



ARTICLE
*ZONING
DISTRICTS
& USES* **4**

ARTICLE

4

ZONING DISTRICTS & USES

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ARTICLE 4. ZONING DISTRICTS & USES

4.1 BASE ZONING DISTRICTS

Base zoning districts are created to provide comprehensive land use regulations throughout Mineral Springs. There are nine (9) base zoning districts that provide for a variety of uses that are appropriate to the character of the areas in which they are located. These districts are established to encourage the retention of existing farms and low-density residential areas, which are compatible with the Town's Land Use Plan concept of retaining the suburban, rural character of the community. The majority of residential development must be restricted to a sufficiently low density where there is no public water supply and development is dependent upon septic tanks on individual lots for sewage disposal. In order to provide for a healthful, rural environment outside of the Town Center area, residential development must continue in a large lot, low-density fashion. Within the Town Center area, densities may be increased to provide a range of housing types. For the purpose of this Ordinance, the Town of Mineral Springs' jurisdiction is hereby divided into the base zoning districts. These districts shall comply with all of the general and specific requirements of this Ordinance.

4.1.1 AGRICULTURAL / RESIDENTIAL (AR)

This district is intended for agricultural uses and very low-density, single-family residential development at a maximum density is one (1) dwelling unit per two (2) acres (0.5 DUA).

4.1.2 RURAL RESIDENTIAL (RR)

This district allows for agricultural uses and very low-density, single-family development. The maximum density is one (1) dwelling unit per 1.5 acres (0.67 DUA).

4.1.3 RA-40 RESIDENTIAL / AGRICULTURAL

This district is designed to encourage the perpetuation of existing agricultural uses and to accommodate primarily existing low-density, single-family residential development. The maximum density one (1) unit per acre (1 DUA).

4.1.4 RA-20 RESIDENTIAL / AGRICULTURAL

This district is designed to encourage the perpetuation of existing agricultural uses and to accommodate low-density, single-family residential development. The maximum density is two (2) dwelling units per acre (2 DUA).

4.1.5 R-20 RESIDENTIAL

This district is intended for low-density, single-family residential development, including Class A manufactured homes. The maximum density is two (2) dwelling units per acre (2 DUA).

4.1.6 TOWN CENTER (TC)

The purpose of the Town Center district is to create a focal point of the Town, encouraging private and public investment to establish the office, institutional, cultural, and entertainment center of the Town and protect property values. It is also intended to encourage a strong, supportive retail center, which will complement other Town Center uses and surrounding neighborhoods, and promote the community's character and integrity. This district places high priority on the quality of design, integrating new uses with existing structures in a cohesive and attractive manner that promotes a traditional architectural and visual environment. Development should incorporate a well-balanced, multi-modal transportation system. The intent of the Town Center district regulations is to provide a mechanism for implementing the goals of the Mineral Springs Land Use Plan by directing the desired character of development. Specific standards for this district are integrated into Articles 5 and 6 to regulate building design, site design, and infrastructure.

4.1.7 NEIGHBORHOOD BUSINESS (NB)

This district is established to provide for an area for neighborhood business without undue conflict with, detriment to, or disruption from nearby land uses or zoning districts. This district is designed primarily for furnishing professional services as well as a narrow range of other business and retail services and institutional uses for the convenience of residents of the Town of Mineral Springs.

4.1.8 GENERAL BUSINESS (GB)

This district is established to accommodate a wider range of commercial activities than that permitted in the NB district. Shopping centers within this district are permitted on a conditional use basis only.

4.1.9 LIGHT INDUSTRIAL (LI)

This district is established to provide for light industrial and warehousing operations, which shall be operated primarily indoors in a relatively clean and quiet manner and which will not be noxious to adjacent residential and business districts, including manufacturing, processing and assembling of goods, product distribution facilities, and a broad variety of specialized commercial and industrial operations.

4.2 CONDITIONAL ZONING DISTRICTS

4.2.1 PURPOSE & APPLICABILITY

The purpose of Conditional Zoning (CZ) Districts is to provide a voluntary alternative procedure for the rezoning of a property for a specific use. A broad range of uses are permitted in the base district. However, there are instances where a base zoning district designation is clearly inappropriate for a property, but a specific use or uses permitted under this district and subject to development requirements would be consistent with the spirit and intent of this Ordinance. Conditional Zoning (CZ) Districts, herein established, are intended to accommodate such situations and allow specific uses to be established in accordance with prescribed conditions pertaining to an individual project. This voluntary procedure is intended for firm development proposals, and is neither intended nor suited for securing early zoning for tentative uses which may not be undertaken for a long period of time.

4.2.2 CONDITIONAL ZONING DISTRICTS ESTABLISHED

A. Conditional Zoning (CZ) Districts are established as equivalent to the base districts. Conditional Zoning (CZ) districts are created to correspond to each of the base zoning districts created in Section [4.1](#). Just as there are nine (9) base zoning districts, there are nine (9) corresponding Conditional Zoning Districts.

- CZ AR Agricultural / Residential Conditional Zoning District
- CZ RR Rural Residential Conditional Zoning District
- CZ RA-40 RA-40 Residential / Agricultural Conditional Zoning District
- CZ RA-20 RA-20 Residential / Agricultural Conditional Zoning District
- CZ R-20 R-20 Residential
- CZ TC Town Center Conditional Zoning District
- CZ NB Neighborhood Business Conditional Zoning District
- CZ GB General Business Conditional Zoning District
- CZ LI Light Industrial Conditional Zoning District

B. In addition to the corresponding Conditional Zoning districts, the Mixed Use Conditional Zoning district (CZ MU) is available for use upon application. Refer to Section [4.2.4](#) for CZ MU standards.

4.2.3 GENERAL PROVISIONS

- A. Property may be placed in a Conditional Zoning district only in response to a petition by the owners of all the property to be included.
- B. Specific conditions applicable to these districts may be proposed by the petitioner or the Town or its agencies, but only those conditions mutually approved by the Town and the petitioner may be incorporated into the requirements of the district. 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 the Town's ordinances and to any officially adopted comprehensive or other plan and those that address the impacts reasonably expected to be generated by the development or use of the site.
- C. CZ Districts allow specific standards for a particular use after review and comment from the public. A petition to rezone a property to a Conditional Zoning District shall be accompanied by a site specific plan.
- D. Within a CZ district, only those uses authorized as either permitted or conditional uses in the base zoning district with which the CZ district corresponds shall be permitted, and all other requirements of the corresponding district shall be met as minimum standards.
- E. In approving a CZ district, the Town Council may impose such additional reasonable and appropriate safeguards upon such permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured and substantial justice done.
- F. If for any reason any condition imposed pursuant to these regulations is found to be illegal or invalid or if the applicant should fail to accept any condition, it is the intent of this Ordinance that the authorization of such CZ district shall be null and void and of no effect, and that proceedings shall be instituted to rezone the property to its previous zoning classification.
- G. CZ districts shall be approved in accordance with the process outlined in Section [3.9](#).

4.2.4 MIXED USE CONDITIONAL ZONING DISTRICT

- A. The Mixed Use Conditional Zoning district (CZ MU) provides for residential and mixed-use development on tracts of land that front major and minor thoroughfares, as designated within the adopted Comprehensive Transportation Plan (CTP). Developments within this district are generally a mix of pedestrian and auto-oriented uses that are provided with internal connectivity within the development. No properties within Mineral Springs shall initially be assigned Mixed Use zoning. Rather, properties may only be rezoned to the Mixed Use district through the Conditional Zoning process of this Ordinance.

- B. Uses within the district may include a variety of residential, institutional and light retail uses. Conditions may be imposed upon such zoning, as a minimum, to ensure that the streetscape aesthetics along any such developments major road frontages are preserved, the development blends in well with surrounding properties, and traffic emanating from the development does not overburden any existing streets or neighborhoods. Applications for CZ MU districts shall be submitted with a list of proposed uses from those permitted in the MU district. Uses shall be limited to those specifically approved as part of the CZ district.

4.3 PERMITTED USES

4.3.1 PURPOSE AND USE GROUPS

The Permitted Uses Table contains a listing of uses which may be permitted in one (1) or more of the various zoning districts. Uses are listed in alphabetical order within eight (8) use groups as follows:

- Agricultural
- Residential
- Civic, Government, and Institutional
- Office and Service
- Retail
- Recreation and Entertainment
- Industrial, Wholesale, Transportation and Utility
- Other

4.3.2 CLASSIFYING AND DETERMINING USES

A. This Ordinance specifies uses which are allowed in each zoning district. Uses designated as “permitted uses” are allowed in a district as a matter of right. Uses designated as “conditional uses” are allowed only after individual, specific approval by the Town Council pursuant to Section [3.4](#) of the Ordinance. Certain uses pre-existing the adoption of this Ordinance are allowed to remain as nonconforming uses pursuant to Article 8 of this Ordinance. Unless a use is allowed as a “permitted”, “conditional” or “nonconforming” use, then such use is expressly prohibited in that zoning district by this Ordinance, and such use shall constitute a violation of this Ordinance. Certain definitions set out in Article 9 of this Ordinance regarding unallowable uses are not mentioned in any other sections of the Ordinance. The purpose of these definitions is to make clear that any such defined use is not permitted under this Ordinance.

B. The listings of permitted uses in the various districts in this Ordinance are considered to be specific in regard to the types of uses intended for each of the various districts. In determining proposed uses, the Administrator shall classify the form and function of the use. When a proposed use is not specifically listed in the Permitted Uses Table, the Administrator shall determine if the use is the same as, or manifestly similar to, a listed use in form and function. If the Administrator finds that the proposed use is the same as, or manifestly similar to, a

listed use, he or she shall classify the proposed use as the listed use. If the Administrator finds that a proposed use is not the same as, or is not manifestly similar to, a listed use, he or she shall classify the proposed use as not permitted. In order to assist the Administrator in interpretation of the Use Matrix, the Standard Industrial Classification System (SIC) shall be used to determine if a use is similarly material to a use in the Permitted Uses Table.

- C. Two (2) or more principal uses may occupy the same land or building as long as each use is a permitted use. In determining what is a principal use, the principal use shall be considered as the primary purpose or function that a lot or structure services or is proposed to serve. An accessory use shall be considered a structure or use that:
1. Is clearly incidental to and customarily found in connection with a principal building or use;
 2. Is subordinate to and serves a principal building or a principal use;
 3. Is subordinate in area, extent, or purpose to the principal building or principal use served;
 4. Contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served; and
 5. Is located on the same lot and zones the same as the principal building or use served.

4.3.3 PERMITTED USES TABLE

The following is a list of the meanings of table entries:

- A. "P" indicates that the use is permitted by right in the zoning district.
- B. "S" indicates that the use is permitted with a Special Use Permit in the zoning district.
- C. A blank space under a zoning district column indicates that a use is not permitted in that district.
- D. A section number listed in the "SR" column indicates that the use has supplemental regulations for the zoning district(s) in which it is permitted. The section number refers to the regulations in Section [4.4](#).

