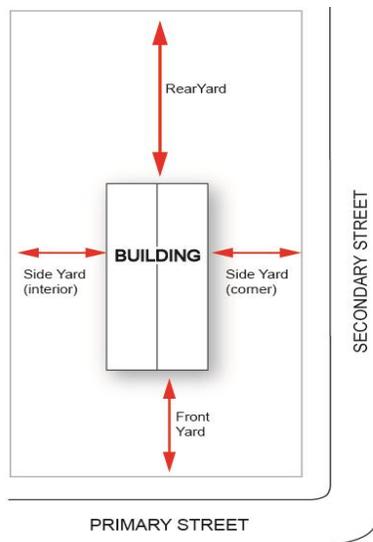
**WILDLIFE SANCTUARY AND REHABILITATION CENTER:** A facility dedicated to the rescue, rehabilitation, and release of native North Carolina wildlife which may include any of the following activities: promoting human connectivity with nature, environmental education and outreach, and natural resource education.

**WINERY.** A manufacturing facility or establishment engaged in the processing and/or the producing of wine or wine-like beverages.

**WOODWORKING PLANT.** A large-scale (greater than 3,001 square feet) facility, which is engaged in the shaping of wood and similar materials.

**WOODWORKING FABRICATION SHOP.** A small-scale (3,000 square feet or less) facility, which is engaged in the shaping of wood and similar materials.

**YARD.** An open space on a lot between the principal building and the nearest lot line(s).



**YARD, FRONT.** The area of a lot extending the full width between the principal building and the front lot line.

**YARD, REAR.** The area of a lot extending the full width between the principal building and the front lot line.

**YARD, SIDE.** The area of a lot extending between the principal building and the side property line(s)

excluding the front and rear yards.

**YARD, SIDE CORNER:** The yard extending between the principal building of the side street right-of-way or access easement and excluding the front yard and rear yard.

**ZERO LOT LINE.** A common lot line on which an interior or exterior wall of a structure may be constructed which distinguishes the property line.

**ZONING ADMINISTRATOR/OFFICER.** Individual, or individuals, appointed by the Planning and Development Director, and charged with the administration and/or enforcement this Ordinance to the general public.

**ZONING LOT.** A lot, or portion thereof, within a single zoning district shall be considered and treated as one zoning lot.

**ZONING PERMIT.** A permit issued by the Zoning Officer or designee which authorizes the recipient to use or occupy a tract of land or a structure; or to erect, alter or install a structure or sign which fully meets the requirements of this Ordinance.

