

ARTICLE 5 – INDIVIDUAL USE STANDARDS

[Revises and replaces portions of Zoning Ordinance - Section 11.22, 11.24, 11.25, 11.32 & 11.35]

5.01 TABLE OF AUTHORIZED USES ESTABLISHED

The following table lists the principal uses allowed by right within zoning districts as well as uses that may be authorized subject to approval of a Special Use Permit. Function codes of the Land Based Classification Standards (LBCS) of the American Planning Association (APA) correspond to the authorized uses and shall be used to define uses. All uses are subject to the standards and regulations within this UDO.

5.02 PERMITTED AND PROHIBITED USES

Uses not listed as permitted (P); permitted with supplemental use standards (PS); or requiring a special use permit (S) are presumed to be prohibited (-) from the applicable zoning district. Uses requiring a special use permit must also meet the applicable supplemental use standards listed in this Article as well as the findings of fact associated with special use permits as outlined in *Article 3 – Development Processes and Administrative Review Procedures*.

5.03 USES NOT LISTED

In the event that a particular use is not listed in the Table of Permitted Uses, and such use is not listed as a prohibited use and is not otherwise prohibited by law, the Administrator shall determine whether a materially similar use exists in this chapter. Should the Administrator determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Administrator's decision shall be recorded in writing.

5.04 LAND USE CATEGORIES

All uses permitted in the UDO have been divided into 9 categories, defined as follows:

- A. RESIDENTIAL
- B. LODGING/ACCOMMODATIONS
- C. OFFICE AND SERVICES
- D. COMMERCIAL AND ENTERTAINMENT
- E. INDUSTRIAL, WHOLESALE AND STORAGE
- F. EDUCATIONAL AND INSTITUTIONAL
- G. AGRICULTURAL/FORESTRY
- H. COMMUNICATIONS/TRANSPORTATION/INFRASTRUCTURE
- I. OTHER

5.05 SIMILAR USES

The Administrator may determine that a use is materially similar if a permitted use is similarly classified by the Land Based Classification Standards (LBCS) of the American Planning Association (APA); North American Industrial Classification System (NAICS) or Institute of Transportation Engineers (ITS) Trip Generation Guide.

5.06 TABLE OF PERMITTED USES

LAND USE TYPE:	RA	R-20	R-12	R-6	RMX	NMX	B-C	B-H	LI	HI	OS
A. RESIDENTIAL											
Class A – Manufactured Home	PS	-	-	PS	-	-	-	-	-	-	-
Class B-1 – Manufactured Home	PS	-	-	-	-	-	-	-	-	-	-
Class B-2 – Manufactured Home	PS	-	-	-	-	-	-	-	-	-	-
Class C – Manufactured Home	-	-	-	-	-	-	-	-	-	-	-
Dwelling – Accessory	PS	PS	PS	PS	PS	PS	-	-	-	-	-
Dwelling – Multi-Family (3 or more units)	-	-	-	-	P	P	PS	-	-	-	-
Dwelling – Multi-Family Conversion	-	-	S	S	PS	PS	PS	-	-	-	-
Dwelling – Single Family Attached (Townhome)	-	-	-	P	P	P	PS	-	-	-	-
Dwelling – Single Family Detached	P	P	P	P	P	P	-	-	-	-	-
Dwelling – Two Family (Duplex)	-	-	P	P	P	-	-	-	-	-	-
Family Care Home (6 or fewer residents)	-	PS	PS	PS	PS	-	-	-	-	-	-
Residential Care Facilities (more than 6 residents)	-	PS	PS	PS	PS	PS	-	PS	-	-	-
LAND USE TYPE:	RA	R-20	R-12	R-6	RMX	NMX	B-C	B-H	LI	HI	OS
B. LODGING AND ACCOMMODATIONS											
Bed and Breakfast Facilities	PS	S	S	S	PS	PS	PS	PS	-	-	-
Rooming and Boarding House	-	-	S	S	S	S	-	-	-	-	-
Hotel/Inn	-	-	-	-	P	P	P	P	-	-	-
LAND USE TYPE:	RA	R-20	R-12	R-6	RMX	NMX	B-C	B-H	LI	HI	OS
C. OFFICE AND SERVICES											
Banks, Credit Unions, Financial Services	-	-	-	-	-	PS	PS	P	-	-	-
Dry Cleaning & Laundry	-	-	-	-	-	P	P	P	-	-	-
Funeral Homes/Crematoria	P	-	-	-	-	P	S	P	-	-	-
Home Occupation	PS	PS	PS	PS	PS	PS	-	-	-	-	-

ARTICLE 5
INDIVIDUAL USE STANDARDS

LAND USE TYPE:	RA	R-20	R-12	R-6	RMX	NMX	B-C	B-H	LI	HI	OS
Medical Clinic	-	-	-	-	P	P	P	P	-	-	-
Personal Care Service	-	-	-	-	P	P	P	P	-	-	-
Pet Care Service	-	-	-	-	-	P	P	P	-	-	-
Personal Care Service, Restricted	-	-	-	-	-	-	PS	PS	-	-	-
Post Office	-	-	-	-	-	P	P	P	-	-	-
Professional Office/Service	-	-	-	-	P	P	P	P	-	-	-
Veterinary Service	PS	-	-	-	-	PS	PS	P	P	P	-
LAND USE TYPE:	RA	R-20	R-12	R-6	RMX	NMX	B-C	B-H	LI	HI	OS
D. COMMERCIAL AND ENTERTAINMENT											
Adult Establishments	-	-	-	-	-	-	-	-	S	-	-
Alcoholic Beverage Sales or Services	-	-	-	-	-	P	P	P	-	-	-
Outdoor Amusement or Theme Park	-	-	-	-	-	-	-	-	P	-	-
Indoor Amusement	-	-	-	-	-	P	P	P	P	-	-
Automobile/Vehicle Sales, Rental, Service & Minor Repair	-	-	-	-	-	-	S	PS	P	P	-
Bar/Tavern/Microbrewery	-	-	-	-	-	P	P	P	P	-	-
Bicycle Sales & Repair	-	-	-	-	P	P	P	P	P	-	-
Camps & Camping Establishments	S	-	-	-	-	-	-	-	-	-	S
Drive-In Theater	-	-	-	-	-	-	-	S	-	-	-
Drive-Thru/Drive-In Facility (principal or accessory)	-	-	-	-	-	PS	PS	PS	-	-	-
Electronic Gaming Operations	-	-	-	-	-	-	-	S	-	-	-
Games Arcade Establishment	-	-	-	-	-	PS	PS	PS	-	-	-
Gas/Fueling Station	-	-	-	-	-	PS	PS	P	P	P	-
General Commercial (50,000 sf and under)	-	-	-	-	P	P	P	P	-	-	-
General Commercial (greater than 50,000 sf)	-	-	-	-	-	-	-	S	-	-	-
Golf Course	P	S	S	S	S	S	-	-	-	-	S

ARTICLE 5
INDIVIDUAL USE STANDARDS

LAND USE TYPE:	RA	R-20	R-12	R-6	RMX	NMX	B-C	B-H	LI	HI	OS
Hardware, Home Center Sales/Services	-	-	-	-	-	-	-	P	-	-	-
Heavy Equipment/Manufactured Homes Rental/Sales/Service	-	-	-	-	-	-	-	P	P	-	-
Night Club	-	-	-	-	-	S	S	P	-	-	-
Open Air Retail	-	-	-	-	PS	PS	PS	P	-	-	-
Outside Sales	-	-	-	-	PS	PS	PS	P	-	-	-
Parking Lot/Structure (Principal Use)	-	-	-	-	-	-	S	S	-	-	-
Pawnshops	-	-	-	-	-	-	-	PS	-	-	-
Racetrack	-	-	-	-	-	-	-	-	P	P	-
Restaurant	S	-	-	-	P	P	P	P	-	-	-
Riding Stables	P	-	-	-	-	-	-	-	-	-	P
Shooting Range, Indoor	S	-	-	-	-	-	-	P	P	P	-
Shooting Range, Outdoor	S	-	-	-	-	-	-	-	-	S	-
Smoke & Tobacco Shop	-	-	-	-	-	-	PS	PS	-	-	-
Theater, Indoor Movie or Live Performance	-	-	-	-	-	P	P	P	-	-	-
Theater, Outdoor	-	-	-	-	-	PS	PS	PS	-	-	-
Vehicle Rental (moving trucks)	-	-	-	-	-	PS	PS	-	-	-	-
Vehicle Service (major repair/body shop)	-	-	-	-	-	-	-	S	P	P	-
LAND USE TYPE:	RA	R-20	R-12	R-6	RMX	NMX	B-C	B-H	LI	HI	OS
E. MANUFACTURING, INDUSTRIAL & WHOLESALE TRADE											
Asphalt Paving Production and Sales	-	-	-	-	-	-	-	-	-	S	-
Bulk Storage of Flammable Materials, Chemicals, Metals, Etc..	-	-	-	-	-	-	-	-	-	S	-
Chemical Manufacturing	-	-	-	-	-	-	-	-	-	S	-
Coal Ash Landfill	-	-	-	-	-	-	-	-	-	S	-
Coal Ash Recycling (primary use)	-	-	-	-	-	-	-	-	-	S	-
Coal Ash as Structural Fill (primary use)	-	-	-	-	-	-	-	-	-	S	-