▼ **TABLE 4.1 PERMITTED USES**

AGRICULTURAL USES	AR	RR	RA-40	RA-20	R-20	TC	NB	GB	LI	MU	SR
Agricultural and bona fide farm uses	P	P	P	P	P				P		4.4.1.1
Agricultural uses, home	P	P	P	P	P	P				P	4.4.1.1
Agribusiness operations	S	S	S						P		4.4.1.1
Barns (under 2,500 sq. ft.)	P	P	P	P	P				P		4.4.1.1
Barns (2,500 sq. ft. or greater)	S	S	S	S	S				S		4.4.1.1
Equestrian uses, riding stables	S	S	S	S	S				S	P	4.4.1.1
Farm equipment sales and service								S	S		
Farm supply, garden supply store	S	S	S	S			P	P	P		
Farmers' market	S	S	S	S	S	S	S	S	P	P	
Fish hatchery	P	P	P	P	S				P		
Greenhouses, accessory to residential	P	P	P	P	P	P				P	
Greenhouses or horticultural nurseries			S	S			P	P	P		
Produce stands	P	P	P	P	P	P	P	P	P	P	4.4.1.2
Silvicultural operations (under 10 ac.)	P	P	P	P	P						
RESIDENTIAL USES	AR	RR	RA-40	RA-20	R-20	TC	NB	GB	LI	MU	SR
Accessory dwellings	P	P	S	S	S	S				P	4.4.2.1
Accessory structures (residential)	P	P	P	P	P	P				P	4.4.2.2
Accessory, temporary family health care structure	P	P	P	P	P	P				P	4.4.2.3
Boarding or rooming house											
Caretaker's residence	S	S	S	S	S	S				P	
Dormitory						S	S	S	S	P	
Dwellings, single-family (one per lot)	P	P	P	P	P	P				P	
Dwellings, multi-family				S	S	S				P	4.4.2.4
Dwellings, two-family (duplex)				S	S	P				P	
Dwellings, townhome or patio home				S	S	S				P	4.4.2.4
Dwellings, upper floor (in mixed use building)						P				P	
Family Care Homes	P	P	P	P	P	P				P	4.4.2.5
Home Occupations	P	P	P	P	P	P	P	P	P	P	4.4.2.6
Manufactured homes, Class A (one unit per lot)	P	P	P	P	P						4.4.2.7
Manufactured homes, Class B (one unit per lot)	S	S	S	S							4.4.2.7
Manufactured homes, Class C (one unit per lot)											
Manufactured home parks											
Tourist homes / Vacation Rentals	P	P	P	P	P	P				P	4.4.2.8

CIVIC, GOVERNMENT & INSTITUTIONAL USES	AR	RR	RA-40	RA-20	R-20	TC	NB	GB	LI	MU	SR
Cemeteries, principal use	S	S	S	S	S						4.4.3.1
Cemeteries, accessory use	P	S	S	S	P						4.4.3.1
Colleges, universities, & associated facilities						S	S	S	S		
Community centers	S	S	S	S	S	P	P			P	
Continuing care facilities	S	S	S	S	S	S	S	S	S	P	
Correctional facilities/jails											
Daycare centers	S	S	S	S	S	P	P	P	S	P	4.4.3.1
Emergency and public safety services (fire, police, EMS, & similar uses)	S	S	S	S	P	P	P	P	P	P	
Government uses, municipal	P	P	P	P	P	P	P	P	P	P	
Government uses, other (excluding schools, utilities, and correctional facilities)	S	S	S	S	S	S	S	S	S	P	
Group home for handicapped, aged or infirm	S	S	S	S	S	S	S	S			
Half-way house								S			
Hospitals, and medical clinics (public and private)								P		P	
Libraries	S	S	S	S	S	P	P	P		P	4.4.3.1
Military reserve center										P	
Museums & similar uses						P	P	P		P	
Nursing, convalescent, rest homes and facilities						S	S	S	S	P	
Post offices						P	P	P	P	P	
Religious institutions & related uses	P	P	P	P	P	P	P	P	P	P	4.4.3.1
Research facilities								S	P		
Residential child care institution	S	S	S					S			
Schools, instructional (music, dance, martial arts, etc.)					P	P	P	P	P	P	
Schools, elementary & secondary (public & private)	P	P	P	P	P	P	P	P		P	4.4.3.1 , 4.4.3.2
Schools, trade & vocational (excluding truck driving)							S	P	P		
Schools, truck driving									P		
Social, fraternal, & philanthropic clubs & lodges, & similar uses operated on a non-profit basis	S	S	S	S	S	S	P	P		P	

ARTICLE 4. ZONING DISTRICTS & USES

OFFICE & SERVICE USES	AR	RR	RA-40	RA-20	R-20	TC	NB	GB	LI	MU	SR
Animal services, no outdoor kennels			S			S	P	P	P	P	
Animal services, with outdoor kennels			S					S	S		4.4.4.1
Artists, craftsmen, galleries	S	S	S	S	S	P	P	P	P	P	
Automotive services (includes gas stations & car washes)						S	S	S	P		4.4.4.2
Banks & financial services						P	P	P		P	
Bed & breakfast inn	S	S	S	S	P	P				P	4.4.4.3
Boat & RV services								S	P		4.4.4.2
Body art services (tattoos, piercing)								S			
Business and professional services						P	P	P	P	P	
Catering services						P	P	P	P	P	
Construction related contractors (with storage yards, excludes offices)								S	P		4.4.8.4
Crematories (principal use)									S		4.4.4.4
Dry cleaning and tailoring services						P	P	P	P	P	
Flex space facility (office with warehouse space)								S	P		
Funeral homes & mortuaries (including accessory crematories)								P			
Gunsmith (including gun and ammunition sales)	S	S	S					P	P		
Household item repair services						P	P	P	P	P	
Hotels & motels							S	P			
Laundromat								P		P	
Lawn and landscaping services	S	S	S						P	P	4.4.8.4
Motion picture production								P	P	P	
Medical, dental, chiropractic, optical offices (excluding hospitals, clinics)						P	P	P		P	
Personal service uses (hair, nails, facials, tanning, massage therapy)						P	P	P		P	
Photography studio						P	P	P		P	
Professional offices						P	P	P	P	P	
Printing services						S	S	S	P	P	
Services, other						S	S	S	P		4.4.8.4
Taxidermist	S	S	S	S			S	S	P		

RETAIL USES	AR	RR	RA-40	RA-20	R-20	TC	NB	GB	LI	MU	SR
Auction houses							S	S	S		4.4.8.4
Automotive, truck, motorcycle sales or rental								S	S		4.4.5.1
Flea markets, antique malls, booth retail, indoor						S	P	P	P	P	
Flea markets, antique malls, booth retail, outdoor								S	S		4.4.5.2
Manufactured home, modular home, RV, and boat sales									S		4.4.5.1
Mobile food vending units (food trucks)						P	P	P	P	P	4.4.8.5 (J)
Pawn shops								S			
Restaurants, no drive-through						P	P	P		P	
Retail uses, accessory to industrial (less than 3,000 sq. ft.)									P		
Retail uses, less than 3,000 sq. ft.						P	P	P		P	
Retail uses, 3,000-10,000 sq. ft.						S	S	S		P	
Retail uses, greater than 10,000 sq. ft.								S		P	
Retail uses, outside fully enclosed building (excluding automotive, boat, RV, manufactured or modular homes)								S	S		4.4.5.2
Shopping Center (up to 75,000 sf)								S		P	4.4.5.3
RECREATION & ENTERTAINMENT USES	AR	RR	RA-40	RA-20	R-20	TC	NB	GB	LI	MU	SR
Adult establishments								S	S		4.4.6.1
Amphitheaters	S	S	S	S	S	S	S	S	S	P	
Auditoriums, assembly halls, stadiums (under 1,000 seats)								S	S	P	
Banquet, events facilities	S	S	S	S	S	P	P	P	P	P	4.4.6.2
Billiards, pool rooms, bingo								S			
Campgrounds	S	S									4.4.6.3
Community Centers	S	S	S	S							
Fairs, carnivals, tent event grounds	S	S	S	S	S	S	S	S	S	S	4.4.6.4
Game room, arcade, electronic gaming								S			
Golf courses (excluding mini golf and driving ranges), country clubs	S	S	S	S	S		S	S		P	4.4.6.4
Golf, driving ranges	S	S	S								4.4.6.4
Golf, miniature								S			4.4.6.4
Parks, playgrounds (public)	S	S	S	S	S	P	P	P	P	P	
Motorsports competition and testing facilities											
Night clubs, bars, lounges						S	S	S	S	P	
Recreation facilities, private indoor	S	S	S	S	S	S	S	P	P	P	
Recreation facilities, private outdoor								S	S		4.4.6.4

ARTICLE 4. ZONING DISTRICTS & USES

RECREATION & ENTERTAINMENT USES (cont.)	AR	RR	RA-40	RA-20	R-20	TC	NB	GB	LI	MU	SR
Recreation facilities, public indoor	S	S	S	S	P	P	P	P	P	P	
Recreation facilities, public outdoor (excluding parks and playgrounds)	S	S	S	S	S	S	S	S	S	P	
Recreation facilities, accessory	P	P	P	P	P	P	P	P	P	P	
Shooting ranges, indoor commercial								S	S		
Shooting ranges, outdoor commercial	S	S									
Theater, indoor						S	S	P		P	
Theater, outdoor						S	S	S	S	P	4.4.6.5
INDUSTRIAL, WHOLESALE, TRANSPORTATION, & UTILITY USES	AR	RR	RA-40	RA-20	R-20	TC	NB	GB	LI	MU	SR
Airports and heliports									S		4.4.7.1
Airstrips	S	S	S	S	S				S		4.4.7.1
Automobile parking lots or garages (principal use)						S	S	S	S	P	
Automotive towing, wrecking services								S	P		4.4.8.4
Asphalt, concrete, & paving materials manufacturing											
Bus terminals or charters, passenger								S	S		
Data centers								S	S		
Distribution centers									P		
Essential Services, Class 1	P	P	P	P	P	P	P	P	P	P	4.4.7.2
Essential Services, Class 2	P	P	P	P	P	P	P	P	P	P	4.4.7.2
Essential Services, Class 3									S		4.4.7.2
Essential Services, Class 4	P	P	P	P	P	P	P	P	P	P	4.4.7.2
Flex office/warehouse units								S	P		
Industrial equipment sales, supplies, repair								S	P		
Industrial laundry/drycleaning plants									S		
Junkyards, salvage yards, outdoor recycling operations and similar uses											
Landfill, construction, demolition, land clearing, & inert debris											
Landfill, sanitary or hazardous waste											
Machine & welding shops									P		
Manufactured goods, Class 1 (no outdoor storage)									S	P	
Manufactured goods, Class 1 (with outdoor operations or storage)										S	4.4.7.3 , 4.4.8.4
Manufactured goods, Class 2											
Microbreweries, microwineries, microdistilleries						P	P	P	P	P	
Mining, quarrying, dirt farming operations											
Planned industrial development									S		

INDUSTRIAL, WHOLESALE, TRANSPORTATION, & UTILITY USES (cont.)	AR	RR	RA-40	RA-20	R-20	TC	NB	GB	LI	MU	SR
Postal, packaging processing facility									P		
Power generation, solar individual	P	P	P	P	P	P	P	P	P	P	4.4.7.4
Power generation, solar farm									S		4.4.7.4
Power generation, wind individual	P	P	P						P		4.4.7.5
Power generation, wind farm											
Railroad depot									S		
Recycling station (excluding recycling processing)								S	S		
Recycling processing facilities (indoor)									S		
Sawmill operations, portable	S	S	S						S		
Solid waste vehicle storage facility									P		
Stockyards, slaughterhouses, rendering plants									S		
Taxicab, limousine, chauffeur services								S	S		
Telecommunications antennae, equipment for existing towers	P	P	P	P	P	P	P	P	P	P	
Telecommunications towers	S	S	S	S	S	S	S	S	S	P	4.4.7.6
Transit stops						P	P	P	P	P	
Truck stops									S		
Truck terminals, fleet repair, and storage									S		
Warehousing (excludes self-storage)									P		
Warehousing, self-storage									S		4.4.8.4
Wholesale, inside fully enclosed building								P	P		
Wholesale, outside fully enclosed building									S		4.4.8.4
OTHER USES	AR	RR	RA-40	RA-20	R-20	TC	NB	GB	LI	MU	SR
Accessory structures, non-residential (associated with permitted uses, except agriculture)	S	S	S	S	S	P	P	P	P	P	4.4.8.1
Business kiosks (ATMs, movies, ice vending, etc.)						S	S	P		P	4.4.8.2
Drive-through uses (associated with permitted uses, except restaurants)						S	S	P		P	4.4.8.3
Outdoor storage (associated with permitted uses, excludes outdoor sales display)							S	S	S		4.4.8.4
Temporary Uses and Events (administrative)	P	P	P	P	P	P	P	P	P	P	4.4.8.5
Temporary Mobile Units	S	S	S	S	S	S	S	S	S	S	4.4.8.6

4.4 SUPPLEMENTAL REQUIREMENTS FOR CERTAIN USES

The requirements set forth in this section apply to the uses with a Section number in the “SR” column of Table 4.1: Permitted Uses in Section 4.3. These requirements are intended to mitigate any potential adverse impacts that certain uses may have on surrounding property or the community at-large. If a Special Use Permit is also required for a use within a specified zoning district, these requirements are to be followed in addition to any conditions placed on the approval of the Special Use Permit by the Board of Adjustment or Conditional Zoning District by the Town Council.