**ARTICLE XIX. TABLE OF USES**

Use Category	Specific Use	RA	R-90	R-30M	R-20	R-15	R-10	R-8M	R-5	HB	CB	O-I	H-IN	L-IN	CON
<b>Agricultural Uses</b>															
<b>Agriculture</b>	Auction house	SR								P	SR				
	Bona fide farms	P	P	P	P	P	P	P	P	P	P		P	P	P
	Forestry service (public)	P								P					P
	Livestock sales	SR								P				P	
	Produce Sales	P								P	P				
	Stable (private)	SR													
	Stable (public)	SR								SR					
Swine farm	S														
<b>Residential Uses</b>															
<b>Household Living</b>	Cottage Development				SR	SR	SR	SR	SR						
	Dwelling, Multi-family (Apartments)	SR						SR	SR	SR	SR				
	Dwelling, Multi-family (Duplex)	SR					SR	SR	SR	SR	SR				
	Dwelling, Multi-family (Townhouses)	SR					SR	SR	SR	SR	SR				
	Dwelling, Single-family (manufactured home)	P		P				P	P	P	P				
	Dwelling, Single-family (Modular)	P	P	P	P	P	P	P	P	P	P				
	Dwelling, Single-family (Stick-built)	P	P	P	P	P	P	P	P	P	P				
Manufactured Home Parks	S						S			P					
<b>Group Living</b>	Children's home	SR	SR	SR	SR	SR	SR	SR	SR	P	P				
	Family care home	SR	SR	SR	SR	SR	SR	SR	SR		SR				
	Nursing, convalescent, assisted living facility	S							S	P	SR				
<b>Public &amp; Civic Uses</b>															
<b>Government Facilities</b>	Correctional facilities	S								S					
	Government buildings & facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Judicial and Law enforcement services	P								P	P		P	P	
	Post office	P								P	P	P	P	P	
	Sheriff Department and jail facility	P								P	P		P	P	
	Volunteer Fire Department	P	P	P	P	P	P	P	P	P	P	P	P	P	P
<b>Educational Facilities</b>	College/university/technical college	S	S	S	S	S	S	S	S	S	S	P			
	Libraries	S	S	S	S	S	S	S	S	P	P	P			
	Schools (elementary, middle, high, private)	S	S	S	S	S	S	S	S	P	P	P			
<b>Health Care</b>	Ambulance service/rescue squad (EMS)	P	P	P	P	P	P	P	P	P	P		P	P	
	Hospital (human)									P		S			
	Rehabilitation facility									P					
	Sanitarium and mental institutions	S								P	SR				
<b>Day Care</b>	Child care center	S								P	P	P	P	P	
<b>Parks &amp; Open Areas</b>	Cemetery, private	SR	S	S	S	S	S	S	S	S	S		S	S	
	Cemetery, public	S	S	S	S	S	S	S	S	S	S		S	S	
	Greenways	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Parks and playgrounds	P	P	P	P	P	P	P	P	P	P	P			P
<b>Passenger Terminals</b>	Airport	S								S			S	S	
	Bus terminal									S					
<b>Utilities</b>	Large Wind Energy Facility	SR											SR	SR	
	Public utility facility (substation)	S	S	S	S	S	S	S	S	S	S	S	S	S	
	Sewer system, private	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	P	SR	SR	
	Small Wind Energy Facility	SR											SR	SR	
	Solar energy system, ground-mounted	S											S	S	
	Utility company operation center									P					
	Utility-scale Wind Energy Facility	SR											SR	SR	
<b>Social/Civic/Religious</b>	Wireless communication towers	S								S	S	S	S	S	
	Auditorium/Indoor public assembly, up to 250 seats											P			
	Auditorium/Indoor public assembly, more than 250 seats											S			
	Banquet and Event Facility (less than 5 acres)	S								SR	SR	SR			
	Banquet and Event Facility (5 acres or more)	SR								SR	SR	SR			
Church (including fellowship buildings)	SR	S	S	S	S	S	S	S	P	P	P				
Civic, Social, and Fraternal Organizations										SR	SR	P			

**P** = Permitted Use, **S** = Special Use, **SR** = Special Requirements, **SC** = Special Use by Board of Commissioners

