

# Pender County Planning and Community Development

## Planning Division

805 S. Walker Street  
PO Box 1519  
Burgaw, NC 28425



Phone: 910-259-1202  
Fax: 910-259-1295  
[www.pendercountync.gov](http://www.pendercountync.gov)

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## Personal Structures (non-commercial) Zoning Text Amendment

**Case Number:** ZTA 2024-24

**Application Type:** Zoning Text Amendment

**Applicant:** Pender County Planning & Community Development

**UDO Section to be Amended:** 5.2.3, Table of Permitted Uses; 5.3.12, Miscellaneous Uses

**Description:** Pender County Planning & Community Development, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance (UDO). Specifically, the changes include adjustments to the Table of Permitted Uses to add "Personal Structure (non-commercial)" as a permitted use with standards in the Rural Agricultural (RA) and Residential Performance (RP) zoning districts. The use standards for this addition would be added as 5.3.12.R, Personal Structure.

### Board of County Commissioners/Planning Board Meeting

PB: 5/7/2024, BOCC: 6/17/2024

**Included:** Application Materials, Application Package, Proposed Amended Text

**ZTA 2024-24**

Application

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## Zoning Text Amendment Submission

Applications will be considered for review by Staff only when deemed complete. The application will be regarded as incomplete until the following items are received by the Planning and Community Development Staff.

1. ✓ **Pre-submittal Meeting**  
Date of Meeting 4/2/2024
2. ✓ **Signed Application**
3. n/a **Payment**  
\$250
4. ✓ **Narrative**  
A letter describing, in detail the intent and purpose of the amendment presented, meeting the approval criteria set forth in Section 3.18.5 of the Pender County UDO.
5. ✓ **Digital Submission**  
For all documents submitted in paper copy, please a digital copy with paper submission.

I certify that all information presented in this application is accurate to the best of my knowledge.

Signature of Applicant Adam Moran

Date 4/2/2024

Printed Name Adam Moran

Staff Initials: AM

Date: 4/2/24

Zoning Text Amendment



**Submit Completed Application  
and Materials**



**Planning Staff Review**



**Planning Board Public Hearing for  
recommendation**



**Board of County Commissioners Decision  
Rendered**

## **Zoning Map Amendment Specific Requirements**

### **1. Application Submittal**

- Application
- Narrative: A letter describing, in detail the intent and purpose of the amendment presented, meeting the approval criteria set forth in Section 3.18.5 of the Pender County UDO.

### **2. Planning Board and Board of Commissioners Review Criteria (per Section 3.18.5)**

- A. In evaluating any proposed Ordinance text amendment, the Planning Board and the County Commissioners shall consider the following:
  - 1) The extent to which the proposed text amendment is consistent with the remainder of the Ordinance, including, specifically, any purpose and intent statements;
  - 2) The extent to which the proposed text amendment represents a new idea not considered in the existing Ordinance, or represents a revision necessitated by changing circumstances over time;
  - 3) Whether or not the proposed text amendment corrects an error in the Ordinance; and
  - 4) Whether or not the proposed text amendment revises the Ordinance to comply with state or federal Statutes or case law.
- B. In deciding whether to adopt a proposed Ordinance text amendment, the central issue before the County Commissioners is whether the proposed amendment advances the public health, safety or welfare and is consistent with any adopted County Land Use Plan documents, the CAMA Land Use Plan, and the specific intent of this Ordinance.

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## **TEXT AMENDMENT**

A request to amend the text of this Ordinance may be initiated by the County Commissioners, Board of Adjustment, Planning Board, Administrator, or a citizen of Pender County.

### **Approval Criteria** (*Section 3.18.5*)

In evaluating any proposed ordinance text amendment, the Planning Board and the County Commissioners shall consider the following:

- a. The extent to which the proposed text amendment is consistent with the remainder of the Ordinance, including, specifically, any purpose and intent statements;
- b. The extent to which the proposed text amendment represents a new idea not considered in the existing Ordinance, or represents a revision necessitated by changing circumstances over time;
- c. Whether or not the proposed text amendment corrects an error in the Ordinance; and
- d. Whether or not the proposed text amendment revises the Ordinance to comply with state or federal statutes or case law.
- e. In deciding whether to adopt a proposed Ordinance text amendment, the central issue before the County Commissioners is whether the proposed amendment advances the public health, safety or welfare and is consistent with any adopted County Land Use Plan documents, the CAMA Land Use Plan, and the specific intent of this Ordinance.