ARTICLE 5
INDIVIDUAL USE STANDARDS

LAND USE TYPE:	RA	R-20	R-12	R-6	RMX	NMX	B-C	B-H	LI	HI	OS
Coal Storage	-	-	-	-	-	-	-	-	-	S	-
Concrete Plant	-	-	-	-	-	-	-	-	-	S	-
Enameling, Lacquering or the Plating of Galvanized Metals	-	-	-	-	-	-	-	-	-	S	-
Foods, Textiles and Related Products	-	-	-	-	-	-	-	-	P	P	-
Hazardous Waste Storage, Treatment, Transportation or Disposal Facilities	-	-	-	-	-	-	-	-	-	S	-
Hydraulic Fracturing (Fracking) or other Oil & Gas Exploration & Extraction	-	-	-	-	-	-	-	-	-	S	-
Heavy Industry Uses (not specifically listed)	-	-	-	-	-	-	-	-	-	PS	-
Light Industry Uses (not specifically listed)	-	-	-	-	-	-	-	PS	PS	PS	-
Materials Recovery & Waste Transfer Facilities	-	-	-	-	-	-	-	-	S	S	-
Mining, Extraction Operations & Quarries	-	-	-	-	-	-	-	-	-	S	-
Recycling Collection Stations	-	-	-	-	-	-	-	PS	PS	PS	-
Sanitary Landfill	-	-	-	-	-	-	-	-	-	S	-
Sawmills	-	-	-	-	-	-	-	-	-	S	-
Scrap Metal Storage or Recycling	-	-	-	-	-	-	-	-	-	S	-
Storage, Self-Service	-	-	-	-	-	-	PS	P	-	-	-
Warehouse & Storage (outdoor)	-	-	-	-	-	-	-	P	P	P	-
Warehouse & Storage (Indoor)	-	-	-	-	-	-	S	S	P	P	-
Wholesaling and Distribution Establishments	-	-	-	-	-	-	-	-	P	P	-
Wood, Paper and Printing Products	-	-	-	-	-	-	-	-	P	P	-
LAND USE TYPE:	RA	R-20	R-12	R-6	RMX	NMX	B-C	B-H	LI	HI	OS
F. EDUCATION AND INSTITUTIONS											
Business Associations, Non-profits & Civic Clubs	P	-	-	-	-	P	P	P	-	-	-
Cemetery	P	-	-	-	PS	PS	-	PS	-	-	PS
Child/Adult Day Care (8 or less)	PS	PS	PS	PS	P	P	-	P	-	-	-

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INDIVIDUAL USE STANDARDS

LAND USE TYPE:	RA	R-20	R-12	R-6	RMX	NMX	B-C	B-H	LI	HI	OS
Child/Adult Day Care (more than 8)	PS	PS	PS	PS	PS	PS	-	PS	-	-	-
College or University (limit size of 5,000 sf on first floor)	-	-	-	-	-	S	PS	S	-	-	-
Community Support Facility	-	-	-	-	-	S	S	S	-	-	-
Conference/Convention Center	S	-	-	-	-	-	P	P	-	-	-
Correctional Institution	-	-	-	-	-	-	-	-	S	S	-
Special Events Center	S	-	-	-	-	P	P	P	-	-	-
Halfway House	-	-	-	-	-	S	-	-	-	-	-
Hospital	-	-	-	-	-	P	-	P	P	-	-
Museum/Library/Cultural Facility	-	-	-	-	-	P	P	P	-	-	P
Public Administration/Civic Meeting Facilities	P	-	-	-	P	P	P	P	-	-	P
Public Safety Station	P	P	-	-	S	PS	P	P	P	P	P
Recreation Facility (Indoor)	P	P	P	P	P	P	P	P	P		P
Recreation Facility (Outdoor)	P	P	P	P	P	P	P	P	-	-	P
Religious Institutions	P	P	P	P	PS	PS	-	P	-	-	-
School (elementary or secondary)	P	P	S	S	S	S	-	-	-	-	-
School (vocational/technical)	-	-	-	-	-	P	-	P	P	-	-
Sports Arena/Stadium	-	-	-	-	-	-	S	S	P	-	-
Studio (art, dance, martial arts, music)	P	-	-	-	P	P	P	P	-	-	-
LAND USE TYPE:	RA	R-20	R-12	R-6	RMX	NMX	B-C	B-H	LI	HI	OS
G. AGRICULTURE AND FORESTRY											
Animal Production	PS	PS									
Community Gardens/Crop Production	P	P	P	P	P	P	P	P	-	-	P
Kennels (indoor)	S	-	-	-	-	-	-	P	P	-	-
Kennels (outdoor)	S	-	-	-	-	-	-	PS	P	P	-
Livestock Production	P	-	-	-	-	-	-	-	-	-	-
Nurseries and Garden Centers	P	P	-	-	-	P	-	P	P	-	-
Produce Stands	PS	PS	-	-	-	PS	PS	PS	-	-	PS

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LAND USE TYPE:	RA	R-20	R-12	R-6	RMX	NMX	B-C	B-H	LI	HI	OS
H. COMMUNICATIONS, TRANSPORTATION & INFRASTRUCTURE											
Airstrip	S	-	-	-	-	-	-	-	S	S	S
Rail Station	-	-	-	-	-	-	S	S	S	S	-
Solar Energy System (principal use)	S	-	-	-	-	-	-	-	S	S	-
Truck and Freight Transportation Services	-	-	-	-	-	-	-	-	P	P	-
Utilities (Class 1)	P	P	P	P	P	P	P	P	P	P	P
Utilities (Class 2)	P	P	P	P	P	P	P	P	P	P	P
Utilities (Class 3)	-	-	-	-	-	-	-	-	P	P	-
Wireless Telecommunications Facility (non-tower)	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Wireless Telecommunications Tower	P	P	-	-	-	-	-	S	S	S	-
LAND USE TYPE:	RA	R-20	R-12	R-6	RMX	NMX	B-C	B-H	LI	HI	OS
I. OTHER											
Accessory Structures	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Seasonal Sales Establishments	PS	-	-	-	-	PS	PS	PS	-	-	PS
Special Events	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Temporary Construction Offices	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	-
Temporary Health Care Structures	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	-
Temporary Shelter	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	-

5.07 SUPPLEMENTAL USE STANDARDS – RESIDENTIAL

A. CLASS A - MANUFACTURED HOME

1. General Standards

- a. Every manufactured home installed in this district shall bear a permanently attached label or seal to assure that construction complies with the requirements of Section 143, Article 9A of the General Statutes and the latest edition of the N. C. Manufactured Home Code. Manufactured homes manufactured prior to September 1, 1971 or transit manufactured homes must comply with Section 1200 of the N. C. Manufactured Home Code.
- b. Installation of the manufactured home shall be according to Part III of the N. C. Manufactured Home Code.
- c. Before a manufactured home is placed, a building/zoning certificate shall be obtained from the Administrator.
- d. If the manufactured home will not have public sewer service available, a certificate of an approved sewage disposal system shall be obtained from the Rockingham County Health Department prior to issuance of a zoning certificate.

2. Specific Standards

- a. **Length/Width.** The manufactured home has a length not exceeding 4 times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis.
- b. **Minimum Heated Living Area.** The manufactured home has a minimum of 1,000 square feet of enclosed heated living area.
- c. **Roof Construction.** The pitch of the roof of the manufactured home has a minimum vertical rise of two and two-tenths (2.2) feet for each 12 feet of horizontal run and the roof is finished with a type of shingle that is commonly used in standard residential construction.
- d. **Roof Overhang.** All roof structures shall provide an eave projection of no less than 6 inches, which may include a gutter.
- e. **Exterior Siding.** The exterior siding consists of wood, hardboard, aluminum or vinyl covered or painted horizontal lap siding that in no case exceeds the reflectivity of gloss white paint comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
- f. **Foundation.** The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home.
- g. **Entrance Standards.** Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina Department of Insurance, and attached firmly to the principal structure and anchored securely to the ground.
- h. **Transport Equipment.** The tongue, wheels, axles, transporting lights, and removable lights, and removable towing apparatus are removed after placement on the lot and before occupancy.
- i. **Lot Orientation.** The manufactured home must be oriented on the lot so that its long axis is parallel with the street. It is the intent of these criteria to insure that a Class A manufactured home,

when installed, shall have substantially the appearance of an on-site, conventionally built single-family dwelling.

B. CLASS B-1 - MANUFACTURED HOME

1. General Standards

- a. Every manufactured home installed in this district shall bear a permanently attached label or seal to assure that construction complies with the requirements of Section 143, Article 9A of the General Statutes and the latest edition of the N. C. Manufactured Home Code. Manufactured homes manufactured prior to September 1, 1971 or transit manufactured homes must comply with Section 1200 of the N. C. Manufactured Home Code.
- b. Installation of the manufactured home shall be according to Part III of the N. C. Manufactured Home Code.
- c. Before a manufactured home is placed, a building/zoning certificate shall be obtained from the Administrator.
- d. If the manufactured home will not have public sewer service available, a certificate of an approved sewage disposal system shall be obtained from the Rockingham County Health Department prior to issuance of a zoning certificate.