4.4.1 AGRICULTURAL USES

4.4.1.1 AGRICULTURAL USES, BARN, AND EQUESTRIAN USES

▼ TABLE 4.2 DIMENSIONAL STANDARDS FOR BARN

Size of Barn (square feet)	Minimum Front Setback (feet)	Minimum Side Setback (feet)	Minimum Rear Setback (feet)	Minimum Distance to Dwelling on Adjoining Lot (feet)
50-149	65	15	40	15
150-499	100	30	40	30
500-999	100	50	60	50
1,000-1,499	100	75	75	75
1,500-2,499	100	100	100	100
2,500+*	100	150	150	150

A. The following setbacks shall apply to barns:

*Special Use Permit required

- B. Setbacks shall apply only to the barn structure and not to any associated fencing for pastures. Barns shall not exceed 35 feet in height.
- C. All agricultural uses and commercial equestrian uses such as riding academies or boarding stable shall have a minimum lot size of five (5) acres.
- D. Structures housing the commercial production of poultry or livestock and waste removed from any structure shall be located no closer than 150 feet from any property line.

4.4.1.2 PRODUCE STANDS

- A. Without limiting the generality of the foregoing, the sale of agricultural products (either in a “roadside stand” or on a “pick your own” basis) from property where such products were grown or from land that is all part of the same farm or agricultural operation as the land where such products were grown shall be regarded as accessory to an agricultural operation. A produce stand shall be allowed as an accessory use to an agricultural use in residential zoning districts.
- B. A produce stand shall not be located in a street right-of-way and shall not be located closer than 10 feet to any side lot line unless a greater setback is required for the zoning district in which it is located.
- C. A produce stand may have one (1) non-illuminated sign not to exceed four (4) square feet in area.
- D. During the times of the year in which the produce stand is not in operation, the stand shall be properly secured and maintained.

4.4.2 RESIDENTIAL USES

4.4.2.1 ACCESSORY DWELLINGS

- A. Accessory dwellings shall be limited to one (1) unit per principal dwelling.
- B. Accessory dwellings shall be built to North Carolina Building Standards and shall each have at least one (1) external entrance, kitchen and bath.
- C. Detached accessory dwellings shall be located in the rear yard of the principal dwelling, and shall meet the principal structure setbacks for the district in which they are located. Detached accessory dwellings shall be located no closer to the principal building than 20 feet.
- D. The accessory dwelling shall not exceed one-half (½) of the total area of the principal dwelling or 1,200 square feet, whichever is greater, but in no case shall exceed that of the principal dwelling.

4.4.2.2 ACCESSORY STRUCTURES AND USES, RESIDENTIAL

Minor uses or structures which are necessary to the operation or enjoyment of a permitted principal use, and are appropriate, incidental and subordinate to any such uses, shall be permitted in residential districts and in mixed use districts for residential uses with certain exceptions as described herein as an accessory use, subject to the following:

- A. The following activities are specifically regarded as accessory to residential principal uses so long as they satisfy the general criteria set forth above:
 - 1. Accessory dwellings as provided for in Section [4.4.2.1](#);
 - 2. Swimming pools provided that the pool is located in the rear yard. Pools may be located in the side yard of properties where the principal structure has a front setback of at least 200 feet. In all other situations, swimming pool locations shall be subject to the issuance of a Special Use Permit. Swimming pools shall meet the requirements of Appendix G of the North Carolina Residential Building Code;
 - 3. Offices or studios within an enclosed building and used by an occupant of a residence

located on the same lot as such building to carry on administrative or artistic activities of a commercial nature, so long as such activities do not fall within the definition of a home occupation;

4. Hobbies or recreational activities of a non-commercial nature;
 5. The renting out of one (1) or two (2) rooms within a single-family residence {which one (1) or two (2) rooms do not themselves constitute a separate dwelling unit} to not more than two (2) persons who are not part of the family that resides in the single-family dwelling;
 6. Yard sales or garage sales, so long as such sales are not conducted on the same lot for more than three (3) days (whether consecutive or not) during any 90-day period; and
 7. Satellite dish antenna designed to receive direct broadcast satellite service, including direct-to-home service that are one meter (39.37") or less in diameter shall not require a permit of any type.
- B. Storage outside of a substantially enclosed structure of any motor vehicle that is neither licensed nor operational shall not be regarded as accessory to a principal use and is prohibited in all zoning districts, unless otherwise specified in this Ordinance.
- C. There shall be a principal structure on any lot for which there is an accessory structure, except that lots of greater than two (2) acres may have a structure of under 144 square feet for the storage of equipment to maintain the property. This requirement does not apply to barns as regulated by Section [4.4.1.1](#).
- D. An accessory structure shall not exceed one-half (1/2) of the gross floor area of the principal structure or 1,000 square feet, whichever is greater, unless the property is greater than two (2) acres. Accessory structures on properties of greater than two (2) acres shall not exceed the size of the principal structure, unless a Special Use Permit is issued by the Town Council. The total area of all accessory structures shall not exceed the size of the principal structure, unless a Special Use Permit is issued by the Board of Adjustment.
- E. On any residential lot, accessory structures and uses shall not be located in any required

front yard, unless located on a lot that is greater than two (2) acres and set back a minimum of 200 feet from the fronting street. Accessory uses or structures shall be located no closer than 15 feet to any side or rear lot line. Well houses shall be allowed in any yard. Roofed accessory structures physically attached or connected to the principal structure shall be considered a part of the principal building and shall be subject to the setback requirements for the principal building. Accessory structures on corner lots shall meet the principal structure front setback on the side street for the district in which it is located.

- F. The maximum height for accessory structures shall be the height of the principal structure, except that the maximum height for accessory structures on lots of greater than 10 acres shall be the maximum district height.
- G. Mailboxes, newspaper boxes, birdhouses, flagpoles, satellite dishes of less than two (2) feet in diameter and pump covers may be placed in any yard, and no zoning permit is needed for these structures.
- H. Under no circumstances may a vehicle, tractor trailer, manufactured home, recreational vehicle, POD or similar container be used as an accessory structure, except for bona fide farms or as specified in Section [4.4.8.5 \(G\)](#).

4.4.2.3. ACCESSORY TEMPORARY HEALTH CARE STRUCTURES

Temporary health care structures as defined by NCGS 160D-914 are permitted as residential accessory structures provided that the following conditions are met:

- A. The structure is primarily assembled at a location other than its site of installation.
- B. There is no more than one (1) occupant who shall be the mentally or physically impaired person.
- C. The structure has no more than 300 gross square feet.
- D. The structure complies with applicable provisions of the State Building Code and NCGS 143-139.1(b). A permanent foundation shall not be required or permitted.
- E. The permit for such structure shall be renewed annually upon demonstrating continued compliance with this Section.

- F. The structure shall be connected to water, sewer, and electric utilities to comply with State law.
- G. No signage is permitted.
- H. The structure shall be removed within 60 days of a mentally or physically impaired person no longer receiving assistance from the structure.

4.4.2.4 DWELLINGS, MULTI-FAMILY

In addition to the building design standards in Article 6, multi-family dwelling shall meet the following requirements:

- A. Multi-family residential developments shall have frontage on or access from a state-maintained major or minor thoroughfare as designated in the adopted Comprehensive Transportation Plan.
- B. All streets or access ways providing ingress and egress from the development to an existing public street system shall comply with the current standards being required by the infrastructure regulations in Section [5.6](#).
- C. Developments that are proposed to be developed under the North Carolina Unit Ownership Act shall meet the requirements of that Act by recording the declaration and plan with the Register of Deeds. Where land is to be conveyed in accordance with such declaration and plan, the developer shall comply with the development requirements of this Ordinance.
- D. No multi-family dwellings or series of attached dwellings, multi-family building or other such arrangements shall exceed a length of 150 feet when measured along the longest axis of the building or series of attached units. In no case shall any building be closer than 20 feet to any other building in the development. Buildings shall not be arranged in straight rows oriented in such a way as to resemble rows of barracks. The building design requirements set forth in Section [6.3](#) shall met.
- E. All main utility lines, meters, taps and other appurtenances, up to and including the meter for each individual unit, (but not including the service lines and other facilities extending service to each individual unit) shall be built to the same standard as required

for developments. All such facilities, together with an easement of sufficient width, shall be conveyed to and/or dedicated to the Town for public use and maintenance. All utilities shall be placed underground.

- F. Each unit shall be individually metered for all utilities. Responsibility for the maintenance of common utility lines and/or facilities, which have not been conveyed to the Town and/or dedicated for public use shall be the responsibility of the project owner, or in the case of unit ownership clearly established in the declaration, protective covenants and other bylaws.
- G. Stationary sanitary containers shall be located so as not to interfere with sight distance or the free movement of vehicles on streets or service drives and so as to allow collector trucks adequate maneuvering space to empty the containers and to leave the property without excessive backing. Such containers shall be screened in accordance with Section 5.4.10.

4.4.2.5 FAMILY CARE HOMES

In accordance with NCGS 160D-906, these uses are deemed residential uses and are permitted in all residential districts subject to the following conditions:

- A. No more than six (6) residents other than the operator and operator's immediate family are permitted to live in a Family Care Home.
- B. A Family Care Home must be licensed with the NC Department of Health and Human Services Division of Facility Services before operating.
- C. No Family Care Home may be located within a one-half (1/2) mile radius of any other family care home.
- D. No exterior signage is permitted.
- E. No lockdown, violent, or dangerous residents.
- F. Only incidental and occasional medical care may be provided.

4.4.2.6 HOME OCCUPATIONS

Customary home occupations may be established in any dwelling unit or accessory structure. The following requirements shall apply in addition to all other applicable requirements of this Ordinance for the district in which such uses are located:

- A. The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling and shall not change the residential use of the dwelling.
- B. No more than one (1) accessory building or outside storage area shall be used in connection with all home occupation, and shall be located in the rear yard only. The square footage of all home occupations shall not exceed 1000 square feet.
- C. Use of the dwelling for all home occupation shall be limited to 25% of the area of the principal building. Hours of operation may only be established between the hours of 8:00AM and 9:00PM.
- D. Only a resident of the dwelling may be the home occupation operator. No more than two (2) people who do not reside on the premises may be employed.
- E. No display of products shall be visible from any adjoining streets or properties. Sales of products are limited to those made on the premises and those, which are accessory to the service being provided.
- F. No alterations to the exterior appearance of the residence or premises shall be made which change the residential characteristics, except that one (1) on-premises non-illuminated sign not exceeding four (4) square feet shall be permitted.
- G. Only vehicles used primarily as passenger vehicles (e.g., automobiles, vans, sports utility vehicles and pick-up trucks) shall be permitted in connection with the conduct of the customary home occupation.
- H. Chemical, mechanical, electronic or electrical equipment that creates odor, light emission, noises, or interference with radio or television reception detectable outside of the dwelling shall be prohibited.