### **Action by the Planning Board**

1. Before making any recommendation on a text amendment, the Planning Board shall consider any recommendations from the Administrator and shall conduct a public hearing where interested parties may be heard.
2. The Planning Board shall make a recommendation based on the approval criteria.
3. The Planning Board shall make its recommendation following the initial public hearing.

### **Action by County Commissioners**

1. Before taking action on a text amendment, the County Commissioners shall consider the recommendations of the Planning Board and Administrator and shall conduct a public hearing.
2. The County Commissioners shall make a decision based on the approval criteria.
3. Following the public hearing, the County Commissioners may approve the text amendment, deny the amendment, or send the amendment back to the Planning Board or a committee of the County Commissioners for additional consideration.

**In deciding whether to adopt a proposed Ordinance text amendment, the central issue before the County Commissioners is whether the proposed amendment advances the public health, safety or welfare and is consistent with any adopted County Land Use Plan documents, the CAMA Land Use Plan, and the specific intent of this Ordinance.**

# APPLICATION FOR TEXT AMENDMENT

## THIS SECTION FOR OFFICE USE

|                                   |             |                        |                               |
|-----------------------------------|-------------|------------------------|-------------------------------|
| <b>Application No.</b>            | ZTA 2024-24 | <b>Date</b>            | 4/2/2024                      |
| <b>Application Fee</b>            | \$ n/a      | <b>Invoice Number:</b> | n/a                           |
| <b>Pre-Application Conference</b> | 4/2/2024    | <b>Hearing Date</b>    | PB (5/7/24); BOCC (6/17/2024) |

### SECTION 1: APPLICANT INFORMATION

|                               |   |
|-------------------------------|---|
| <b>Applicant's Name:</b>      | Pender County Planning & Community Development Department |
| <b>Applicant's Address:</b>   | 805 South Walker Street                                   |
| <b>City, State, &amp; Zip</b> | Burgaw, NC 28425  |
| <b>Phone Number:</b>          | 910-259-1202  |
| <b>Email Address:</b>         | amoran@pendercountync.gov                                 |

### SECTION 2: UDO TEXT TO BE AMENDED

Current Text to be Amended (Please site accurate Article number referenced):

Pertaining to creating allowances for standalone personal, private storage buildings on residential properties. Please see details attached.

Proposed Text to be added:

Pertaining to creating allowances for standalone personal, private storage buildings on residential properties. Please see details attached.

### SECTION 3: SIGNATURE

|                                 |                   |              |          |
|---------------------------------|-------------------|--------------|----------|
| <b>Applicant's Signature</b>    | <i>Adam Moran</i> | <b>Date:</b> | 4/2/2024 |
| <b>Applicant's Printed Name</b> | Adam Moran        | <b>Date:</b> | 4/2/2024 |

### NOTICE TO APPLICANT

If the applicant makes significant changes to the application for a text amendment after the Planning Board has made its recommendation, the Administrator may refer the modified request back to the Planning Board for an additional public hearing.

### TEXT AMENDMENT CHECKLIST

|                                     |  |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | Signed application form  |
| <input type="checkbox"/> n/a        | Application fee  |
| <input checked="" type="checkbox"/> | A letter describing, in detail the intent and purpose of the amendment presented, meeting the approval criteria set forth in Section 3.18.5 of the Pender County UDO (shown on page 1 of this application) |

### Office Use Only

|   |   |   |  |
|---|---|---|--|
| n/a <input type="checkbox"/> <b>ZTA Fees:</b> \$250 |   | <b>Total Fee Calculation:</b> n/a   |  |
| <b>Payment Method:</b>                              | <b>Cash :</b>   | <b>Credit Card:</b>   | <b>Check:</b>  |
| <input checked="" type="checkbox"/>                 | <input type="checkbox"/> \$ _____ <input checked="" type="checkbox"/> | <input type="checkbox"/> Master Card<br><input type="checkbox"/> Visa <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> <input type="checkbox"/> Check # _____ |
| Application Received By:                            | Adam Moran  | Date:   | 4/2/2024   |
| Application completeness approved by:               | Adam Moran  | Date:   | 4/2/2024   |
| Dates Scheduled for Public Hearings:                | <input checked="" type="checkbox"/> Planning Board: 5/7/2024          | <input checked="" type="checkbox"/> BOC: 6/17/2024  |  |