2. Specific Standards

- a. **Foundation.** The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home.
- b. **Entrance Standards.** Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina Department of Insurance, and attached firmly to the principal structure and anchored securely to the ground.
- c. **Transport Equipment.** The tongue, wheels, axles, transporting lights, and removable lights, and removable towing apparatus are removed after placement on the lot and before occupancy.
- d. **Lot Orientation.** The manufactured home must be oriented on the lot so that its long axis is parallel with the street. It is the intent of these criteria to insure that a Class A manufactured home, when installed, shall have substantially the appearance of an on-site, conventionally built single-family dwelling.

C. CLASS B-2 - MANUFACTURED HOME

1. General Standards

- a. Every manufactured home installed in this district shall bear a permanently attached label or seal to assure that construction complies with the requirements of Section 143, Article 9A of the General Statutes and the latest edition of the N. C. Manufactured Home Code. Manufactured homes manufactured prior to September 1, 1971 or transit manufactured homes must comply with Section 1200 of the N. C. Manufactured Home Code.
- b. Installation of the manufactured home shall be according to Part III of the N. C. Manufactured Home Code.

- c. Before a manufactured home is placed, a building/zoning certificate shall be obtained from the Administrator.
 - d. If the manufactured home will not have public sewer service available, a certificate of an approved sewage disposal system shall be obtained from the Rockingham County Health Department prior to issuance of a zoning certificate.
- 2. Specific Standards**
- a. **Foundation.** The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home.
 - b. **Entrance Standards.** Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina Department of Insurance, and attached firmly to the principal structure and anchored securely to the ground.

D. DWELLING – ACCESSORY

- 1. One (1) accessory dwelling unit is permitted as an accessory to a residential use.
- 2. The dwelling unit may be attached or detached, located on the side or rear of the property.
- 3. The maximum size of Accessory Dwellings is the lesser of fifty (50) percent of the living area of the Principal Structure or one thousand (1,000) square feet.
- 4. Accessory Dwellings must be a minimum of 10 feet from the side or rear setback and shall not be located within the front setback.
- 5. If the Accessory Dwelling is attached to the primary residence, then access is limited to the side or rear of the Accessory Dwelling or to an existing door.
- 6. Attached or detached Accessory Dwellings must have the same architectural appearance of the primary residence such as same type and color of siding, trim and roofing appearance.
- 7. Manufactured housing, campers, travel trailers and recreational vehicles are not permitted for use as an accessory dwelling.
- 8. Must contain complete kitchen facilities including a stove or cook top and a full bath including lavatory, water closet, and tub or shower (or combination).
- 9. One off-street parking space shall be provided in addition to those required for the principal dwelling.

E. DWELLING - MULTI-FAMILY CONVERSIONS

- 1. A maximum of 4 units is permitted in a converted single-family dwelling and it shall be designed such that a maximum of two main entrances are on the fronting façade (similar to a duplex configuration). Additional building entrances may be provided on the side and rear of the building.
- 2. Must result from the conversion of a single building containing at least 2,000 square feet of Gross Floor Area that was in existence on the effective date of this ordinance and that was originally designed, constructed and occupied as a Single-Family residence.

F. DWELLING - MULTI-FAMILY

1. First or main floor of building must be non-residential and must provide a “shop-front” appearance (frontage) at the sidewalk level in accordance with *Article 6 – General Development Standards*.

G. FAMILY CARE HOME (6 OR FEWER RESIDENTS)

1. Family Care Homes shall be certified by the International Building Code, as amended by the NC Building Code.
2. No Family Care Home shall be closer than ½ mile to another such use.

H. RESIDENTIAL CARE FACILITIES (MORE THAN 6 RESIDENTS)

1. Residential care facilities must be buffered from adjacent residentially zoned property with a 20-foot buffer in accordance with *Article 6 – General Development Standards*.
2. Prior to the submission of an application, an owner/operator of a residential care facility shall have received a license from the State of North Carolina for such a facility.
3. Unless located and having access on an arterial or marginal access street, no residential care facility shall contain more than 16 units.
4. To the extent practicable, the community shall provide access connectivity (vehicular and pedestrian) to adjacent neighborhoods.
5. The following accessory uses are permitted: congregate dining facilities, recreational and social facilities, health care facilities, gift shops, snack shops, banks, barber/beauty shops, and similar services for residents.

5.08 SUPPLEMENTAL USE STANDARDS – LODGING AND ACCOMMODATIONS

A. BED & BREAKFAST ESTABLISHMENTS

1. No more than eight (8) guest rooms that offers bed and breakfast accommodations may be provided on each private residence for a period of less than one week;
2. Serves the breakfast meal, the lunch meal, the dinner meal, or a combination of all or some of these three meals, only to overnight guests of the home.
3. An owner/manager of a bed and breakfast facility shall reside on the property.
4. No private recreation uses shall be undertaken before 9 A.M. nor shall any outside activities be undertaken after 10 P.M. Sunday through Thursday and after 11 P.M. Friday and Saturday.
5. All parking for the use shall be on site;
6. The use shall be limited to overnight guests or private parties and gatherings. Noise levels and outside activities shall be limited according to the City Code.

B. ROOMING AND BOARDING HOUSE

1. In residential and mixed use districts, parking areas shall not be permitted in the front yard and shall be screened from adjacent properties by a 20-foot buffer.
2. The owner shall serve as a full-time manager or otherwise designate a fulltime manager, either of which shall permanently reside on the premises.
3. The minimum size of any sleeping room shall be 200 square feet per resident.
4. One full bath consisting of tub or shower, toilet and sink shall be provided for each 4 residents.

5. Full kitchen facilities, consisting of a stove, oven, sink, refrigerator, food preparation area, and storage areas shall be provided and accessible to all tenants.
6. Signs, other than address/tenant identification signs which meet the requirements of *Article 7 - Signs*, shall not be permitted.
7. All of the lot area which is not used for parking, sidewalks, buildings, utility structures or site access must be landscaped and maintained.

5.09 SUPPLEMENTAL USE STANDARDS – OFFICE AND RESIDENTIAL

A. BANKS, CREDIT UNIONS & FINANCIAL INSTITUTIONS

1. Teller & ATM traffic queues will not interfere with pedestrian movement along public sidewalks or create a traffic hazard.
2. Drive-through lanes or loading spaces shall not be located any closer than thirty-five (35) feet to a residential zoning district and shall be located in the side or rear yards only.

B. HOME OCCUPATIONS

1. General Standards

- a. The home occupation shall be clearly incidental and secondary to residential occupancy.
- b. The use shall be carried on entirely within an enclosed structure on the premises.
- c. Accessory structures may be used to support the home occupation. The area of the accessory structures used to support the home occupation shall be a maximum of 25% of the gross floor area of the accessory structure.
- d. The home occupation shall be operated by a resident of the dwelling.
- e. A maximum of 25% of the gross floor area of the dwelling unit may be used for the home occupation.
- f. A maximum of 2 full-time equivalent non-residents of the dwelling may be employed on the premises.

2. Exterior Appearance

- a. The use shall not change the residential character of the dwelling.
- b. Storage of goods and materials associated with the home occupation must be completely within an enclosed structure.
- c. Parking must be provided so as not to create hazards or street congestion.
- d. All parking associated with the home shall be accommodated off-street or in spaces directly in front of the residence.
- e. No display of goods, products, services or other advertising (except permitted signage as set forth in *Article 7 - Signs*) shall be visible from outside of the dwelling.
- f. No generation of dust, odors, noise, vibration or electrical interference or fluctuation shall be perceptible beyond the property line.

C. RESTRICTED PERSONAL CARE SERVICES

1. Such facilities shall be at least 1,000 feet from a religious institution, school or playground or another such facility and shall be a minimum of 500 feet road frontage spacing from residential uses in a residential zoned district.

2. The facility shall be open to the public only between the hours of 8:00 a.m. and 11:00 p.m.

5.10 SUPPLEMENTAL USE STANDARDS – COMMERCIAL AND ENTERTAINMENT

A. AUTOMOBILE SALES/VEHICLE SALES, RENTAL, SERVICE & REPAIR

1. The office and any other structures located on the property must be permanent structures situated on permanent foundations, and that said structures meet all state and local building codes.
2. Any exterior lighting associated with the business may directly illuminate only the said property
3. Any public address system associated with the business be operated only during normal business hours, and turned off after normal hours of operation.
4. All entrances, exits and traffic patterns associated with the business meet N. C. Department of Transportation and City standards, and that said entrances, exits and traffic patterns be approved by the Administrator.