- I. No traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of the home occupation shall be provided off the road right-of-way. Sufficient off-street parking shall be provided to ensure that all vehicles will be parked off of the public right-of-way within a driveway or other on-site designated parking area.
- J. Without limiting the generality of the foregoing, automobile repair shops, automotive sales, body art establishments shall not be regarded as home occupations. Home occupations may include the following and similar uses:
 - Animal services, no outdoor kennels
 - Artists, craftsmen
 - Catering
 - Childcare (up to 5 children)
 - Financial services
 - Personal service uses
 - Professional offices
- K. No more than two (2) limousines are allowed in connection with any limousine/chauffeur service as a customary home occupation in any residential district.
- L. A day care home with five (5) or fewer pre-school aged children and/or three (3) or fewer school aged children may be operated as a home occupation, provided that any outdoor play areas shall be screened from adjacent residentially-used property by a Type 1 buffer in accordance with Section [5.4.6](#) or an opaque fence that meets the requirements of Section [5.4.12](#).

4.4.2.7 MANUFACTURED HOMES ON INDIVIDUAL LOTS, TYPE A & B

A manufactured home constructed after July 13, 1994 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following criteria:

- A. Except for Type B Manufactured Homes, the manufactured home has a length not exceeding four (4) times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis.
- B. The manufactured home has a minimum of 960 square feet of enclosed and heated living area per dwelling area.

- C. The pitch of the roof of the manufactured home has a minimum vertical rise of three (3) 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. All roof structures shall provide an eave projection of no less than six (6) inches, which may include a gutter.
- E. The exterior siding consists predominantly of vinyl or aluminum horizontal siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.
- F. The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance. Screening of the foundation area shall be by a continuous, permanent masonry foundation or masonry curtain wall which is in accordance with NC Building Code and Minimum Housing Code regulations, unbroken except for required ventilation and access, and which is installed under the perimeter of the manufactured home.
- G. Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the manufactured home shall be installed or constructed in accordance with the standards set by the North Carolina Building Code, freestanding or attached firmly to the primary structure and anchored securely to the ground.
- H. The moving hitch, wheels and axles, and transporting lights have been removed.
- I. 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. All criteria shall be satisfied before occupancy.

4.4.2.8 TOURIST HOMES / VACATION RENTALS

- A. All tourist homes shall have obtained a Zoning Permit and shall be registered with the Town of Mineral Springs. The Zoning Permit shall be renewed annually upon determining compliance with the requirements of this section.
- B. All properties shall have conspicuously posted two (2) local contact persons who will be responsible for handling any problems that arise with the property. These contact persons shall also be listed on the registry with the Town of Mineral Springs.
- C. A minimum of one (1) parking space for every bedroom shall be provided.
- D. There shall be no sound amplification devices located outside. More than three (3) visits by the Union County Sheriff's Department for noise or disturbances within one (1) year may result in revocation of the Zoning Permit.
- E. Garbage and recycling receptacles shall be provided and emptied at a minimum of once a week. Garbage and recycling receptacles shall be stored in a screened area to the side or rear of the house except on collection day. No garbage or refuse shall be located outside of the garbage receptacle.
- F. Tourist homes shall not be occupied at a rate of not more than two (2) persons per bedroom.
- G. Tourist homes shall be inspected by the Fire Marshal prior to initial use and a minimum of once a year. Proof of compliance shall be provided to the Town of Mineral Springs.
- H. Tourist homes shall not be rented to more than five (5) different occupants within a 30-day period. Rental records shall be provided annually to the Town of Mineral Springs to ensure compliance.

4.4.3 CIVIC, GOVERNMENT & INSTITUTIONAL USES

4.4.3.1 CIVIC, GOVERNMENT, & INSTITUTIONAL LOT SIZES IN RESIDENTIAL DISTRICTS

A. The following minimum lot sizes shall apply to uses as shown in the table below, regardless of the minimum lot size of the zoning district in which the use is located.

▼ **TABLE 4.3 DIMENSIONAL STANDARDS FOR USES**

Use	Minimum Lot Size
Cemeteries	5 acres
Daycares	3 acres
Libraries	3 acres
Religious Institutions	3 acres
Schools	10 acres

B. All graves, columbariums, and mausoleums shall be set back at least 20 feet from any property line.

4.4.3.2 UNION COUNTY PUBLIC SCHOOLS STANDARDIZED ZONING REGULATIONS

Union County Public Schools staff will involve local municipal staff early in the site selection process. The local municipal staff will make recommendations regarding target sites or areas within their respective jurisdictions that are suitable for school uses. Pursuant to state statute, final decisions regarding the selection of school sites are made by the Union County Board of Education. All new schools, additions, or renovation uses by right with supplemental standards. This will eliminate the costly and time-consuming discretionary (CUP/SUP) zoning process and site-by-site negotiations. All local government entities benefit by having expectations regarding school design and construction identified in advance. The following standards shall apply to Union County Public Schools properties. In the event any provisions of the supplemental regulations conflict with any other provisions of this Ordinance, then the provisions of these supplemental regulations shall control. Other ordinance provisions not in conflict with these supplemental regulations remain in effect.

A. Exterior of buildings

1. Exterior building materials shall be limited to masonry (brick or pre-finished block), natural or synthetic stucco, pre-finished insulated or non-insulated metal panel system, pre-finished metal fascia and wall coping, standing seam metal roof (for sloped roof only), painted hollow metal and/or pre-finished aluminum door and window frames, glass, painted or pre-finished steel.

ARTICLE 4. ZONING DISTRICTS & USES

2. Union County Public School (UCPS) staff will work with municipality staff to follow any requirements of municipality "special overlay districts" as it relates to the exterior design of the facility.
3. Exterior of buildings will be articulated to enhance the area of the site.

B. Mobile classrooms (MCR)

1. MCR's shall be located in rear yard if possible. If rear yard cannot accommodate the MCR's then they can be placed in the side yard. MCR's can be placed in the front yard only if the
2. MCR's cannot be accommodated in the rear or side yards.
3. MCR underpinning and crawl spaces shall be screened.
4. Landscaping/planting shall be provided between the MCR and any adjacent roads from which the MCR's are visible.

C. Sidewalks

1. Sidewalks on the school property that connect to an existing sidewalk infrastructure will be provide by UCPS.
2. UCPS will dedicate appropriate easement or road right of way needed for sidewalks if requested by municipality.
3. UCPS will grade areas for sidewalks if requested by municipality.

D. Exterior Illumination

1. Driveway and parking area lighting shall be no more than 10 foot candles. Spill over to adjacent properties shall not exceed 1 foot candle. Lighting fixtures shall be shielding type.

2. Lighting fixtures located on the building exterior shall not emit more than 5 foot candles and shall be shielding type.
3. Lighting for athletic fields shall follow the current standards as set forth by the North Carolina High School Athletic Association Lighting Standard. A lighting control package shall be included and lights shall be shut-off no later than one hour after the end of the event.

E. Signs

1. Materials for sign base and structure shall match the primary building materials.
2. Sign face shall not exceed 40 square feet and does not include the sign support structure. The bottom of the sign face shall be no less than 24" above nor more than 72" above the ground surface. The sign support structure can include columns and walls on either side of and below the sign face and shall not be more than 16" taller than the sign face.
3. One sign shall be permitted per school. Alternatively, if multiple schools use the same driveway access, then the allowable square footage may be increased by 10 square feet for each additional school.
4. Only exterior illumination is allowed.

F. Parking

1. At elementary and middle schools provide 1 space per staff member plus 1.6 spaces per classroom or 1 space for each 3 seats used for assembly purposes whichever is greater.
2. At high schools provide 5 spaces per instructional classroom or 1 space for each 3 seats used for assembly purposes whichever is greater.
3. No more than 20% of the required spaces can be compact spaces.
4. Minimum size of spaces shall be 9' wide by 19' long for regular, 7.5' wide by 15' long for compact, and accessible spaces shall meet current accessibility codes.

G. Student Drop Off Stacking

On-site vehicle stacking for student drop-off shall be based on NCDOT requirements using the NCDOT required calculator.

H. Landscaping and Screening/Buffering

1. Trees and shrubs shall be as indicated within the municipality species list.
2. Parking Area: 1 large or 2 small trees shall be provided for each 12 parking spaces. Each parking space shall be located within 65' of a tree. Rows of parking spaces shall be terminated with a landscaped island and shall be the same size as a parking space.
3. Parking areas shall be screened from adjacent public roads with shrubs based on the municipality's species list.
4. Storm Detention Basins shall be screened with fencing and/or shrubs as determined by the administrator and shall be dependent upon the size, location, and use of the basin.
5. Land berms will not be permitted between school facilities and roads.
6. Land berms can be used in conjunction with required screening/buffering to adjacent uses as determined by the local regulations.
7. Screening/buffering from adjacent uses will be opaque and shall consist of:
 - Small trees planted at a rate of 3 per 100' and 6' high evergreen shrubs planted at a rate of 25 per 100', or
 - Large trees planted at a rate of 2.5 per 100' and a 6' high solid wood fence, or
 - Tall evergreen trees with branches touching the ground planted in a stagger.
8. If the adjoining property is of similar or compatible use the Administrator may reduce or eliminate the screening/buffer.
9. Screening/buffering requirements may be waived when screening/buffering is already provided. There may be cases where the unusual topography or elevation

of a site, or the size of the parcel involved, or the presence of screening on adjacent property would make the strict adherence to the regulation serve no useful purpose.

10. In those cases, the Administrator is empowered to waive the requirements for screening so long as the spirit and intent of this section and the general provisions of this section pertaining to screening are adhered to. This section does not negate the necessity for establishing screening for uses adjacent to vacant property.
11. UCPS shall adhere to all Tree Preservation ordinances of the municipalities and shall preserve natural buffers between the school facility and adjacent properties as much as practical.
12. UCPS shall retain as much existing trees and vegetation on school sites as practical and will re-introduce common local species into the project as possible.

4.4.4 OFFICE & SERVICE USES

4.4.4.1 ANIMAL SERVICES, WITH OUTDOOR KENNELS

- A. No outdoor containment of animals shall be located less than 250 feet from any residentially zoned or used property and 50 feet from any other adjacent property line.
- B. Kennel areas must be surrounded by an opaque fence of not less than six (6) feet in height and enclosed as to prevent escape.
- C. Kennels shall be designed to effectively buffer noise audible to surrounding properties.

4.4.4.2 AUTOMOTIVE, BOAT, AND RV SERVICE USES

- A. On corner properties the driveways shall be located no closer than 30 feet from the point of intersection of two street property lines.
- B. Driveways shall be located no closer than 30 feet from adjacent properties in residential districts or from properties used for residential or institutional purposes, and driveways shall be 30 feet wide and shall be designated by curb, planted areas, and landscaping which shall not exceed two (2) feet in height within any sight distance triangle.
- C. Outdoor lighting shall be permitted in compliance with Section [5.6.5](#) of this Ordinance.
- D. Freestanding canopies may be placed over properly located pumps or pump island provided:
 - 1. They do not overhang the right of way of any street; and
 - 2. They are not used as a sign structure or as the sign base.

4.4.4.3 BED & BREAKFAST INNS

- A. The maximum number of guest rooms or houses shall be 10. Guest rooms shall not be equipped with kitchen or cooking facilities. There shall be no less than one (1) bathroom, consisting of a bath or shower, water closet, and lavatory for every two (2) guest rooms.
- B. Parking shall not be allowed in any front yard, unless facility utilizes guest houses. There must be one (1) off-street parking space for every room to be rented plus residential requirements. Parking areas, solid waste receptacles, and outdoor storage must be screened from adjacent properties with a screening yard as set forth in Section [5.4.10](#).
- C. Outdoor lighting shall be designed so as to minimize or prevent light from directly hitting adjacent property or any right-of-way.
- D. No more than two (2) persons who are not residents on the property shall be employed at the facility, and the operator shall reside on the premises.
- E. Banquet and event facilities may be permitted with bed and breakfast facilities in districts where such use is not otherwise permitted with the issuance of a Special Use Permit by the Board of Adjustment, where lot size is a minimum of 10 acres. Such facilities shall not be located in a subdivision of 10 lots or greater.