# **ATTACHMENT 1**

UDO Excerpts with Amended Text







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

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

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

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

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



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

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

**5.3.12 Miscellaneous Uses**

A. Adult and Sexually Oriented Businesses

- 1) No such business shall locate within one thousand (1,000) feet of any other Adult Oriented Business, as measured in a straight line from property line to property line.
- 2) No Adult Oriented Business shall be located within two thousand (2,000) feet of a church, public or private elementary or secondary school, child day care or nursery school, Public Park, residentially zoned or residentially used property, or any establishment with an on-premise ABC license, as measured in a straight line from property line to property line.
- 3) The gross floor area of any Adult Oriented Business shall not exceed three thousand (3,000) square feet and all business related activity shall be conducted in a building.
- 4) There shall not be more than one (1) Adult Oriented Business in the same building, structure, or portion thereof. No other principal or accessory use may occupy the same building, structure, property, or portion thereof with any Adult Oriented Business.
- 5) Except for signs as may be permitted by Article 9 of this Ordinance, no printed material, slide, video, photograph, written text, live show, or other visual presentation format shall be visible from outside the walls of the establishment, nor shall any live or recorded voices, music, or sounds be heard from outside the walls of the establishment.

B. Bona fide Farm Purposes

- 1) Bona fide farm purposes must comply with §160D-903 of the North Carolina General Statutes.

C. Community Boating Facility

- 1) Must serve five (5) or more residential units and may include a dock, pier, ramp, or launching pad.
- 2) No commercial activities of any kind shall be allowed within the confines of the facility.
- 3) Approved Special Use Permits are required in all zoning districts unless the proposed facility is illustrated in conjunction with a development which requires a master development plan. Sufficient detail must be

provided on the master plan to allow the Planning Board to make an informed decision on the facility's impacts to the surrounding properties throughout the public hearing process.

- D. Disaster volunteer housing – Temporary housing units as defined in this ordinance shall be permitted to house volunteers who are responding to an event that has resulted in a major disaster declaration under the following circumstances:
- 1) The applicant shall be a recognized Voluntary Organization Active in Disaster (VOAD) operating in Pender County.
  - 2) The applicant shall provide evidence of liability insurance for the temporary housing units.
  - 3) A Zoning Approval Permit shall be issued by the Administrator for all temporary housing units at the time of placement on the lot.
  - 4) Any temporary structure must meet setbacks for that zoning district and all other applicable regulations. In the event the temporary structure cannot meet the required setbacks, a variance must be granted by the Zoning Board of Adjustment prior to the temporary structure being located on the property.
  - 5) The Zoning Approval Permit application shall indicate the location of the temporary housing unit, other existing and proposed structures, proposed setbacks and separations, and include a description of the proposed utility connections.
  - 6) The Zoning Approval Permit shall be issued for a period of time not to exceed twelve (12) months and may be renewed for additional six (6) month periods, providing the sponsoring organization is still actively engaged in the County's recovery process. The final expiration date shall be no later than September 14, 2021.
  - 7) Temporary housing units shall be removed within thirty (30) days after the sponsoring organization suspends operations related the disaster declaration or within thirty (30) days following expiration of the related Zoning Approval Permit, whichever occurs first.
- E. Family Care Home
- 1) A family care home means a home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment as defined by NCGS § 168-21.
- F. Industrial Park
- 1) Applicability: In order to qualify as an Industrial Park, the subject property must:
    - a) Be entirely located in a General Industrial zone, according to the official zoning map of Pender County;
    - b) Contain at least 200 acres under unified control;
    - c) Have direct access to a road designated by the NCDOT as a US, or NC Highway; or at least a portion of the property shall be within 5000' of such a road and have direct access to a state maintained road;
    - d) Be served, or have written confirmation from the Utility Authority that the area will be served, by a public water and sewer system; and
    - e) Obtain a Special Use Permit from the Board of County Commissioners.
  - 2) Subdivision Procedure: Industrial Parks shall be exempt from the procedures established in Section 3.8, Subdivisions, Section 3.9, Minor Subdivision, and 3.10, Major Subdivision, of the Pender County UDO. The following regulations apply:
    - a) Major and minor subdivisions of an Industrial Park are subject to review by the Technical Review Committee, and are reviewed and approved by the UDO Administrator.
    - b) Plans must meet all the requirements prescribed in Section 6.4, Preliminary Plat Contents, and Section 6.5, Final Plat Contents in the Pender County UDO, except that subdivision plans for an Industrial Park shall be exempt from:
      - i) The timing and phasing requirements of Sections 6.5.A.1, 6.5.A.4, and 6.5.A.8;
      - ii) The homeowner's association requirements of Sections 6.5.B.3 and 6.5.B.6; and
      - iii) The preliminary plat requirements of Sections 6.4.A.9 through 6.4.A.13.