**ARTICLE XIX. TABLE OF USES**

<b>Use Category</b>	<b>Specific Use</b>	<b>RA</b>	<b>R-90</b>	<b>R-30M</b>	<b>R-20</b>	<b>R-15</b>	<b>R-10</b>	<b>R-8M</b>	<b>R-5</b>	<b>HB</b>	<b>CB</b>	<b>O-I</b>	<b>H-IN</b>	<b>L-IN</b>	<b>CON</b>
<b>Retail Sales and Service Uses</b>															
<b>Arts, Entertainment, &amp; Recreation</b>	Amusement park									S					
	Aquarium									S					
	Arcades									P	S				
	Art galleries									P		P			
	Baseball hitting ranges	SR								P	P				
	Billiard or pool halls	SR								P	S				
	Boat (marina)									S	S				
	Bowling alley									P					
	Campgrounds and RV Parks	S							S	S	S				
	Campsites	S							S	S	S				S
	Community centers, private	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR			
	Community centers, public	P	P	P	P	P	P	P	P	P	P	P			
	Firing range, indoor	S									S				
	Firing range, outdoor	S									S				S
	Fishing Lakes/Impoundments	SR													
	Golf course with or without country club	S	S	S	S	S	S	S	S	S	S				
	Golf driving range	SR									P				
	Health/Recreation club										P	SR	P		
	Horse show/riding facility	SR									SR				
	Hunting Preserves/Hunt Clubs	SR													S
	Livestock petting zoo	SR									P				
	Miniature golf	S									P				
	Movie theater (indoor)										P				
	Museum										P		P		
	Outdoor adventure operations	SR									SR				S
	Outdoor Event Venue	S									SR				
	Par 3 golf course	SR									P				
	Race track/Drag strip	S									S				
Rodeo	SR									P					
Skating rinks										P	P				
<b>Overnight Accommodations</b>	Bed and Breakfast	P	S	S	S	S	S	S	S	P	P				
	Hotel/Motel									P		S			
<b>Food Services &amp; Drinking Places</b>	Bakery									P	P				
	Drinking establishment (bar/lounge/pub)	S								S	S				
	Food catering	SR								P	P				
	Restaurant	SR								P	P		P	P	
<b>Self-Service Storage</b>	Mini-warehouse	SR								P	P		P	P	
<b>Vehicle Sales &amp; Service</b>	Auto, truck, and motorcycle sales	SR								P					
	Auto-detailing	SR								P	SR				
	Boat (repairs, sales, and service)	SR								P	SR				
	Bus garage	S								P				P	
	Car wash									P	P				
	Manufactured home/recreational vehicle sales									P					
	Motor vehicle body and paint shop	SR								P	SR			P	
	Motor vehicle repair shop/service/towing	SR								P	SR			P	
	Rental of vehicles										P				
<b>Other Retail Sales &amp; Service</b>	Animal hospital/veterinarian clinic									P					
	Antique shops	SR								P					
	Apparel and footwear (sales)									P					
	Appliance repair (radio, television, vacuum cleaner)	SR								P	P				
	Appliances (sales)									P					
	Art/Drafting/Blueprints supplies									P					
	Automatic teller machine									P	P	P	P	P	
	Automotive supplies									P	P				
	Bait and tackle sales									P	P				
	Barber and beauty shops	SR								P	P	P			
	Bicycle sales, service, repair	SR								P	P				
	Blacksmith operations	SR								P	P				
	Book and stationary stores									P	P				
	Brick, tile, and pottery yards (sales / service)									P					
	Camera and photography supplies									P	P				

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ARTICLE XIX. TABLE OF USES

Use Category	Specific Use	RA	R-90	R-30M	R-20	R-15	R-10	R-8M	R-5	HB	CB	O-I	H-IN	L-IN	CON
	Candy store									P	P				
	Coin-operated laundry	SR						SR	SR	P	P				
	Convenience store									P	P		P	P	
	Dairy, meat, and seafood market	S								P	P				
	Dance schools									P	P	P			
	Delicatessen									P	P				
	Department stores									P					
	Discount stores									P	P				
	Drug stores									P	P				
	Dry cleaners									P	P				
	Electrical equipment sales									P					P
	Electronic and electrical repair	SR								P	P				
	Equipment rental									P					
	Exterminators	SR								P		P			
	Fabric stores									P	P				
	Farm supplies	SR								P					
	Farm/heavy equipment sales and rental									P					
	Flea market	SR								SR					
	Floor covering stores (sales and installations)									P					
	Florists	SR								P	P	P			
	Food store (under 10,000 sq. ft.)									P	P				
	Funeral home wo/crematorium	SR								P	SR				
	Furniture and home furnishings store									P					
	Furniture refinishing and repair	SR								P	SR				
	Gas or service station	S								P	P		P	P	
	Gift/Novelty/Souvenir shop	SR								P	P				
	Glass and mirror shops (sales and service)	SR								P	P				
	Greenhouse and/or nurseries (commercial)	SR								P	SR				
	Gun and ammunition sales	SR								P					
	Gunsmith (repair shop)	SR								P	P				
	Hardware stores	P								P					
	Heating and refrigeration sales, service, repairs									P					
	Hobby, toy, and craft stores	SR								P	P				
	Industrial supplies and equipment sales									P				P	
	Jewelry stores									P	P				
	Kennel and Animal Shelters	SR								P					
	Landscaping/Lawn and garden care	SR								P	P				
	Lawn and garden supplies	SR								P	P				
	Lawnmower/Small motor repair	SR								P	P				
	Liquor store (ABC store)									P					
	Locksmith	SR								P	P	P			
	Lumber/Building materials sales									P					
	Machine and welding shops	SR								P	P				
	Monument works / sales	SR								P	P			P	
	Music stores									P	P				
	Newsstands									P	P		P	P	
	Optician and optical supply store									P		P			
	Paint and wallpaper stores									P					
	Parking lot (commercial)									P			P	P	
	Pawn shop									P					
	Pet shop	SR								P	P				
	Photocopying services									P	P	P			
	Photofinishing laboratories									P				P	
	Photography services and studios	SR								P	P	P			
	Plumbing and heating supplies									P					
	Recreational goods rental establishment	SR								P	P				
	Saddleries (repairs, sales, and service)	SR								P	P				
	Secondhand store/swap shops/thrift shops	S								P	P				
	Sewing services (clothing)/Shoe repair	SR								P	P	P			
	Shoe stores									P	P				
	Sporting goods									P					
	Supermarkets (over 10,000 sq. feet)									P					