4.4.4.4 CREMATORIES

- A. No crematory use may be established within 100 feet of any residential structure.
- B. A crematory must comply and remain in compliance with all applicable public health and environmental laws and rules and must contain the equipment and meet all of the standards established by the North Carolina Crematory Act, as amended or superseded, and any additional rules and regulations issued by the North Carolina Board of Funeral Services.

4.4.5 RETAIL USES

4.4.5.1 AUTOMOTIVE, BOAT, RV, MANUFACTURED OR MODULAR HOME SALES OR RENTAL

- A. The number of autos, trucks, boats or motorcycles for sale or lease shall not exceed 25 at any given time.
- B. Landscaping and outdoor lighting shall comply with Sections [5.4](#) and [5.6.5](#) of this Ordinance.
- C. An office with restroom facilities in a structure built in accordance with NC Building Code and the design standards of Article 6 shall be located on the premises.
- D. The lot shall front on a major or minor thoroughfare.
- E. No outdoor sound system shall be permitted which can be heard beyond the boundaries of the property.
- F. No automobile, vehicle, boat, manufactured home, modular home shall be stored or displayed within the right-of-way of any public street.
- G. For automotive sales, a North Carolina Department of Motor Vehicles car dealer license shall be obtained prior to occupancy and shall be prominently displayed at the place of business.

4.4.5.2 RETAIL SALES (OUTSIDE FULLY ENCLOSED BUILDING)

- A. An office with restroom facilities in a structure built in accordance with NC Building Code and the design standards of Article 6 shall be located on the premises.
- B. Items for sale shall not be displayed within any right-of-way.
- C. No outdoor sound system shall be permitted which can be heard beyond the boundaries of the property.
- D. The overnight outdoor storage of retail goods shall be prohibited in the MU district unless screened from view from all adjacent streets and pieces of property.

4.4.5.3 SHOPPING CENTERS

The Town of Mineral Springs encourages smaller scale shopping centers, no greater than 75,000 square feet. A shopping center shall consist of any commercial development of two (2) or more acres qualifying under the provisions of this Section. Petitioners for this classification shall present the following items to the Administrator for consideration by the Board of Adjustment for Special Use Permits or to the Town Council for Conditional Zoning district map amendment requests.

A. Proof of Need: A valid market analysis indicating the economic feasibility of the proposed development by outlining the following:

1. The trade area of the proposed shopping center;
2. Estimation of the trade area population, present and future;
3. Estimation of the effective buying power of the trade area, both existing and proposed;
4. Estimation of the net potential customer buying power for stores in the proposed development; and
5. An estimate of the amount of retail sales floor space in square feet currently lacking in the trade area.

B. Site Plan: Where a planned shopping center is proposed for a location, the procedure shall require the submission of a Site Plan as required by Section [3.2.5](#).

C. Statement of Readiness: The applicant shall submit a statement indicating readiness to proceed with the proposed development signed by the owner or owners of the proposed development that the actual construction shall begin within one (1) year from the date the Special Use Permit is granted or Conditional Zoning district is approved, and that it will be commenced within 18 months from the final approval. In the event the Town Council finds that the intent of this section has not been met, or construction has not begun within 18 months, proceedings may be instituted to revoke approval. It is not the intent of this subsection to prohibit a reasonable extension of the 18-month limit by the Town Council providing, however, that the petitioner can demonstrate to the satisfaction to the Council that circumstances beyond his reasonable control have precluded the start of construction.

D. Additional Criteria: The applicant shall provide information that the following additional criteria are met:

1. Access to public streets and the adequacy of those streets to carry anticipated traffic;
2. On-site circulation for both pedestrian and on-site and off-site vehicular traffic circulation patterns; and
3. Adequacy of existing community facilities such as water, sewer, and police and fire services.

4.4.6 RECREATION & ENTERTAINMENT USES

4.4.6.1 ADULT USE ESTABLISHMENT, ADULT BOOK/VIDEO STORES, AND ADULT LINGERIE MODELING STUDIOS

The purpose of this section is to provide areas in which adult entertainment or sexually oriented business may be established. Because of their very nature, these adult uses/establishments, adult video stores, and adult lingerie modeling studios, are recognized as having serious objectionable operational effects upon adjacent neighborhoods and residential or institutional uses. It has been demonstrated that the establishment of adult businesses often creates problems for law enforcement agencies, by the nature of these businesses and the difficulty often experienced in trying to determine if the operations are of a legal nature. Conditional regulation of these establishments is necessary to insure that these adverse affects will not contribute to defacto downgrading or blighting of surrounding neighborhoods and uses. It is the intent of this section to restrict the concentration of these uses and to separate these uses from residential and institutional uses or areas. All adult uses/establishments, adult video stores, and adult lingerie modeling studios must obtain a Special Use Permit and meet the following supplementary regulations. In addition, a site plan and vicinity map along with any other information as required by this Ordinance, must be submitted to the Administrator to verify compliance. Adult hotel/motels are not permitted in any zoning district.

- A. Advertisements and Sound – no printed material, slide, video, photograph, written text, live show, or other visual presentation format shall be visible from outside the walls of any adult use/establishment, adult video store, or adult lingerie-modeling studio. Nor shall any live or recorded voices, music, or sound be heard from outside the walls of the adult/use establishment, adult video store, or adult lingerie-modeling studio.
- B. Overconcentration – no more than one (1) adult use/establishment, adult video store, or adult lingerie-modeling studio shall be located in any 2,000-foot radius. This is determined by straight line and not street distance to any portion of the adult use/establishment, adult video store, or adult lingerie modeling studio structure or parking area.
- C. Proximity to Other Uses – no adult use/establishment, adult video store, or adult lingerie modeling studio shall be located within a 1,000-foot radius of any church, synagogue, temple, or other place of worship, school, day care, public park or playground, including all parking areas and grounds, nor within a 500-foot radius of any dwelling. This is determined

by straight line and not street distance to any portions of the adult use/establishment, adult video store, or adult lingerie modeling studio structure or parking area.

- D. No adult use/establishment, adult video store, or adult lingerie-modeling studio may have sleeping quarters or private rooms.
- E. There shall not be more than one adult use/establishment, adult video store, or adult lingerie-modeling studio on the same property or in the same building, structure, or portion thereof.
- F. The maximum total floor area of any allowed adult use/establishment, adult video store, or adult lingerie-modeling studio shall not exceed 3,000 square feet.
- G. The hours of operation of any adult use/establishment, adult video store, or adult lingerie modeling studio shall be limited to 10:00 AM to 10:00 PM, Monday through Saturday.

4.4.6.2 BANQUET, EVENTS FACILITIES

Banquet and events facilities located in residential districts shall be located on properties that are a minimum of 10 acres. Such facilities shall not be located in a subdivision of 10 lots or greater.

4.4.6.3 CAMPGROUNDS

- A. Properties used for campgrounds shall be a minimum of two (2) acres. The density shall not exceed 10 camping spaces per acre of gross area. A distance of at least 10 feet shall be maintained between any part of the trailers, structures, or tent pads.
- B. Along any public street or public right-of-way, a setback of at least 50 feet from the edge of the public right-of-way shall be maintained and a Type 2 buffer shall be in place, in accordance with Section [5.4.6](#).
- C. A recreational area of not less than 10% of the gross site area or 2,500 square feet, whichever is greater, shall be maintained in a central and convenient location to all camping spaces.
- D. Adequate off-street parking and maneuvering space shall be provided on site. The use

of any public street, sidewalk or right-of-way or any other private grounds for the parking or maneuvering of vehicles is prohibited.

- E. All internal roadways shall be stabilized and of adequate width to accommodate the volume and type of anticipated traffic, and in any event, shall comply with the following minimum requirements:
 - 1. Internal one-way roadway and roadways on which parking is prohibited shall not extend for more than 500 feet in total length; service less than 25 trailer spaces; and be at least 11 feet in width;
 - 2. Internal one-way roadway and roadways on which parking is permitted on one (1) side and two-way roadways, which do not allow parking, shall be at least 24 feet in width;
 - 3. Internal two-way roadways, which permit parking on one (1) side only, shall be at least 27 feet in width; and
 - 4. Internal two-way roadways, which permit parking on both sides, shall be at least 34 feet in width.
- F. Each camping space for travel trailers shall be connected to an approved water supply system, which provides an accessible, adequate, safe and potable supply of water.
- G. An adequate and safe sewer system shall be provided in all camping areas. Such system shall be approved by the appropriate County or State agency vested with the authority to approve sewage disposal systems.
- H. A central service building containing all necessary toilets, bathhouses and other plumbing fixtures specified in the most current edition of the North Carolina State Plumbing Code, as amended, shall be provided in all camping areas. Service building shall be conveniently located within a radius of 300 feet to camping spaces, which it serves.
- I. The storage, collection and disposal of trash and refuse in the travel trailer-parking area shall comply with all applicable regulations.

- J. Neither any person nor any mobile unit shall occupy a camping space or the travel trailer parking area for a period in excess of 30 days. A register of all occupants, the space occupied and the time of arrival and departure shall be maintained.

4.4.6.4 RECREATION FACILITIES, PRIVATE OUTDOOR

- A. Minimum lot size for all such developments shall be one (1) acre.
- B. No such facility or improvements shall be located within 50 feet of any property line.
- C. No amusement equipment, machinery, or mechanical device of any kind may be operated within 250 feet of any residentially zoned or used property.
- D. No outdoor sound system shall be permitted which can be heard beyond the boundaries of the property.
- E. Outdoor lighting shall be designed so as to minimize or prevent light from directly hitting adjacent property or any right-of-way and shall comply with the provisions of Section [5.6.5](#).

4.4.6.5 THEATERS, OUTDOOR

- A. No part of any theater screen, projection booth, stage, or other building shall be located closer than 500 feet to any residential district or closer than 50 feet to any property line or public right-of-way; and no parking space shall be located closer than 100 feet to any residential district.
- B. For drive-in theaters, the theater screen shall not face a freeway or major thoroughfare and off-street stacking space shall be provided for patrons awaiting admission in an amount of not less than 30% of the vehicular capacity of the theater.
- C. No outdoor sound system shall be permitted which can be heard beyond the boundaries of the property after 11:00pm or before 7:00am.
- D. Outdoor lighting shall be designed so as to minimize or prevent light from directly hitting adjacent property or any right-of-way and shall comply with the provisions of Section [5.6.5](#).

4.4.7 INDUSTRIAL, WHOLESALE, TRANSPORTATION, & UTILITY USES

4.4.7.1 AIRPORTS AND HELIPORTS

- A. A configuration diagram depicting the layout of runways, taxiways, approach zones and overrun areas shall be submitted with the application. These diagrams shall also be depicted on aerial photographs that also show the area within five (5) miles of the proposed site.
- B. A plan indicating isotonic contours that show the effects of aircraft operations upon land within one (1) mile of the boundary of the proposed site shall be submitted with the application.
- C. The number and type of aircraft proposed to be stored including the storage area for aircraft, fuel and motor vehicles and service areas for the aircraft shall be documented in the application and on the submitted site plan.
- D. A statement as to how on-site fire and rescue services will be provided, and a letter from the appropriate agency stating services are available and adequate to protect the proposed facility, shall be submitted with the application.
- E. A list of land uses within the final approach zones of the airport/heliport shall be submitted with the application.
- F. A certification that all Federal Aviation Administration (FAA) and State standards and requirements have been, or will be met shall be submitted with the Zoning Permit application.
- G. A minimum of 50 acres is required for Basic Utility Stage 1 airports with a 2,000-foot runway. Additional area is required for larger airports.
- H. Airport and heliport size and layout shall conform to FAA Advisory Circular 150/5300-4B.
- I. There shall be a minimum 300-foot distance between the airport/heliport facility and the nearest residence.

- J. Security fencing shall be provided that is sufficient to control access to runways and taxiways. The fencing shall be a minimum of six (6) feet in height.
- K. The land required for the provision of approach zones and overrun areas shall be owned or controlled by the applicant.
- L. Adequate land area shall be provided for all of the proposed uses, buildings and storage areas.
- M. Screening of buildings, storage and maintenance areas shall be provided from adjacent residentially zoned or used property.
- N. A finding shall be made that compatible land uses are located in the final approach areas of the airport.