B. ELECTRONIC GAMING OPERATION

1. An Electronic Gaming Operation shall not be permitted if located within one-half mile of an existing Electronic Gaming Operation.
2. An Electronic Gaming Operation shall not be permitted if located within 2,500 feet of an existing school to include their outdoor play yard, day care, public park or playground, hospital or medical facility, religious institution or place of worship.
3. The Hours of Operation of an Electronic Gaming Operation shall be limited to them operating from 8 am – 10 pm Monday through Saturday. They may not operate on Sundays.
4. Forty percent (40%) of the front of the building or any side visible from a street or right of way shall be glass so that clear unobstructed view of the interior can occur from the street.
5. No curtains, screens, blinds, partitions, signs or other obstructions shall be placed between the entrance to the room where gaming machines or computer terminals are stationed and the rear walls of the room so that a clear and unobstructed view of the interior can occur from the street.
6. Electronic Gaming Operations shall be limited to have no more than fifteen (15) computers / gaming terminals.
7. Any Electronic Gaming Operation shall be conducted completely within an enclosed structure.
8. No alcoholic beverages shall be served on the premises of any Electronic Gaming Operation.
9. No flashing signs or lighting shall be allowed on the premises of any Electronic Gaming Operation. All other signage shall meet the requirements as set forth in *Article 7 – Signs*.
10. A site plan drawn to scale shall be submitted at the time of application for a special use permit.
11. A floor plan shall also be submitted at the time of application showing the use of all floor space, detailing the number of machines and their location in the facility.
12. No machines or devices that have been deemed to be unlawful by the State of North Carolina shall be a part of any Electronic Gaming Operation.
13. All Electronic Gaming Operations shall be subject to an annual review and inspection to ensure compliance with these regulations.

C. GAME & ARCADE ESTABLISHMENT

1. Game and arcade establishments shall not have not have cash prizes.

D. DRIVE-IN THEATER

1. Outdoor theaters shall be buffered from adjoining residential uses with a 50-foot buffer as set forth in *Article 6 – General Development Standards*.
2. The performance and audience areas for any outdoor theater shall be located a minimum of 200 feet from any adjacent residentially zoned property.
3. Primary access to all outdoor theaters shall be to a collector or higher order street.
4. Lights shall be shielded and positioned so as not to shine onto adjacent properties.

E. DRIVE-THROUGH FACILITIES

1. Traffic queues will not interfere with pedestrian movement along public sidewalks or create a traffic hazard.
2. Use of the drive-through service will not interfere with the use, enjoyment or operations of adjacent properties.
3. Drive-through lanes or loading spaces shall not be located any closer than thirty-five (35) feet to a residential zoning district.
4. If a speaker box faces a residential zoning district, there shall be a 50-foot buffer or sound wall between the speaker box and the residential district.
5. Stacking Lane Requirements
 - a. All uses and facilities providing drive-up or drive-through service shall provide at least the minimum required vehicle stacking spaces established below:

Activity	Minimum Required Stacking Spaces	Measured From
Bank Teller Lane	4	Teller Window
Restaurant, Drive-thru	6	Order Box to Beginning of Drive Through Lane
Car Wash	4	Stall Entrance

- b. Stacking spaces shall be a minimum of eight (8) feet wide by twenty (20) feet long.
- c. Stacking spaces shall not impede on-site or off-site traffic movements, including access to parking spaces.
- d. A solid faced brick, masonry or wooden wall or fence shall be provided along a property line abutting lots or parcels zoned for residential purposes to block lights from vehicles in the stacking lanes or drive through facility.

F. GAS/FUELING STATIONS

1. Canopies/Pumps

- a. Must be located to the side or rear of the principal building.
- b. Pump canopies must be located at least 50 feet from any interior side or rear property line that adjoins residentially developed property.
- c. Must be buffered from adjoining residential uses with a 20-foot buffer in accordance with *Article 6 – General Development Standards*.

- d. The maximum number of pumps permitted at a single gas/fueling station shall be 12.
- e. A conforming principal building is required and shall be a minimum of 1,600 square feet.

2. Lighting

- a. All lighting must be shielded to direct light and glare only onto the lot or parcel where the gas/fueling station is located and shall be in accordance with *Article 6 – General Development Standards*.

G. OPEN AIR RETAIL

- 1. The use shall be conducted behind the prevailing setback line for the district.
- 2. Sidewalk Kiosks, Vendor Carts, Concession Stands, etc: Such uses shall be permitted to operate within the right-of-way provided that adequate pedestrian clearance on the sidewalk is maintained (minimum of 5 feet) and the automobile and bicycle travel way is clear of obstructions.
- 3. No permanent parking is required but the use must accommodate reasonable vehicular circulation and parking to preclude off-site impacts as determined by the Administrator.

G. OUTSIDE SALES

- 1. Outside sales must be clearly secondary to the primary use within the associated permanent structure and shall generally be located to the side or rear of the principal structure. Display of merchandise for sale outdoors in the front yard shall not exceed a maximum of 12 feet from the front face of the building.
- 2. Displays on public sidewalks: Merchandise for sale may be placed on the public sidewalk in front of the shop where the building is directly adjacent to the sidewalk provided that adequate pedestrian clearance on the sidewalk is maintained (minimum of 5 feet). Such sales may also be subject to other City ordinances.

H. PAWN SHOPS

- 1. Pawn shop facilities shall be at least 1,000 feet from a religious institution, day care, school or playground or another pawn shop and shall have a minimum of 500 feet road frontage spacing from residential uses in a residential zoned district.

I. SHOOTING RANGE, OUTDOOR

- 1. Outdoor shooting ranges shall be buffered from adjoining properties with a 50-foot buffer as set forth in *Article 6 – General Development Standards*.
- 2. Outdoor shooting ranges shall be located no closer than 1,000 feet to any religious institution, school or residential dwelling.

J. SMOKE & TOBACCO SHOP

- 1. Smoke & Tobacco Shops shall be 1,000 feet from any residential land use or zoning district, any educational/institutional land use and 1,000 from any other such businesses.

K. THEATER, OUTDOOR

- 1. Outdoor theaters shall be buffered from adjoining residential uses with a 50-foot buffer as set forth in *Article 6 – General Development Standards*.
- 2. Primary access to all outdoor theaters shall be to a collector or higher order street.

3. Lights shall be shielded and positioned so as not to shine onto adjacent properties.

L. VEHICLE RENTAL (MOVING TRUCKS)

1. Vehicles must be stored in an area that is screened from the public right-of-way and adjacent residential neighborhoods by a 50-foot buffer in accordance with *Article 6 – General Development Standards*.
2. When vehicle rental is an accessory use, the storage of vehicles shall not occupy more than the minimum number of required spaces.
3. All parking areas shall be placed in accordance within the provisions of *Article 6 – General Development Standards* and shall be accessory to an otherwise conforming building.

M. VEHICLE SERVICES – MAJOR REPAIR/BODY SHOP

1. No open storage shall be permitted within 500 feet of a church, school, residential zoning district, or property used for residential purposes.
2. No open storage shall be permitted within 200 feet of a City thoroughfare as defined and designated on the City's adopted Transportation Plan.
3. All wrecked or damaged motor vehicles awaiting repair shall be stored at the rear or side of the principal structure and shall be screened so as not to be visible from adjoining property lines and street rights-of-way.
4. Acceptable screening shall include a fence in accordance with the standards in Subsection M.3 below or existing vegetation on the property that provides a complete visual barrier to a height of at least eight-feet. The screen shall setback a minimum of ten (10) feet from all lot lines or on established setback lines as set forth above for such storage. No car bodies or other material not normally used for fencing shall be permitted. No advertising shall be permitted on the fence or screen.
5. The fence shall be located on the interior side of the required landscape materials. Acceptable fence materials include cedar, masonry, redwood, composite, plastic, treated lumber resistant to rot, or other materials specifically designed for fencing materials. A chain link fence with plastic, metal or wooden slats may not be used to satisfy the requirements of this subsection. Fence installation shall be consistent with acceptable building practices.
6. No vehicle shall be stored on the premises for more than twenty (20) days.
7. There shall be no exterior storage of items other than vehicles.
8. All services shall be performed within a completely enclosed building.
9. No vehicles or material shall be stored closer than 10 feet from the fence or screen.
10. No oil, grease, tires or gasoline or other similar material shall be burned at any time.

5.11 SUPPLEMENTAL USE STANDARDS – MANUFACTURING, INDUSTRIAL AND WHOLESALE TRADE

A. ASPHALT PAVING PRODUCTION AND SALES

1. Minimum lot size is 75 acres.
2. A 50 foot forested buffer shall be required along streams and waterways and along any adjoining property containing a residential or non-industrial use.

3. A row of evergreen trees and shrubs creating an opaque buffer (minimum of 20' in width) shall be provided along all public rights-of-ways.