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	Tattoo/Body piercing services									P					
	Taxi Dispatch Stand	SR								P	SR				
	Taxi Dispatch Stand and Garage	SR								S	SR				
	Taxidermy	SR								P	P			P	
	Tire recapping shops	SR								P			P	P	
	Tobacco shop									P	P				
	Tree service	SR								P	P				
	Truck, farm equip., heavy equip. sales/serv									P			P	P	
	Variety stores									P	P				
	Watch, clock, jewelry repair	SR								P	P				
<b>Office Uses</b>															
<b>Office</b>	Advertising agency									P		P			
	Arts and graphics services									P		P			
	Banks and finance companies									P	P	P			
	Building cleaning and maintenance services	SR								P	P	P			
	Business offices	SR								P	P	P			
	Computer and data processing services									P		P			
	Contractor's office	SR								P	P	SR			
	Corporate offices											P			
	Detective agency									P					
	Employment agency									P		P			
	Health practitioner's office/Medical or dental clinic									P	P	P			
	Insurance agency									P	P	P			
	Interior designers	SR								P	P	P			
	Legal services	P								P	P	P	P	P	
	Licensed Massage/Bodywork Therapists	SR								P	P	P			
	Linen and uniform supply services									P				P	
	Mail order office									P		P			
	Management consultants									P	P	P			
	Manufacturer's showrooms									P		P			
	News syndicates (publisher)									P		P		P	
	Public relations services									P	P	P			
	Radio and television studios									P		P			
	Real estate office and services									P	P	P			
	Surveying/Engineering/Architect office	SR								P	P	P			
	Telephone Call Centers									P	P	P		P	
<b>Industrial Uses</b>															
<b>Resource Extraction</b>	Mining under one (1) acre	SR								SR			SR	SR	
	Mining and quarrying	S								S			S	S	
<b>Manufacturing</b>	Ammunition manufacturing												P	P	
	Asphalt/Concrete products manufacturing									S			P	P	
	Automobiles manufacturing												P		
	Boat works manufacturing												P		
	Bottling plants												P	P	
	Cabinet shops	SR								P	P				
	Canvas goods manufacturing												P	P	
	Chemical manufacturing												P	P	
	Clothing and textiles production									S			P	P	
	Distillery	S								P				P	
	Electrical appliances and equipment manufacturing												P	P	
	Fertilizers manufacturing and storage												P	P	
	Fiberglass manufacturing and storage												P	P	
	Firearms manufacturing												P	P	
	Flour and feed mills	SR								P				P	
	Food and food products manufacturing													P	
	Furniture manufacturing												P	P	
	Glass products manufacturing												P	P	
	Heavy equipment/Farm machinery manufacturing												P	P	
	Ice manufacturing												P	P	
	Leather products manufacturing												P	P	