4.4.7.2 ESSENTIAL SERVICES, CLASS 2 & 3

- A. Structures and storage areas in residential districts shall be screened with a buffer in accordance with Section [5.4.6](#) from adjacent residential property.
- B. The site shall be of adequate size for the sewage disposal system proposed and for the proposed use.
- C. Noise levels, as measured at the property boundary, shall be compatible with the existing area noise background levels.
- D. Essential Service Uses, Class 2 and 3 shall have access to adequate public streets and community facilities such as water, sewer, and police and fire services.

4.4.7.3 MANUFACTURING (OUTSIDE A FULLY ENCLOSED BUILDING); SAWMILLS

- A. Sawmills and any manufacturing that takes place outside of fully enclosed building shall be set back a minimum of 250 feet from any adjacent street right-of-way, non-industrial zoning district, or residentially used property and shall not emit any smoke, dust, odor, noise, or vibration perceptible to regular senses at the property line or pose a hazard off-site. However the Board of Adjustment shall be authorized to increase this setback if

the situation warrants, based on the specific substances that are to be manufactured or stored and in what specific quantities.

- B. All buildings and storage yards shall be a minimum of 100 feet from any street right-of-way or residentially zoned or used property. However the Board of Adjustment shall be authorized to increase this setback if the situation warrants, based on the specific substances that are to be manufactured or stored and in what specific quantities.
- C. Outdoor lighting shall be designed to minimize or prevent light from directly hitting adjacent property or any public right-of-way.
- D. The use shall be totally enclosed by a security fence or wall at least eight (8) feet high.
- E. Access roads shall be located no closer than 15 feet to any property line other than a railroad right-of-way. Access roads leading to any part of the operation shall be constructed with a gravel or paved surface and maintained in a dust-free manner. All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.
- F. The County Fire Marshal shall be kept notified of the types of materials used, manufactured, or stored on site.
- G. Within one (1) year after the cessation of production, all equipment and stockpiles incidental to such operation shall be dismantled and removed by and at the expense of the owner.
- H. Truck routes to and from the site shall be followed to minimize impacts on residential areas, schools, or other uses negatively affected by truck traffic.

4.4.7.4 POWER GENERATION, SOLAR (INDIVIDUAL AND FARM)

- A. A maximum of 50% of a parcel may be used for a solar farm. Solar farms shall be a minimum of 5 acres and a maximum of 50 acres.
- B. Systems, equipment and structures that are part of a solar farm shall not exceed 15 feet in height when ground mounted.

- C. Except in the LI zoning district, roof mounted systems shall not exceed the maximum height for the applicable zoning district and shall not project more than one (1) foot above the surface of the roof on pitched roofs, and shall not project above the parapet wall on flat roofs.
- D. Ground-mounted solar energy systems as part of a solar farm shall meet the minimum zoning setback for the zoning district in which it is located and shall be screened with a Type 2 Buffer in accordance with Section [5.4.6](#).
- E. To the extent practical, all new distribution lines to any building, structure or utility connection shall be located below ground.
- F. It is the responsibility of the system owner or property owner to remove all obsolete or unused systems within 12 months of cessation of operations. Solar farm Special Use Permit applications shall be accompanied by a decommissioning plan.

4.4.7.5 POWER GENERATION, WIND (INDIVIDUAL)

- A. An individual use wind power generation facility shall be a single system designed to supplement other electricity sources as an accessory use to existing buildings or facilities, wherein the power generated is used primarily for on-site consumption. A small wind energy conversion system consists of a single wind turbine, a tower, and associated control or conversion electronics, which has a total rated capacity of 10 kW or less. There shall be a maximum of three turbines for individual uses.
- B. Wind turbines for individual uses shall be setback two (2) times the height of the turbine from occupied buildings, property lines and public roads. Maximum height of an individual use wind turbine is 50 feet.
- C. The wind turbine owner shall have six (6) months to complete decommissioning of the turbine if no electricity is generated for a continuous period of 12 months. Decommissioning shall include removal of wind turbines, buildings, cabling, electrical components, roads, and any other associated facilities.
- D. The visual appearance of wind turbines shall at a minimum:
 - Be a non-obtrusive color such as white, off-white, gray, black, bronze, or dark green;

- Not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety; and
- Not display advertising (including flags, streamers or decorative items), except for identification of the turbine manufacturer, facility owner and operator.

4.4.7.6 TELECOMMUNICATIONS TOWERS AND FACILITIES

A. Intention

In recognition of the Telecommunications Act of 1996, it is the intent of the Town of Mineral Springs to allow communication providers the opportunity to locate towers and related facilities within its jurisdiction in order to provide an adequate level of service to its customers while protecting the health, safety, and welfare of the citizens of Town of Mineral Springs. Wireless towers may be considered undesirable with other types of uses, most notably residential, therefore special regulations are necessary to ensure that any adverse affects to existing and future development are mitigated.

B. Towers and Facilities

If it is determined that telecommunications providers cannot (I) provide an adequate service level from co-locating on an existing telecommunications tower, (II) locate on an existing electric utility transmission tower or similar structure, or (III) locate camouflaged antennae within an existing structure; then telecommunications towers and facilities may be allowed as a conditional use in all zoning districts, subject to the following regulations in addition to applicable requirements set forth elsewhere in this Ordinance:

1. In all zoning districts. Towers shall be of a monopole design and construction. All monopoles must be designed to 'telescope' or collapse inward unless documentation can be provided to prove that such design is not feasible.
2. The maximum allowable height of a tower is 199.9 feet. A greater height may only be granted if the applicant can prove the maximum height will not allow for the provision of adequate service levels (i.e. cannot provide a reasonable level of service in the area). The height of the tower or structure shall be the vertical distance measured from the mean elevation of the finished grade at the front of the structure to the highest point of the structure.

3. Stealth tower locations are encouraged. Telecommunications towers, which can locate in or on an existing structure or which can be camouflaged to resemble a tree (not a flagpole) are encouraged. Towers, which are located in a stand of trees, rather than in an open field, are preferred.
4. Towers are prohibited on the top of buildings or structures in all Residential, Business, and Mixed Use zoning districts. In the Light Industrial zoning district, towers may be permitted on roofs or walls with an approved Special Use Permit after submittal of a report by a qualified and licensed professional engineer indicating the existing structure's suitability to accept the antenna, and the proposed method of affixing the antennae to the structure. Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated.
5. Towers on roofs may be allowed when the tower height (I) does not exceed more than 30% of the height of the building, or (II) is no more than 50 feet above the top of the building/structure, whichever is less. Towers on roofs or walls shall be screened, constructed, and/or colored to match the structure to which they are attached.
6. All towers shall be a minimum of 300 feet from the nearest residential dwelling unit.
7. Telecommunications towers not requiring FAA painting/markings shall have either a galvanized finish or be painted a non-contrasting light blue, gray, or black finish.
8. Telecommunications providers who are leasing a portion of a lot for the proposed telecommunication tower shall obtain a written, signed certification from the property owner that no future development or subdivisions or leased portions will be made within the established setbacks of the telecommunication tower until such tower is removed from the site (i.e. is abandoned and removed by the provider). This requirement does not apply to telecommunication providers seeking to co-locate on an existing tower.
9. Towers shall not restrict or interfere with air traffic or air travel to and from any existing or proposed public or private airport. All proposed towers shall comply with the Federal Aviation Administration (FAA) standards.

C. Co-Location

The Town encourages providers to co-locate facilities in an effort to reduce the number of telecommunication towers within the Town of Mineral Springs' jurisdiction. All such towers over 150 feet in height must be designed and equipped with the technological and structural capability to accommodate multiple wireless communication carriers. The Town of Mineral Springs requires providers to negotiate in good faith with other providers to lease space at a reasonable cost, and to publicize the fact that space is available on a lease basis as part of the conditional use process. Evidence provided to the contrary during application consideration may be cause for rejection of a CUP for such a installation.

D. Requirements for Lots with Existing Use

Where a telecommunication tower is proposed to be located on a lot with an existing principal use, the tower shall be located in the rear yard only. An access road at least 12 feet wide shall be maintained by the property owner and/or the applicant from a public street to the tower for use by service and emergency vehicles. A minimum separation of 20 feet is required between accessory structures.

E. Comply with Federal Radio Frequency Emissions Standards

The Town of Mineral Springs recognizes that a tower cannot be prohibited nor can a Special Use Permit be denied on the basis of environmental or health concerns relating to radio emissions if the tower complies with the Federal Radio Frequency Emission Standards. The Town requires that the applicant provide documentation proving conclusively that the proposed tower complies with the Federal Radio Frequency Emission Standards. In the absence of such documentation, the Board of Adjustment may solicit technical advice at the sole expense of the applicant.

F. Accessory Structures

All accessory structures on the ground which contain switching equipment or other related equipment should be architecturally compatible with surrounding buildings and land uses in the zoning district, or otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the maximum extent practical. This generally requires structures with pitched roofs, made of local construction materials, such as brick, wood, stone, or vinyl lapped siding.

G. Screening and Fencing

A Type 1 buffer is required along all sides of the perimeter of the telecommunication tower site as per Section [5.4.6](#) of this Ordinance. In addition, a minimum eight (8) foot high fence is required immediately around the tower and any equipment buildings, with the screening to be located outside the fenced area. Telecommunications Towers are considered to be attractive nuisances. Therefore, barbed wire or similar materials shall be placed along the top of the fence, and access to the tower area and equipment buildings shall be via locked gates. The Administrator may waive fencing requirements for stealth towers if the fencing serves no other useful purpose.

Applicants that propose building new towers with co-location opportunities shall plan the fence and screening to accommodate future providers on the site such that the fence and screening surrounds all future and structures as well as the tower.

H. Setback Requirements

Minimum setback requirements for free-standing towers located with the Residential and Business zoning districts shall be one (1) foot for every one (1) foot of actual tower height (i.e. a 199.9 foot setback on all sides), or the documented collapse zone, whichever is greater. Minimum setbacks for free standing towers located in the Light Industrial zoning district shall be determined by the underlying zoning district. These setback requirements are applicable on all sides of the property including any side along the road right-of-way, and for all leased areas of a parcel. The purpose of these setback requirements is to prevent personal injury or property damage due to ice-fall materials and/or debris from tower failure or collapse. For the purpose of establishing setbacks, the measurements shall be from the edge of the concrete base on which the tower is located. For towers proposed to be located on leased property, the leased area shall fully include the setbacks or collapse zones, whichever is greater. Minimum setback requirements may be reduced by the Board of Adjustment to allow the integration of a tower into an existing or proposed structure such as a church steeple, electric transmission power line support device, or similar structure.

I. Lighting

Towers having a height of 199.9 feet or less, shall not contain lights or light fixtures for general illumination purposes at a height exceeding 15 feet, except as required by FAA regulations. Furthermore, lighting of all towers in any district shall be directed toward the tower and/or accessory uses to reduce glare onto adjacent properties.

J. Abandonment of Towers

Towers and related facilities must be removed by the applicant and/or property owner if abandoned (no longer used for its original intent) for a period greater than 90 consecutive days. Such removal and site restoration must be completed within six (6) months of the first day the tower was abandoned. It shall be the responsibility of the applicant and/or property owner to notify the Town when the tower has been abandoned for greater than 90 days. Failure to satisfy either requirement may constitute cause for assessing penalties in accordance with Section [2.7](#) of this Ordinance.

K. Alterations to Existing Towers

1. According to FCC regulations, the following work is not subject to the issuance or modification of a Special Use Permit and may be approved administratively:
 - Co-location or upgrade of equipment on existing towers, which do not result in an increase of footprint or height; and
 - A modification request adding not more than 10% to the height, 20 feet in width, or 2,500 square feet to the existing ground equipment compound to the originally approved plan.
2. Any increase in tower height to an existing telecommunication tower greater than set forth in Subsection 1, constitutes the necessity for a new Special Use Permit following the procedures of Section [3.5](#).
3. Normal maintenance and repair of the structure can be completed without the issuance of a new permit at the discretion of the Administrator.