B. BULK STORAGE OF FLAMMABLE MATERIALS, CHEMICALS, METALS, ETC.

1. Storage tanks protected by either an attached extinguishing system approved by the City of Eden Fire Marshal or an approved floating roof shall not be located within 120 feet of a property boundary. Storage tanks, not equipped with extinguishing system or floating roof, shall not be located within 175 feet of a property boundary.
2. In the discretion of the Administrator, tanks or groups of tanks containing flammable liquids shall be diked or the yard shall be provided with a curb or other suitable means to prevent the spread of liquid onto other property or water bodies. A diked area shall not be less than the capacity of the largest tank within the diked area. Dikes or retaining walls shall be of earth, steel, concrete or solid masonry designed to be liquid tight and to withstand a full hydraulic head and so constructed as to provide the required protection. Earthen dikes three (3) feet or more in height shall have a flat section at the top not less than two (2) feet in width. The slope shall be consistent with the angle or repose of the material of which the dikes are constructed. Dikes shall be restricted to an average height of not more than six (6) feet above the exterior grade unless means are available for extinguishing a fire in any tank containing crude petroleum; dikes and walls enclosing such tanks shall be provided at the top with a flareback section designed to turn back a boil-over wave, provided, however, that a flareback section shall not be required for dikes and walls enclosing approved floating roof tanks. No loose combustible material, empty or full drum or barrel, shall be permitted within the diked area.
3. Where provision is made for draining stormwater from diked areas, such drains shall be kept closed and designed not to permit flammable liquids to enter streams, public sewers, or public drains. Where pumps control drainage from the diked area, they shall not be self-starting.
4. A facility shall be located outside of the City of Eden Water Supply Watershed areas as designated by the City of Eden Zoning Map.
5. The minimum lot size for bulk storage of flammables – propane, gasoline, crude oil, fuel oil and natural gas facility shall be ten (10) acres.
6. Applications for such uses must be accompanied with a request for voluntary annexation if the area is not within the municipal boundary.

C. COAL ASH LANDFILL

1. Neighborhood Revitalization Plan - If a proposed coal ash landfill adjoins or has an outer boundary within 2,000 feet of a residential neighborhood where 15% or more of the homes are vacant, boarded or in disrepair; or 15% or more of the homes are not owner occupied; or 15% or more of the residents have incomes below the federal poverty level, then the applicant shall present the City with a revitalization plan that specifies steps and timelines for how the applicant will revitalize the neighborhood to mitigate the impacts of being adjacent to a landfill. Steps may include, but are not limited to, upgrades to streets, landscaping, repairs to homes, and community amenities.
2. Economic Impact Mitigation - If an applicant for a coal ash landfill proposes using land identified in the City of Eden Land Development Plan as an "employment center," it must propose a plan for mitigating the economic impact triggered by loss of land in the City's inventory of land identified for job creation

- and economic development. At a minimum, the mitigation plan shall include an application for voluntary annexation.
3. The City Council may impose a condition that issuance of the Special Use Permit is contingent upon delivery routes that avoid residential neighborhoods, schools and health care facilities, and buffers that exceed the buffers imposed by State and federal law.
 4. Facility boundaries adjoining residentially zoned areas shall, in addition to landscaping required, have a triple row of varying species of evergreens, staggered to achieve an opaque vegetative buffer no less than 20 feet in height at maturity.
 5. The applicant shall submit plans for establishing a Community Advisory Group which enables the owner or operator to meet no less than semi-annually with representatives from the neighborhood to inform them of developments and changes in landfill operations, report on ways complaints have been addressed, and to hear of problems created by landfill operation.
 6. The applicant shall propose hours of operation to be included as a condition in the Special Use Permit. The hours of operations shall be established to minimize impacts of noise and lights on neighboring properties.

D. COAL ASH AS STRUCTURAL FILL (PRIMARY USE)

1. When the primary purpose of the deposit or placement of coal ash is disposal of coal ash, then the beneficial use of coal ash as structural fill shall be considered a primary use for the purposes of these regulations, regardless of the ultimate beneficial purpose proposed.
2. Coal ash as a beneficial use or as structural fill for landscaping, construction or other purposes that is accessory or ancillary to another primary use shall strictly follow all regulations and permits related to its use.
3. Coal ash as a beneficial use or as structural fill as a primary use shall be subject to conditions specified in the Special Use Permit for transportation of coal ash from impoundment or other storage areas to the location of fill or deposit to insure truck routes avoid residential areas to the extent possible.
4. The use of coal ash as beneficial fill or as structural fill for a public project controlled or owned or to be controlled or owned by the City of Eden, shall first be approved as a project acceptable to and desirable by the City.

E. HAZARDOUS WASTE STORAGE, TREATMENT, TRANSPORTATION OR DISPOSAL FACILITIES

1. Storage of hazardous or infectious waste or toxic substances shall be above ground and in a manner consistent with applicable state and/or federal regulations covering each stored material.
2. The storage or processing area containment system shall be consistent with the system required in the permit issued by NCDENR. If NCDENR does not require a containment system, then a containment system shall be installed equal to one and one-half (1.5) times larger than the largest storage tank. If the storage vessels are drums, then the storage area containment system shall be 50% of their total storage volume.
3. All hazardous or infectious waste or toxic substance storage, treatment, transportation and/or disposal facilities shall provide a Contingency Plan consistent with 40 CFR 265.52 to the City of Eden Administrator and the City of Eden Fire Marshal.
4. In determining whether to require greater buffers, the City of Eden shall consider the following factors:

- a. The type of hazardous or infectious waste or toxic substance to be stored, treated, transported, and/or disposed of at the facility, and the degree of hazard or toxicity associated with such waste or substance.
 - b. The volume of hazardous or infectious waste or toxic substance to be stored, treated, transported, and/or disposed of at the facility.
 - c. The number of residents in proximity to the facility;
 - d. The number of institutional, school, and commercial structures in proximity to the facility, their distance from the facility, and the nature of the activities that take place in these structures.
 - e. The lateral distance and slope from the facility to surface waters or to watersheds draining directly into surface water supplies.
 - f. The vertical distance, and the type of soils and geologic conditions separating the facility from the water table.
 - g. The direction of the flow of groundwater from the sites;
 - h. Any other relevant factors.
5. A hazardous or infectious waste or toxic substance storage, treatment, transportation, and/or disposal facility shall comply with the security requirements of 40 CFR 265.14, as a minimum.
 6. All water, sanitary sewer and storm water management systems on the site shall be protected so as to minimize to the greatest extent reasonable the probability of contamination by hazardous waste or toxic substance.
 7. The facility shall be operated in accordance with all state and federal legislation and shall hold the proper valid permit(s) issued by the appropriate state and federal agencies governing the facility's operation.
 8. All hazardous or infectious waste or toxic substance facilities shall be located at least 1,000 feet from a stream.
 9. If not disposed of at a facility permitted to receive hazardous and toxic wastes, all materials that are landfilled shall be rendered non-hazardous and non-toxic before being placed in a landfill.
 10. Liability and Bonding: All hazardous or infectious waste or toxic substance storage, treatment, transportation, and/or disposal facilities are subject to the following liability requirements:
 - a. All persons storing, treating, transporting or disposing of hazardous or infectious wastes or toxic substances in Rockingham County shall be held to a standard of strict liability for spills, accidents, contamination or other discharges and hazards arising from the facility. As used in this section, the term "strict liability" shall mean that persons storing, treating, transporting, or disposing of hazardous waste or toxic substance shall be liable for all emergency clean-up costs, clean-up costs in general, damages to persons and property, and other costs resulting from discharges or contamination, regardless of fault, or regardless of whether the discharge of contamination was the result of intentional or negligent conduct, accident or other cause.
 - b. All hazardous or infectious waste or toxic substance storage, treatment, transportation, and/or disposal facilities shall be subject to the following bond requirements:
 - i. If no Federal or State regulations require closure plans and bonding, The City of Eden may require the facility to submit a closure plan and to obtain bonding, with the City of Eden named as additional insured, sufficient to execute the closure plan. The closure plan should meet Federal and State regulations regarding such closures.

- ii. Should the above stated bond or insurance expire or be revoked then the hazardous waste or toxic substance storage, treatment, transportation and/or disposal facility must cease operation and remove all hazardous waste and/or toxic substance from the site.
11. Applications for a Special Use Permit must be accompanied with a request for voluntary annexation if the area is not within the municipal boundary.

F. HYDRAULIC FRACTURING (FRACKING) OR OTHER OIL AND GAS EXPLORATION AND EXTRACTION

1. No hydraulic fracturing or other oil and gas exploration or extraction activity shall be located within a Water Supply Watershed.
2. No hydraulic fracturing or other oil and gas exploration activity shall be located within a flood hazard area as defined on the Flood Insurance Rate Map.
3. The applicant shall demonstrate how City of Eden maintained rights-of-way will be protected from damage that may occur from transport of equipment or other parts of the hydraulic fracturing operation.
4. The applicant shall be liable for all repairs to rights-of-way necessitated by hauling or other aspects of the hydraulic fracturing operation.
5. A copy of any lease of oil or gas rights or any other document separating rights to oil or gas from the freehold of the surface property shall be submitted as part of the application
6. The City of Eden shall be notified at least 60 days before any hydraulic fracturing or other oil and gas exploration activity shall commence on the surface property identified in the special use permit application.
7. All legally required State and Federal permits or approvals shall have been issued by the appropriate State or Federal Agencies before the commencement of any hydraulic fracturing activities. Copies of the documents shall be provided to the City of Eden at least 14 days prior to such commencement.
8. No hydraulic fracturing or other oil or gas exploration activity shall be located less than 100 feet from the front property line bordering a public right-of-way nor less than 100 feet from a side property line of the surface property in question.
9. The City of Eden shall be provided copies of any notices of violation from State or Federal agencies within 7 days of receipt.
10. The Special Use Permit may be revoked if the applicant does not comply with its terms. Unresolved notices of violation from State or Federal agencies may also result in revocation of the Special Use Permit.