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ARTICLE XIX. TABLE OF USES

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	Log home manufacturing												P	P	
	Luggage manufacturing												P	P	
	Machine tools/Precision instruments												P	P	
	Metal fabrication plants												P	P	
	Metal fabrication/Sheet metal shop	SR								P			P	P	
	Paints, varnishes, finishes manufacturing												P	P	
	Paper/Cardboard goods manufacturing												P	P	
	Pharmaceuticals manufacturing												P	P	
	Plastic products manufacturing												P	P	
	Precision instruments manufacturing												P	P	
	Publishing and printing										P	SR		P	P
	Sawmills	SR												P	P
	Sign painting	SR									P	P			P
	Textile/Textile products manufacturing													P	P
	Tobacco products manufacturing													P	P
	Upholstering shops	SR									P	P			
	Winery	S									P				P
Woodworking plant	SR												P	P	
Woodworking/Cabinet/Countertop shop	SR									P	P			P	
<b>Warehouse &amp; Freight Movement</b>	Oil and gasoline bulk storage	SR								P			P	P	
	Truck/freight terminal (6 or fewer trucks)	SR								P			P	P	
	Truck/freight terminal (more than 6 trucks)	S								P			P	P	
	Warehousing	SR								P		SR	P	P	
<b>Wholesale Trade</b>	Vending companies									P		P		P	
	Wholesale distribution	SR								P		SR	P	P	
	Wholesale store									P				P	
<b>Waste-Related Service</b>	Convenience centers	S	S	S	S	S	S	S	S	S	S		S	S	
	Landfills, construction, demolition	SC											SC	SC	
	Landfills, L.C.I.D. site	SR											SR	SR	
	Landfills, sanitary	S											S	S	
	Recycling collection center	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	
	Recycling Facility	SR									SR			SR	SR
	Recycling Plant													P	P
Septic services	S									P				P	
<b>Other Industrial</b>	Crematorium									S				S	
	Dry cleaning plants									S					
	Grading Business	S								P				P	
	Junkyards and Auto Salvage Yards	S								SR				SR	
	Meatpacking and poultry processing plants												P	P	
	Medical/dental laboratories									P	P			P	
	Paving and grading operation	S								S			P	P	
	Processing plants												P	P	
	Research activities												P	P	
	Refineries												P	P	
	Scientific Research and Development											P			
	Slaughterhouse	S													P
	Temporary Construction Office	P	P	P	P	P	P	P	P	P	P		P	P	P
Temporary Staging Area	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR		SR	SR		
<b>Miscellaneous Uses</b>															
	Adult uses *									SR			S		
	Building over 50 feet in height	S	S	S	S	S	S	S	S	S	S		S	S	
	Greenhouse (private)	SR	SR	SR	SR	S	S	S							
	Open storage facility	SR								SR			SR	SR	
	Outdoor Advertising Signs (off-premise)	S								P			P	P	
	Residential development sales (office on-site)	SR	SR	SR	SR	SR	SR	SR	SR	P	SR				
	Roadside stand	SR								P					
Wildlife Sanctuary and Rehabilitation Center	SR								SR						

\* See Onslow County Code 8-201 et.seq. for information regarding Adult Businesses and Sexually Oriented businesses. All requirements and limitations regarding the location of Adult Businesses and Sexually Oriented Businesses as stated in Onslow County Ordinance 8-210 et.seq. are hereby incorporated by reference into this ordinance. The County retains the right to enforce Code 8-201 et. seq. at its sole discretion under its police powers without reference to this Zoning Ordinance.

**P** = Permitted Use, **S** = Special Use, **SR** = Special Requirements, **SC** = Special Use by Board of Commissioners