L. Signs

Free-standing signs are prohibited. Wall signs shall be limited to identification signage allowed on equipment structures or fences surrounding the telecommunication tower/structure provided it does not exceed nine (9) square feet in total area, and warning signs such as 'No trespassing' and 'Danger – High Voltage', Warning signs shall be installed and/or mounted on the perimeter fence, and/or on the tower at its base, as appropriate.

M. Proof of Insurance

The provider must show proof of adequate insurance coverage for any potential damage caused by or to the tower prior to the issuance of a Special Use Permit. Once approved, documentation of adequate insurance must be provided to the Administrator every 12 months to maintain a valid permit.

N. Storage of Equipment

Outdoor storage of equipment or other related items is prohibited.

O. Special Use Permit Application and Information

In addition to the requirement set forth in Section [3.4](#) for Special Use Permits, all applications for a telecommunication tower must include the following information:

1. Identification of intended provider(s);
2. A statement specifying the general capacity of the tower in terms of the number of additional providers, or co-locaters, it is designed to accommodate;
3. Documentation by a professional engineer registered by the State of North Carolina that the tower has sufficient structural integrity to accommodate at least three (3) users;
4. A statement from the provider indicating intent to allow shared use of the tower and how others will be accommodated;
5. Documentation that the telecommunication tower complies with the Federal Radio Frequency Emission Standards;
6. A site plan(s) drawn to scale, identifying the site boundary, tower(s), existing and proposed structures, including equipment buildings, access, fencing area, fall radius and landscape screening, detailing the type of landscaping, amount of plantings, and location (a site plan is not needed for providers who are seeking an amendment to a Special Use Permit for coloration on an existing tower);
7. Documentation of collapse area;

8. Documentation of monopole tower collapse area, as applicable; and
9. Expert testimony and related documentation that demonstrates to the satisfaction of the Board of Adjustment that the provider has explored all means for stealth tower locations and co-locations opportunities, as applicable. Evidence may consist of the following:
 - Existing or approved telecommunications towers with available co-location space are not located within the search area.
 - Existing or approved towers or structures are not of sufficient height to meet the provider's specifications.
 - Existing or approved towers or structures do not have sufficient structural strength to support the applicant's proposed antennae.
 - The provider's proposed antenna would cause objectionable radio frequency interference with existing or planned antennae on an existing or planned tower, (i.e. the spacing requirement between antennae cannot be met).
 - Existing or approved towers lack co-location space.
 - If it is determined that an existing tower does not have the structural strength or integrity to support additional antennae and associated equipment, then the proposed provider shall provide documentation that the existing tower can not be structurally strengthened to accommodate an additional user.

P. Special Use Permit Approval Criteria

1. Approval of Special Use Permits for any proposed telecommunication towers may be denied on the basis of negative influence on property values or on aesthetic concerns provided that there is evidence to prove the impact on adjacent property owners will be significant. As per the Telecommunications Act of 1996, the Board of Adjustment must clearly state the reasoning and available evidence of the impact on adjacent property values if the request is denied on this basis.
2. The following factors may be used to evaluate a tower for aesthetic reasons:
 - To protect the view in scenic areas, unique natural features, scenic roadways, etc;
 - To prevent the concentration of towers in one specific area; and
 - The height, design, placement, and other characteristics of the tower can be modified to have a less intrusive visual impact on the Town.

3. The following requirements apply to the approval process for all telecommunications tower Special Use Permit requests (new or amended):
 - Decisions by the Board of Adjustment to approve or deny a Special Use Permit for a telecommunications tower must be in writing to the applicant, along with detailed reasoning for the approval/denial, as per federal law;
 - The applicant and the public are requested to submit their comments and arguments in writing prior to addressing the Board of Adjustment at the public hearing, as suggested by federal law;
 - The decision of the Board of Adjustment must be based upon substantial evidence, which must be recorded in the Minutes, as per federal law; and
 - In determining if a telecommunications tower should be approved/denied, the Town Council may take into account the tower's harmony with the surrounding area and its compatibility with adjacent properties. The aesthetic effects of the tower, as well as any mitigating factors concerning the aesthetics may be used to evaluate the Special Use Permit. In reaching a decision, the Town Council may request the height, design, screening, placement, or other characteristics of the tower be modified to produce a more harmonious situation.

Q. Cell on Wheels

1. The use of Cell on Wheels (COW) in response to a declaration of emergency is permitted following administrative review and approval for up to 120 days.
2. Cell on Wheels may also be permitted for high capacity events intended for more than 1,000 attendees for up to 30 days.

R. Collocation of Small Wireless Facilities

Collocation of small wireless facilities are permitted pursuant to NCGS 160D-935, provided that all new pole structures meet the aesthetic standards for lighting set forth in Section [5.6.5](#).

4.4.8 OTHER USES

4.4.8.1 ACCESSORY STRUCTURES (NON-RESIDENTIAL)

- A. No accessory structure shall be erected in any front yard, as defined by this Ordinance.
- B. Non-residential accessory structures shall be set back a minimum of 10 feet from the side and rear property lines and shall be subject to the minimum buffering standards of the principal use as set forth in Section [5.4.6](#). Accessory structures on corner lots shall meet the principal structure front setback on the side street for the district in which it is located.
- C. No accessory building shall be erected within 10 feet of any other building.
- D. There shall be a principal structure on any lot for which there is an accessory structure.
- E. The maximum height for accessory structures shall be the height of the principal structure. Gas station canopies may exceed the height of the principal structure to the maximum height necessary to achieve vehicle clearance for the tallest vehicle served.
- F. Non-residential accessory structures shall meet the minimum design requirements set forth in Section [6.4.13](#).
- G. Vehicles, trailers, PODs or similar containers shall not be used as accessory structures, except in the LI district. This type of storage containers may only be used in the LI zoning districts if located in the rear yard and screened from view from adjacent properties and any public right-of-way.
- H. Satellite dish antenna that are less than two (2) meters (78.74 inches) in diameter, and located in a commercial (TC, NB, GB, and MU) or industrial (LI) zoning district shall not require a permit of any type.

4.4.8.2 BUSINESS KIOSKS, FREESTANDING (ATM, ICE VENDING, ETC.)

- A. Stand-alone business kiosks are permitted as accessory uses within the parking area for any commercial use in the GB district provided that the conditions of this Section are met. For purposes of these conditions, a business kiosk is defined as a freestanding structure of no greater than 200 square feet located within the parking lots of established shopping centers.
- B. The erection or installation of a kiosk on the property shall not eliminate or reduce the number of parking spaces required for the principal use on the site.
- C. A business kiosk shall maintain the same setbacks as required for all other non-residential accessory structures located within the GB district.
- D. Freestanding signs identifying the kiosk and/or its services shall not be allowed, however a panel on an existing multi-tenant sign is permitted. Wall signage only shall be permitted provided the wall signs comply with Article 7 of this Ordinance.
- E. Space for stacking at least four (4) vehicles for each service window shall be provided; however, such space shall not eliminate or reduce the minimum number of parking spaces required for the principal use nor require the stacking of vehicles in such a manner that travel within the driving lanes and internal passageways are impeded.
- F. All utility connections shall be underground.
- G. Any landscaping or landscaping islands or areas eliminated or reduced in order to accommodate a business kiosk shall be replaced elsewhere within the parking lot at a location approved by the Administrator.
- H. The location of the kiosk and travel lanes for vehicles to and from the kiosk shall not obstruct or interfere with existing traffic flow patterns within the shopping center. Any alteration of existing traffic flow patterns shall require the approval of the Administrator.
- I. Kiosks shall meet the design standards for non-residential accessory structures as set forth in Section [6.4.13](#).

4.4.8.3 DRIVE-THROUGH, DRIVE-IN USES

- A. Drive-through windows and order boards shall not be located on the front facade or facing the primary street.
- B. Vehicle storage for drive-throughs shall be located outside of and physically separated from the right-of-way of any street. This area shall not interfere with the efficient internal circulation of traffic on the site, adjacent property, or adjacent street right-of-way. There shall be adequate vehicular stacking area so that vehicles waiting for the drive-through do not back up into the street.

4.4.8.4 OUTDOOR STORAGE (ASSOCIATED WITH A PERMITTED USE, EXCLUDING OUTDOOR SALES DISPLAY)

- A. All outdoor storage shall be located in the rear yard only.
- B. No outdoor storage shall be located within 50 feet of the street right-of-way, adjacent residentially-zoned or used property, or adjacent TC or MU zoning district.
- C. All outdoor storage shall be screened from view of the street and adjacent properties in accordance in Section [5.4.10](#). No items shall project above the screening device within 100 feet of the property line or shall exceed at total height of 10 feet.

4.4.8.5 TEMPORARY USES (ADMINISTRATIVE APPROVAL)

Temporary structures and uses are permitted subject to this Section and all other provisions of this Ordinance. No portion of the temporary use may be located within the public street right-of-way. Temporary uses shall present proof of property owner approval prior to the issuance of a permit. The site shall have adequate parking for the temporary use in addition to parking for any permanent use located on the property. The following temporary structures and uses shall be permitted subject to the issuance of a Zoning Permit for a temporary use by the Administrator:

- A. Temporary Emergency Dwellings

In the event of a disaster, the result of which would require the rebuilding or extensive repair of a dwelling, the owner and his family may occupy a manufactured home or recreational vehicle on the property. The permit shall be issued for a six (6) month period

and may be renewed by the Town Council provided that construction has proceeded in a diligent manner.

B. Temporary Construction Offices

Manufactured or modular office units, construction trailer, and temporary buildings not for residential purposes when used by a contractor for field offices and storage during the building of structures on the same site or subdivision are permitted. The permit shall be issued for a six (6) month period and may be renewed provided that the construction has proceeded in a diligent manner.

C. Temporary Seasonal Sale of Agricultural Products

Sales of seasonal agricultural products such as Christmas trees, pumpkins, or other seasonally available agricultural products not grown on the property shall be permitted on any property used for civic, government, or institutional purposes or zoned TC, NB, GB or LI for up to 60 days annually.

D. Temporary Non-profit Events

Town-sponsored events, turkey shoots, 4-H shows, and other civic, charitable or nonprofit uses of a limited nature and for a limited time may be allowed, but shall be specifically permitted. Each such permit shall be for a period of time as determined by the Administrator, but not to exceed 45 days without the specific approval of the Town Council.

E. Temporary Residential Development Sales Offices

Structures located in a subdivision, and used as sales offices for the subdivision development are permitted. Such permits shall be issued by the Administrator for a period of one (1) year, and are renewable for one (1) additional year, provided the development is being actively constructed and marketed. At the completion of the sales in a tract, the temporary structure(s) shall be removed, and any permanent structure(s), temporarily used as a sales office shall be used only for a purpose otherwise permitted in that district.

F. Temporary Construction Residence

Temporary use of a Type A or B Manufactured Home or Recreational Vehicle as a residence shall be permitted in any residential zoning district during the construction of a single family dwelling. All setbacks associated with the principal structure on the lot shall also apply to the temporary use. The recreational vehicle must contain indoor bathroom

and cooking [facilities], be attached to a County-approved wastewater system and be hooked up to a source of potable water. The manufactured home/recreational vehicle must be used as the principal residence of the owner of the lot which it is being placed. The temporary use permit for the manufactured home/recreational vehicle shall not be issued until the owner of the lot has first secured a building permit for a single family dwelling. Any temporary use permit issued by the Town for such use shall state that the intended use of the dwelling to be constructed on the lot is for his principal place of residence. If the building permit for construction of the new dwelling becomes invalid, then the temporary use permit for the manufactured home/recreational vehicle shall, at the same time, become invalid and the manufactured home/recreational vehicle shall be immediately removed. The temporary use permit for the manufactured home/recreational vehicle shall initially be granted by the Town for a period of six (6) months. The temporary manufactured home/recreational vehicle permit shall be extended for one (1) 12-month period provided the dwelling being constructed has received an approved foundation permit by the end of the first six (6) month period. In no instance shall a temporary use permit be valid at the same location for a continuous period of greater than 18 months.