G. LIGHT INDUSTRY USES (NOT SPECIFICALLY LISTED)

1. No generation of dust, odors, noise, vibration or electrical interference or fluctuation shall be perceptible beyond the property line.
2. All establishments shall be maintained so as not to create environmental hazards (such as oil or gas leaks or spills) that pose a threat to ground or surface water quality, air quality, wildlife and/or humans.
3. Vehicular access to the site shall be provided on a thoroughfare of suitable industrial capacity as determined by the Administrator and/or any required Transportation Impact Analysis.
4. In addition to the bufferyard requirements provided in *Article 6 – General Development Standards*, all outdoor storage areas must be screened with the use of:

- a. Solid-wood fence, or fabricated metal fence, each with shrub plantings placed around the enclosure that grow as high, or nearly as high, as the fence to provide an attractive separation, or
- b. Brick fence, brick/split face block, or decorative block (plantings not required).

H. HEAVY INDUSTRY USE (NOT SPECIFICALLY LISTED)

1. All such uses must be located a minimum distance of 500 feet from the Residential Zoning Districts, RMX, NMX and B-C districts and any parallel conditional zoning district to those districts.
2. All establishments shall be maintained so as not to create environmental hazards (such as oil or gas leaks or spills) that pose a threat to ground or surface water quality, air quality, wildlife and/or humans.
3. Vehicular access to the site shall be provided on a thoroughfare of suitable industrial capacity as determined by the Administrator and/or any required Transportation Impact Analysis.
4. In addition to the bufferyard requirements provided in *Article 6 – General Development Standards*, all outdoor storage areas must be screened with the use of:
 - a. Solid-wood fence, or fabricated metal fence, each with shrub plantings placed around the enclosure that grow as high, or nearly as high, as the fence to provide an attractive separation, or
 - b. Brick fence, brick/split face block, or decorative block (plantings not required).

I. MINING, EXTRACTION OPERATIONS AND QUARRIES

1. The facility boundary shall be enclosed by a chain link, wooden or masonry fence at least five (5) feet in height. Where the property lines have been enclosed prior to the time of adoption of this Ordinance with a fence constructed as heretofore described, this section shall be deemed to have been complied with.
2. Operations involving blasting discernible beyond the outer boundary of a quarry shall only be conducted between the hours of 7:00 a.m. and 6:00 p.m. (dust). Suppression shall meet all NCDENR operating permit requirements at a minimum. Operating plans shall, in addition to permit requirements, insure that dust is suppressed so that it does not stray to adjoining properties used for residential, commercial, institutional, recreational or religious activities.
3. Interior roads shall be located no closer than thirty-five (35) feet from an external property line other than a highway or railroad right-of-way line.
4. The facility's NCDENR reclamation plan shall be submitted to the Administrator within 30 days of terminating quarrying operations. The owner or operator shall also demonstrate that all reasonable steps have or will be taken to prevent trespass onto the property, including security measures for monitoring the site.
5. The minimum lot size shall be 75 acres. A 50 foot forested buffer shall be required along streams and waterways and along any adjoining property containing a residential or non-industrial use.

J. MATERIAL RECOVERY & WASTE TRANSFER FACILITIES

1. All such uses must be located a minimum distance of 500 feet from the Residential Zoning Districts, RMX, NMX and B-C districts and any parallel conditional zoning district to those districts.
2. All establishments shall be maintained so as not to create environmental hazards (such as oil or gas leaks or spills) that pose a threat to ground or surface water quality, air quality, wildlife and/or humans.
3. Vehicular access to the site shall be provided on a thoroughfare of suitable industrial capacity as determined by the Administrator and/or any required Transportation Impact Analysis.

4. A minimum 150-foot buffer area is required along all property lines and public rights-of-way. No materials recovery and waste transfer activities, including parking, access roads, buildings, or disposal shall occur in the buffer area. Roads for access to the site may cross the 100-foot area, and monitoring wells may be located within the 100-foot area. All existing trees within the buffer area shall be preserved, except to allow for construction of necessary road crossings and monitoring wells.
5. A 50-foot buffer shall be required in the buffer area along all property lines and public rights-of-way regardless of the adjacent zoning. Existing plant material may be included in the computation of the required plantings, with approval of the Administrator.
6. A Noise Mitigation Plan (NMP) shall be submitted with the application. The NMP shall also address traffic noise within the site in regard to: vehicular speed; vehicular compliance with NC Muffler Laws and Vehicle Manufacturer's Specifications; Jake brake usage; and regular vehicle use within the site. The plan does not need to address emergency warning devices and lawn care equipment used during daylight hours.

K. RECYCLING COLLECTION STATIONS

1. All outdoor storage, collection loading and processing areas must be located a minimum distance of 500 feet from the Residential Zoning Districts, RMX, NMX and B-C districts and any parallel conditional zoning district to those districts.
2. All outdoor storage, collection loading and processing areas must be located a minimum distance of 50 feet from the adjacent property line.
3. All establishments shall be maintained so as not to create environmental hazards (such as oil or gas leaks or spills) that pose a threat to ground or surface water quality, air quality, wildlife and/or humans.
4. Vehicular access to the site shall be provided on a thoroughfare of suitable industrial capacity as determined by the Administrator and/or any required Transportation Impact Analysis.

L. SANITARY LANDFILL

1. All applications shall include feasibility study
2. A landfill shall not be located:
 - a. within a protected or critical area of a watershed.
 - b. within a 100-year floodplain as designated on the Flood Insurance Rate Map.
3. The truck entrance shall be located within two thousand (2,000) feet of a major arterial highway.
4. There shall be a natural or planted opaque landscaping buffer at least fifty (50) feet wide between the landfill and any public roads and between the landfill and any residential structure.
5. Approach and departure traffic routes for a landfill facility shall not be permitted through streets primarily intended to provide access for a residential neighborhood.
6. A security fence at least eight (8) feet in height shall be installed around the facility boundary.
7. The landfill shall comply with all federal, state and local regulations.

M. SCRAP METAL STORAGE OR RECYCLING

1. Approach and departure traffic routes for a scrap metal storage or recycling facility shall not be permitted through streets primarily intended to provide access for a residential neighborhood.
2. The applicant shall present a sound attenuation plan that demonstrates how noise from the facility will be sufficiently mitigated for any adjoining residentially zoned or residentially used properties.

N. STORAGE, SELF-SERVICE

1. Such uses in the B-C district shall not be located on the first floor of a structure and the use shall not be visible from a public or private street.

5.12 SUPPLEMENTAL USE STANDARDS - EDUCATION AND INSTITUTIONS

A. CEMETERY

1. A minimum of three (3) contiguous acres shall be required to establish a cemetery, columbarium or mausoleum not located on the same tract of land as a religious institution.
2. The minimum yard required for all structures, excluding gatehouse, is 50 feet from any exterior property line. Gatehouses shall be excluded from any minimum yard requirement.
3. The minimum yard required for mausoleums and columbariums adjacent to a street shall be equal to a principal building front yard in the district.
4. The minimum yard required for any grave or burial plot is 50 feet from any exterior property line. This requirement does not apply where the adjacent property contains an existing cemetery.
5. The minimum yard required for any grave or burial plot adjacent to a street shall be equal to a principal building front yard in the district provided that, where graves or burial plots are adjacent to streets and closer than 50 feet, a low planted screen shall be provided between the street and the cemetery. Such screen shall be 8 feet wide planted with evergreen shrubbery placed a maximum of 5 feet on center. All shrubs shall achieve a height of 4 feet within 3 years.

B. CHILD/ADULT DAY CARE CENTER (MORE THAN 8 PERSONS)

1. Outdoor play space for Child Care Homes shall be provided in accordance with the regulations of North Carolina Department of Human Resources.
2. Outdoor play space shall be enclosed on all sides by building and/or walls or fences in accordance with the standards in ordinance. The minimum height for such fences shall be 4 feet.
3. Outdoor play space may not include driveways, parking areas, or land otherwise unsuitable for children's play space.
4. Outdoor play space may not be in the established front yard.
5. Adult Day Care Centers: Adult Day Care Centers shall meet the requirements of the North Carolina Department of Health and Human Service's "Adult Day Care and Day Health Services Standards for Certification."

C. COMMUNITY SUPPORT FACILITY

1. No such use may be located within 1000 feet of another such use measured as a straight line on a map unless as part of an accessory use to an existing religious institution.

D. HALFWAY HOUSE

1. No such use may be located within 2500 feet of another such use measured as a straight line on a map.

E. SCHOOLS – ELEMENTARY & SECONDARY

1. Athletic fields and parking areas must be buffered from adjacent residentially zoned property with a 20-foot buffer as set forth in *Article 6 – General Development Standards*.
2. Connectivity (vehicular and pedestrian) to surrounding residential areas is required. Where a full vehicular connection is impractical, a multi-use trail connection shall be provided.
3. Student pick-up/drop-off areas shall adhere to NCDOT standards for vehicular circulation and stacking.

5.13 SUPPLEMENTAL USE STANDARDS – AGRICULTURE AND FORESTRY

A. ANIMAL PRODUCTION

1. Animal production may only occur on a lot exceeding 2 acres in size.
2. Not more than one animal unit shall be kept, maintained or stabled per 6,000 square feet of land.
3. All animals shall be fenced so that they are no closer than 100 feet from a dwelling unit on an adjacent property. This provision shall not apply if a dwelling unit is constructed so as to encroach upon an existing animal production use. However, an existing animal production use may not expand towards a newly established residential use.

B. KENNELS (OUTDOOR)

1. Any building or pen housing animals shall be located a minimum of 150 feet from any residentially zoned or developed property.
2. Areas used for exercising or training of animals shall be securely fenced to prevent the animals from straying.
3. All animal refuse and food shall be kept in airtight containers and disposed of on a regular basis.
4. Animal wastes shall not be stored within 150 feet of any property line or surface waters unless located indoors.
5. All such outdoor kennels and similar animal shelters shall be buffered from any adjoining residentially zoned property with a 50-foot buffer in accordance with *Article 6 – General Development Standards*.

C. PRODUCE STANDS

1. Produce stands shall be permitted by the Administrator to operate on an individual parcel for a period of time not to exceed 90 consecutive days and no more than 2 events per calendar year.
2. Hours of operation shall be limited to 7:00 AM – 10:00 PM.

5.14 SUPPLEMENTAL USE STANDARDS – COMMUNICATIONS, TRANSPORTATION AND INFRASTRUCTURE

A. AIRSTRIP

1. Hangars or open storage shall be screened with a 20-foot buffer from all property lines, except those properties with LI and HI zoning.
2. No outdoor public address system shall be permitted which can be heard beyond the boundaries of the property.
3. Hours of operation shall be limited from 6 am – 10 pm.

B. SOLAR ENERGY SYSTEM

1. All equipment shall be a minimum of a one hundred feet (100') from all property lines.
2. There shall be a 50-foot buffer area along all property lines.
3. The entire site shall be fenced, a minimum of six feet (6' in height) and secured to reduce/eliminate trespassing.
4. A maximum height (not including power lines) for the solar panel arrays shall be no more than fifteen feet (15').
5. Landscaping including vegetative buffers, security fences and gates shall be maintained for the duration of the solar farm operation, up to and including decommissioning.
6. Solar panels shall be constructed so as to minimize glare or reflection onto adjacent properties and roadways.
7. The Administrator shall be advised in writing within thirty (30) days by the solar farm operator or property owners (whichever entity/party holds the development and building permits) in the event the project is sold or otherwise transferred to another entity/party and/or the current operator/owner abandons the project.
8. At the time of applying for permits the applicant (solar farm developer or property owner) shall include a decommissioning plan with the anticipated life expectancy of the solar farm and the anticipated cost in current dollars, as well as the method (s) of insuring that funds will be available for decommissioning and restoration of the project site to its original, natural condition prior to the solar farm development.
9. If the site is damaged, the solar farm operator shall have twelve (12) months to bring the project back to its operational capacity. If for any reason the solar farm is not generating electricity after six (6) months, the operator shall have six (6) months to complete decommissioning of the solar farm.
10. In the event of bankruptcy or similar financial default of the solar farm, the property owner of the project site shall bear the decommissioning costs.
11. Each solar facility shall be required to have the facility inspected annually for three (3) years by the Administrator or his/her designee following the issuance of the permit to verify continued compliance with this ordinance.

C. WIRELESS TELECOMMUNICATIONS FACILITY (NON-TOWER)

1. Maximum height on any co-located structure shall be 40 feet.

D. WIRELESS TELECOMMUNICATIONS TOWERS

Wireless Communication Towers shall be permitted provided the use meets all of the requirements of this ordinance for the district in which such proposed tower is located.

1. District Height Limitations

- a. The requirements set forth in this section shall govern the location of towers, and antennas that are installed at a height in excess of, the height limitations specified for each district.

2. Public Property

- a. Antennas or towers located on property owned, leased or otherwise controlled by the City of Eden shall be exempt from the requirements of this ordinance, provided a license or lease authorizing such antenna or tower has been approved by the Eden City Council.

3. Amateur Radio

- a. This section shall not govern any tower, or the installation of any antenna, that complies with the height requirement for the district in which it is located and is owned and operated by a federally licensed amateur radio station operator.
4. **Preexisting Towers and Antennas**
 - a. Any tower or antenna for which a permit has been properly issued prior to the effective date of this section shall not be required to meet the requirements of this section except for all Federal Regulations relating to this subject and the North Carolina State Building Code.
5. **General Guidelines**
 - a. **Principal or Accessory Use.** Antennas and towers may be considered principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of a tower or antenna provided that it complies with district regulations, including but not limited to set-back requirements, lot coverage requirements and other such requirements. The dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots.
 - b. **Inventory of Existing Sites.** Each applicant for an administrative or special use permit shall provide to the Planning and Inspections Department an inventory of its existing towers that are either within the jurisdiction of the City of Eden or within one-quarter (1/4) mile of the border thereof, including specific information about the location, height and design of each tower. Applicants are encouraged to submit an inventory of potential future tower sites within the jurisdiction of the City of Eden. The Planning and Inspections Department may share such information with other applicants applying for administrative approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction; provided, however, that the department is not, by sharing such information in any way representing or warranting that such sites are available or suitable.
 - c. **Aesthetics; Lighting**
 - i. The provisions set out in this section shall govern the location of all towers, and the installation of all antennas, governed by this ordinance.
 - ii. Towers shall either maintain a galvanized steel finish or be subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.
 - iii. At a tower site, the design of the buildings and related structures shall to the extent possible use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and built environment.
 - iv. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - v. Towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the Board of Adjustment may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
6. **Federal Requirements.** All towers must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed then the owners of the towers and antennas

- governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
7. **Building Codes; Safety Standards.** To ensure the structural integrity of towers the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state and local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If upon inspection by the City of Eden Planning and Inspections Department, it is concluded that a tower fails to comply with such codes and standards and constitutes a danger to person or property, then upon notice being provided to the owner of the tower, the City of Eden shall revoke or not issue a certificate of occupancy and either not permit power to such facility or discontinue power to the facility until such time as the deficiencies are deemed corrected.
 8. **Coverage Need.** Need of coverage shall be demonstrated by the wireless provider.
 9. **Land Form Preservation.** Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer. Vegetation that causes interference with antennas or inhibits access to tower facility may be trimmed or removed. Provided however, no tree may be trimmed or removed on property owned by the City of Eden without a review by the City of Eden Tree Board.
 10. **Existing Vegetation.** Existing vegetation on a tower facility site may be used in lieu of required landscaping where approved by the Administrator.
 11. **Replacing Existing Tower.** An existing tower can be replaced subject to *Article 11 - Nonconformities* of this ordinance.
 12. **Minimum Site Disturbance.** Grading for the new Wireless Communication Facility shall be minimized and limited only to the area necessary for the new facility.
 13. **Signs.** No signs or logos, for which sign permits are required by this ordinance shall be allowed on any tower, antenna or related device.
 14. **Parking.** Wireless Communication Facilities shall have a minimum of two (2) parking spaces.
 15. **Removal of Abandoned Wireless Communication.** Any Wireless Communication Facility that is not operated as a commercial wireless communication site or by a government agency or by an emergency service provider for a continuous period of 12 months shall be considered abandoned and the owner of such facility shall remove same within 60 days of the notice thereof. Applicants to construct any such facility shall provide a performance bond for the cost of the removal of such facility in favor of the City of Eden. The bond shall be in the amount of 125 percent of the estimated cost of removing the facility. The applicant shall submit an estimate from a qualified demolition firm for the purpose of determining the amount of the performance bond.
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5.15 SUPPLEMENTAL USE STANDARDS - OTHER

A. ACCESSORY STRUCTURES

Accessory structures, including but not limited to, accessory buildings, swimming pools, satellite dishes, and communication towers, are permitted on residential and nonresidential lots provided all requirements of this subsection are met and provided all necessary permits are obtained. Accessory uses are customarily incidental and subordinate to the principal use or building and are located on the same lot with such principal use or building.