G. Temporary Construction Portable Storage Containers

Portable storage containers are subject to the following supplemental regulations:

1. Temporary portable storage containers are permitted with a valid new residential (principal structure) zoning permit and Union County building/construction permit for the subject property for a maximum period of not to exceed six (6) months, which may be renewed provided that the construction has proceeded in a diligent manner, as determined by the administrator. The container shall be removed prior to obtaining a Certificate of Zoning Compliance.
2. Temporary portable containers are permitted with a valid zoning permit and Union County building/construction permit for the subject property for a maximum period of time not to exceed six (6) months if the principal residential structure on the subject lot has been substantially damaged by a disaster (natural or manmade). The administrator is authorized to grant time extensions of otherwise applicable portable storage container time limits. The container shall be removed when repairs are completed or the property will be subject to violations.

3. An approved Temporary Use Permit must be obtained from the town.
4. No more than 1 container may be located on any lot.
5. Containers in residential districts may not exceed 20 feet in length, 8 feet in width, and 8.5 feet in height on lots of 2 acres or less and 40 feet in length, 8 feet in width, and 8.5 feet in height on lots of 2 acres or more. Containers in nonresidential districts may not exceed 40 feet in length, 8 feet in width, and 8.5 feet in height regardless of lot size.
6. Containers must comply with all setback requirements that apply to principal buildings.
7. Containers may not be placed or located on a required parking space, circulation aisle/lane, or fire access lane.
8. Vertical stacking of containers and stacking of any other materials or merchandise on top of any portable storage container is prohibited. No running gear or transport trailer may be left underneath any portable storage container.
9. Containers are prohibited within landscape areas, required open spaces, stormwater basins, or any other location that may cause hazardous conditions.

H. Promotional Activities for Businesses

Permanent businesses established on a site may hold temporary outdoor promotional activities for the business for up to seven (7) days up to six (6) times per year. Promotional activities or sales taking place on a sidewalk shall leave a minimum sidewalk clearance of four (4) feet. Any promotional activities taking place on a public sidewalk shall also obtain an encroachment permit.

I. Yard Sales / Garage Sales / Estate Sales

1. The outdoor sale of merchandise may be conducted entirely upon a residentially or institutionally developed lot by one or more households or civic groups where goods sold are limited primarily to used merchandise donated by the yard sale participants. A zoning permit for this Temporary Use is not required.
2. Such sales shall not be conducted on the same lot for more than three (3) days (whether consecutive or not) during any 90-day period.

- J. Mobile Food Vending Units (Food Trucks) are defined as a licensed, motorized vehicle or mobile food unit licensed by the North Carolina State Division of Motor Vehicles, designed, and equipped to serve food and beverages. Food trucks are permitted on lots in the GB, NB, LI, TC, and Conditional Zoning Districts that maintain commercial or industrial uses subject to the following standards.
1. Must be located on a property in one (1) of the above zoning districts and the property must have a primary use. An example of a primary use would be a building with an active use or an improved stand-alone parking lot. An unimproved grass or dirt lot is not a primary use.
 2. Must be located on private property with written permission from the property owner.
 3. The property must have an off-street parking area with a minimum of 10 parking spaces.
 4. Vendor must obtain all required permits from Union County Health Department.
 5. Not allowed within fifty (50) feet from the main entrance of any restaurant or outdoor dining area.
 6. Not allowed less than five (5) feet from driveways, sidewalks, utility boxes, handicap ramps, building entrances or exits, or emergency call boxes.
 7. The minimum distance requirements are measured in a straight line from the closest point of the proposed food truck location to the closest point of the buffered object, or in the case of a restaurant, measured from the closest point of the restaurant's main entrance.
 8. A minimum of five (5) parking spaces are required for each additional food truck and mobile vendor that wishes to locate on private property.
 9. There shall not be any connections to public utilities.
 10. "Drive-through" sales are not permitted.

11. The hours of operation, including set-up/break-down, shall be from 7:00 a.m. to 10:30 p.m.
12. There shall be no audio amplifier or similar device to attract the attention of the public.
13. Food truck vendors are responsible for the proper disposal of waste and trash associated with the operations. Vendors shall remove all waste and trash from their location at the end of each day or as needed to maintain the health and safety to the public. The vendor must keep all areas within ten (10) feet of the truck clean of grease, trash, paper, cups, or cans associated with the vending operation. No liquid waste or grease is to be disposed of in tree pits, storm drains, or onto sidewalks, streets, or other public places.
14. Advertising consisting of business name, logo, and items available for sale may be displayed on the food truck. One (1) portable menu sign no more than six (6) square feet in display area on the ground no further than ten (10) feet from the truck.
15. Food trucks are allowed at permitted special events and on active construction sites.

4.4.8.6 TEMPORARY MOBILE UNITS

In the event of overcrowded permanent facilities, a temporary Special Use Permit may be issued by the Board of Adjustment to any civic or institutional use, at the time of the application for permanent buildings, for one or more manufactured units utilized as a temporary facilities pending construction of additional permanent facilities. The SUP shall be issued for a period of up to one (1) year and may be renewed by the Town Council for subsequent periods of one (1) year. Any manufactured units permitted under this subsection shall be constructed pursuant to the NC Building Code. Mobile classrooms for Union County Public Schools are permitted subject to the requirements of Section [4.4.3.2](#).

4.5 AIRPORT OVERLAY (AO) DISTRICT

4.5.1 PURPOSE

The Airport Overlay (AO) District is intended to protect the airport environ from the encroachment of incompatible land uses which present hazards to users of the airport as well as to persons residing or working in the airport vicinity. It is the intent of this Ordinance to restrain influences which are adverse to the airport property and safe conduct of aircraft in the vicinity of the Monroe Regional Airport, to prevent creation of conditions hazardous to aircraft operation, to prevent conflict with land development which may result in loss of life and property, and to encourage development which is compatible with airport use characteristics within the intent and purpose of zoning. To this end, AO designation, when overlaid to a basic district classification, is intended to coordinate the purpose and intent of the Ordinance with other regulations duly established by the Town of Mineral Springs, whose primary intent is to further the purposes set out above.

4.5.2 APPLICABILITY

The Airport Overlay District is not intended to be utilized as a district classification, but as a designation which identifies areas subject to regulations which are supplementary to the regulations of the district to which such designation is attached, appended, or overlaid. Regulations which apply to areas designated on the zoning map as being within such appended or overlaid designation must be determined by joint reference to the regulations of both the basic district classification and the overlay classification.

4.5.3 DEFINITIONS

The following definitions shall apply to this AO Section:

Airport: Monroe Regional Airport

Airport Elevation: The highest point of the airport's useable landing area measured in feet above mean sea level (679.0 feet).

Approach Surface: A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope.

Approach, Transitional, Horizontal, And Conical Zones: These zones are set forth in Section [4.5.4](#) of this Ordinance.

Conical Surface: A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

Hazard To Navigation: An obstruction determined to have a substantial adverse effect on the safety and efficient utilization of the navigable airspace.

Hazard To Navigation: An obstruction determined to have a substantial adverse effect on the safety and efficient utilization of the navigable airspace.

Height: For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be a mean sea level elevation unless otherwise specified.

Horizontal Surface: A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

Larger Than Utility Runway: A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.
Nonconforming Use: Any pre-existing structure, object of natural growth, or use of land, which is inconsistent with the provisions of the Ordinance or an amendment thereto.

Nonprecision Instrument Runway: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

Obstruction: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in this Section.

Person: An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

Precision Instrument Runway: A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

Primary Surface: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Runway: A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Structure: An object, including a mobile object, constructed or installed by man, including by without limitation, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

Transitional Surfaces: These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the aides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

Tree: Any object of natural growth.

Utility Runway: A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

Visual Runway: A runway intended solely for the operation of aircraft using visual approach procedures.

4.5.4 AIRPORT ZONES ESTABLISHED

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Monroe Regional Airport. Such zones are shown on the Airport Overlay Map, an addendum of the Official Zoning Map of the Town of Mineral Springs. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and are defined as follows:

- A. Precision Instrument Runway Approach Zone (AO-A): The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- B. Nonprecision Instrument Runway Approach Zone (AO-AN): The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- C. Transitional Zones (AO-T): The transitional zones are the areas beneath the transitional surfaces.
- D. Horizontal Zone (AO-H): The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- E. Conical Zone (AO-C): The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there, from a horizontal distance of 4,000 feet.

4.5.5 AIRPORT ZONE HEIGHT LIMITATIONS

Except as otherwise provided in this Ordinance, no structure shall be erected, altered or maintained, and no trees shall be allowed to grow in any zone to a height in excess of the applicable height limitations herein established for each zone in questions as follows:

- A. Precision Instrument Runway Approach Zone (AO-AP): Slopes 50 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence, slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
- B. Nonprecision Instrument Runway Approach Zone (AO-AN): Slopes 34 feet outward for each foot upward beginning at the end of the horizontal distance of 10,000 feet along the extended runway centerline.
- C. Transitional Zones (AO-T): Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface, and extending to a height of 150 feet above the airport elevation (or 829 feet above mean sea level). In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the side of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.
- D. Horizontal Zone (AO-H): Established at 150 feet above the airport elevation or at a height of 829 feet above mean sea level.
- E. Conical Zone (AO-C): Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation or at a height of 1,029 feet above mean sea level.
- F. Excepted Height Limitations: Nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 100 feet above the surface of the land.

4.5.6 USE RESTRICTIONS IN THE AIRPORT OVERLAY

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

4.5.7 NONCONFORMING USES IN THE AIRPORT OVERLAY

- A. Regulations Not Retroactive: The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance and is diligently prosecuted.

- B. Marking and Lighting: Notwithstanding the preceding provision of this Ordinance, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Monroe Regional Airport Authority to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the Monroe Regional Airport Authority.

4.5.8 PERMITS IN THE AIRPORT OVERLAY

- A. Future Uses: Except as specifically provided for in this Section, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it, to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with Subsection H.
- B. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 100 feet of vertical height above the ground except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
- C. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 100 feet of vertical height above the ground, except when such tree or structure would extend above the height limits prescribed for such approach zones.
- D. In areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 100 feet above the ground, except when, such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limits prescribed for such transition zones.
- E. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration of any structure, or growth of any tree in excess of any of the height limits established by this Ordinance except as set forth in [Section 4.5.5 \(F\)](#).
- F. Existing Uses: No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become greater hazard to air navigation than it was on the effective date of this Ordinance, or any amendments thereto, or than it is when the application for a permit is made. Except as indicated, all applications for such permit shall be granted.

- G. Nonconforming Uses Abandoned or Destroyed: Whenever the Administrator determines that a nonconforming tree or structure has been abandoned or more than 60% torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the regulations of this Ordinance.
- H. Variances: Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in compliance with the regulations prescribed in this Ordinance may apply to the Board of Adjustment for a variance from such regulations. The application for a variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief, if granted, will not be contrary to the public interest, will not create hazard to air navigation, will do substantial justice and will be in accordance with the spirit of this Ordinance. Additionally, no application for a variance to the requirements of this Ordinance may be considered by the Board of Adjustment unless a copy of this application has been furnished to the Director of the Monroe Regional Airport for advice as to the aeronautical effects of the variance. If the Airport Director does not respond within 30 days after receipt, the Board of Adjustment may act on its own to grant or deny said application.
- I. Obstruction Marking and Lighting: Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Adjustment, this condition may be modified to require the owner to permit the Monroe Regional Airport Authority at its own expense, to install, operate, and maintain the necessary markings and lights.