1. **Residential Accessory Structures.** All accessory structures for residential uses shall meet the following requirements.
 - a. **Location.** All accessory structures shall be located behind the front building line of the principal structure.
 - b. **Side and corner side yard requirements.**
 - i. All accessory structures located between the front building line and the rear building line of the principal structure shall comply with the side yard and corner side yard requirements of the applicable zoning district, except as permitted for carports in subsection (f) below.
 - ii. All accessory structures located behind the rear building line of the principal structure shall observe a 5 feet minimum side yard setback and a 15 feet corner side yard set-back.
 - c. **Rear yard requirements.** All accessory structures shall observe a 5 feet minimum setback from the rear lot line.
 - d. **Height.** The height of all accessory structures shall meet the height requirements of the applicable zoning district; except for carports permitted in subsection (f).
 - e. **Maximum accessory building area.** The total gross floor area for all accessory buildings for single-family and two-family dwellings shall not exceed 50 percent of the gross floor area of the principal building or 600 square feet, whichever is greater.
 - f. **Carports.** One (1) carport accessory building may be permitted to be located between the front building line and the rear building line of a single-family or two-family dwelling and permitted to encroach into the minimum required side and corner side yard of the applicable zoning district provided all of the following requirements are met. The carport shall be:
 - i. 480 square feet or less in area;
 - ii. a freestanding structure detached from any other principal or accessory structure;
 - iii. unenclosed on all four sides of the structure;
 - iv. setback a minimum 5 feet from all side lot lines;
 - v. setback a minimum of 15 feet from all corner side lot lines, and
 - vi. not exceeding 12 feet in height. Where such carport exceeds 12 feet in height, the carport shall setback an additional 2 feet from the side and corner side lot lines for every 1 foot of height exceeding 12 feet.
 - g. All accessory structures must be designed for the purpose for which they are to be used, i.e., storage units must be designed as permanent storage buildings, carports must be designed to house automobiles, etc. No tractor trailers, mobile homes, automobiles, or other such items may be used as accessory structures or storage buildings, whether or not wheels have been removed.

2. **Nonresidential Accessory Structures.** All accessory structures for nonresidential uses shall meet all minimum yard and height requirements of the applicable zoning district. All accessory structures must be designed for the purpose for which they are to be used, i.e., storage units must be designed as permanent storage buildings, carports must be designed to house automobiles, etc. No tractor trailers, mobile homes, automobiles, or other such items may be used as accessory structures or storage buildings, whether or not wheels have been removed. Any storage unit which is subject to public access (i.e., sales and overflow merchandise storage) must meet commercial building code and fire codes for the particular use.

3. **Solar as an accessory use.** Small solar energy systems shall be permitted as an accessory use by right in all zoning districts which shall include:
 - a. Ground and pole mounted systems in the rear or side yard only. Ground mounted system shall not exceed 12 feet above the ground.
 - b. Roof mounted solar energy systems shall include integrated solar shingles, tiles or panels as the surface layer of the roof structure with no additional apparent change in relief or projection of the roof line.
 - c. Separate flush mounted solar energy systems installed on the roof of a building or structure shall not project vertically above the peak of the sloped roof to which it is attached; or extend beyond the perimeter of the roof line.
 - d. Any glare generated by the system must be mitigated or directed away from an adjoining property or adjacent road when it creates a nuisance or safety hazard.
 - e. Any electrical wiring used in the system shall be underground (trenched) except where wiring is brought together for inter-connection to system components and /or the local utility power grid.
 - f. No ground-mounted small solar energy system shall be affixed to a block wall or fence.
 - g. Energy - The energy generated by the small solar energy system shall be used for direct consumption on the subject property and for inter-connection to the electric utility power grid to off-set energy use on the subject property, in accordance with current state net-metering laws.
 - h. The construction of the small solar energy system shall be in accordance with an approved building permit application.

B. SEASONAL SALES ESTABLISHMENTS

1. Seasonal Sales establishments may be permitted as a temporary use on a lot subject to the following requirements:
 - a. A seasonal sales establishment may be permitted in any business zoning district but shall not be permitted in any residential (except RA) or industrial zoning district.
 - b. A seasonal sales establishment shall observe all minimum required yards when such yards abut a residential lot. No merchandise or business activity may be permitted in such minimum yard area. Where no minimum yard is required in the zoning district, the establishment shall observe a minimum yard of 25 feet from any adjoining residential lot.
 - c. No operations or display shall occur in any street right-of-way. All activities shall take place on the lot.
 - d. Sufficient off-street parking shall be provided in order to accommodate the sales establishment.

- e. One (1) travel trailer, for temporary living and security purposes in association with the seasonal sales establishment, may be permitted provided the travel trailer satisfies all public service corporation, public utility and City requirements for proper connection to water, sewer, electrical and other utility service connections, if applicable.
- f. Seasonal Sales may be permitted for a period of sixty (60) days per use per calendar year.

C. SPECIAL EVENTS, CARNIVALS, RELIGIOUS REVIVALS & SIMILAR USES

1. The Administrator may issue a Temporary Certificate of Zoning Compliance for special events, bazaars, carnivals, religious revivals and similar uses subject to the following requirements:
 - a. The certificate shall be issued to a specific organization for a specific period of time not to exceed 30 days and not renewable by the same organization for the same site within a 180-day period.
 - b. The hours of operation shall not adversely affect the uses adjacent to the temporary activity.
 - c. The amount of noise generated shall not disrupt the activities of the adjacent land uses.
 - d. The applicants shall guarantee that all litter generated by the activity shall be removed at no expense to the City.
 - e. Travel trailer(s) for temporary living purposes may be permitted provided the travel trailer(s) satisfy all public service corporation, public utility and City requirements for proper connection to water, sewer, electrical and other utility service connections, if applicable.
 - f. The Administrator shall not issue the certificate unless they find that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic.

D. TEMPORARY CONSTRUCTION OFFICE UNITS

Temporary construction office units may be permitted on a lot involving a construction project provided they meet the following requirements:

1. The construction office unit is needed for on-site, temporary office space in regard to the construction occurring on the site.
2. The construction office unit shall satisfy all public service corporation, public utility and City requirements for proper connection to water, sewer, electrical and other utility service connections, if applicable.
3. The construction office unit shall be permitted only for the duration of the construction project and shall be removed upon the completion of the construction project.

E. TEMPORARY SHELTERS

1. Temporary Shelters may be permitted provided that the following requirements are met:
 - a. Such shelters may only be operated by non-profit agencies.
 - b. The permit shall be for a maximum of 6 months of continuous operation. A new permit is required once this time period has passed. No more than one application may be approved in a 12-month period.
 - c. A shelter of this type must meet all land use and building code regulations of the City of Eden and the State of North Carolina.
 - d. All operations of the shelter must be entirely contained within a building.

- e. On site supervision and security shall be provided at all times the shelter is open. A plan for security must be presented with the application for a permit.

F. TEMPORARY HEALTH CARE STRUCTURES

1. The following definitions apply in this section:
 - a. Activities of daily living: Bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating.
 - b. Caregiver: An individual 18 years of age or older who:
 - i. provides care for a mentally or physically impaired person and
 - ii. is a first or second degree relative of the mentally or physically impaired person for whom the individual is caring.
 - c. First or second degree relative: A spouse, lineal ascendant, lineal descendant, sibling, uncle, aunt, nephew, or niece and includes half, step, and in-law relationships.
 - d. Mentally or physically impaired person: A person who is a resident of this State and who requires assistance with two or more activities of daily living as certified in writing by a physician licensed to practice in this State.
 - e. Temporary family health care structure: A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that:
 - i. is primarily assembled at a location other than its site of installation,
 - ii. is limited to one occupant who shall be the mentally or physically impaired person,
 - iii. has no more than 300 gross square feet, and
 - iv. complies with applicable provisions of the State Building Code and G.S. § 143-139.1(b).
Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.
2. The City shall consider a temporary family health care structure used by a caregiver in providing care for a mentally or physically impaired person on property owned or occupied by the caregiver as the caregiver's residence as a permitted accessory use in any single-family zoning district on lots zoned for single-family detached dwellings.
3. The City shall consider a temporary family health care structure used by an individual who is the named legal guardian of the mentally or physically impaired person a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings in accordance with this section if the temporary family health care structure is placed on the property of the residence of the individual and is used to provide care for the mentally or physically impaired person.
4. One temporary family health care structure shall be allowed on a lot or parcel of land. The temporary family health care structures under sections (1) and (2) of this section shall not require a special use permit or be subjected to any other local zoning requirements beyond those imposed upon other authorized accessory use structure, except as otherwise provided in this section. Such temporary family health care structures shall comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure.
5. Any person proposing to install a temporary family health care structure shall first obtain a permit from the City. The City may not withhold a permit if the applicant provides sufficient proof of compliance with this section. The City may require that the applicant provide evidence of compliance with this section on

- an annual basis as long as the temporary family health care structure remains on the property. The evidence may involve the inspection by the City of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation, and annual renewal of the doctor's certification.
6. Any temporary family health care structure installed under this section may be required to connect to any water, sewer, and electric utilities serving the property and shall comply with all applicable State law, local ordinances, and other requirements, as if the temporary family health care structure were permanent real property.
 7. No signage advertising or otherwise promoting the existence of the temporary health care structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.
 8. Any temporary family health care structure installed pursuant to this section shall be removed within 60 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of assistance provided for in this section. If the temporary family health care structure is needed for another mentally or physically impaired person, the temporary family health care structure may continue to be used, or may be reinstated on the property within 60 days of its removal, as applicable.
 9. The City may revoke the permit granted pursuant to subsection (e) of this section if the permit holder violates any provision of this section or G.S. § 160D-915. The City may seek injunctive relief or other appropriate actions or proceedings to ensure compliance with this section or G.S. § 160D-915.
 10. Temporary family health care structures shall be treated as tangible personal property for purposes of taxation.