- a. Industrial Parks shall follow the subdivision standards listed in Section 5.3.12.E.3, Subdivision Standards, below.
  - b. These standards must be met and shown on the Preliminary Plat.
  - c) A copy of the draft protective covenants to be recorded on the Park shall be submitted with the final plat application.
    - i) The covenants shall address: owner's association, organization, responsibilities & membership, use and other restrictions on the property, term, revisions & renewal of the covenants, nuisances on the property and maintenance of facilities in the park.
    - ii) The covenants as approved under the Special Use Permit shall be recorded prior to division or sale of any parcels and prior to issuance of any zoning permit for or within the Park.
  - d) The final plat shall be reviewed and approved or disapproved and notice of action taken provided to the applicant within 30 working days of completed submission. When the final plat is approved the signed original will be provided to the applicant and a signed copy placed in the Record File for the subdivision.
  - e) A final plat shall be approved on a finding that the applicant demonstrates that the proposed division meets all of the requirements of the Pender County UDO and will:
    - i) Be in harmony with the Special Use Permit;
    - ii) Be in accordance with the Preliminary Plat;
    - iii) Not endanger the public health or safety;
    - iv) Be in conformity with the County's Land Use Plan.
- 3) Subdivision Standards: Industrial Parks shall be exempt from the regulations of Article 7.6, Open Space, and Article 8, Landscaping and Buffers. As an alternative, Industrial Parks are governed by the following open space and landscaping standards:
- a) Open Space:
    - i) Approved Industrial Parks shall provide dedicated area(s) as open space, equating to 5% of the overall Industrial Park.
    - ii) The open space must be dedicated at the time in which at least 25% of the Industrial Park is occupied.
  - b) Landscaping and Buffers:
    - i) A visually opaque landscaped buffer of native vegetation at least 20 feet in width and/ or combination of berms and fencing is required along the external perimeter of the Industrial Park.
    - ii) Existing trees and shrubs shall count towards meeting the buffer yard and screening requirements.
    - iii) The buffer areas may be in common area and counted towards meeting open space requirements.
    - iv) For every 1,000 sf. of buffer area, the buffer areas shall include:
      - a. Ten evergreen shrubs; and
      - b. Three trees, which shall consist of the following:
        - i. 50% large maturing;
        - ii. 25% small maturing, and
        - iii. 25% evergreen.
    - v) Buffers will not be required for internal property boundaries of Industrial Parks with the exception of road frontage.

- vi) The Administrator may allow modification to the buffer width and planting types when special site conditions exist.
- 4) Major Site Plan Procedure: Individual Sites locating within an Industrial Park shall be exempt from Section 3.7, Major Site Development Plan, of the Pender County UDO. The following procedure applies:
  - a) Major Development Plans are subject to review by the Technical Review Committee, and are reviewed and approved by the UDO Administrator.
  - b) Master Development Plans shall meet all of the requirements of Section 6.1.3 Major Development Plans Contents – Commercial and Industrial Districts, with the exception of Section 6.1.3.A.10.
    - i) The Major Development Plan shall meet the Landscaping and Buffer requirements set forth below in Section 5.3.12.E.6.e, Landscaping and Buffers.
    - ii) The Major Development Plan shall be complete at the time of submittal and must be made by a licensed professional and illustrated at sufficient scale and with detailed design for the all uses located within the industrial park.
  - c) Major Development Plans shall be reviewed and approved or disapproved and notice of action taken provided to the applicant within 30 working days of completed submission.
- 5) Site Dimensional Standards: Individual Sites shall be exempt from the regulations of Section 4.14, Zoning District Dimensional Requirements of the Pender County UDO. The following site dimensional standards apply:

| Dimensional Standards for Individual Sites in Industrial Parks   |  |
|--|--|
| Maximum Height   | 50 feet  |
| Minimum Setbacks <sup>[1]</sup>  |  |
| Front <sup>[2]</sup>   | 50 feet  |
| Rear <sup>[3]</sup>  | 25 feet  |
| Side <sup>[3]</sup>  | 25 feet  |
| Corner <sup>[4]</sup>  | 50 feet  |
| Minimum Building Separation  | North Carolina Building Code Regulations Apply |
| Minimum Lot Width  | 100 feet                                       |
| NOTES:<br>[1] There must be an owner maintained strip with a minimum of 20 feet in width of landscaped ground along the street property lines, except that drives and walks may be located within the landscaped strip.<br>[2] In the event more than one parcel of land shall be owned by one person or entity, and in the improvement of each parcel of land, a building shall be erected on more than one parcel of land, then the interior rear or side setbacks may be waived.<br>[3] In the case of corner lots, both 50 foot front setbacks will apply. |  |

- 6) Site Design Standards: Individual Sites shall be exempt from the regulations of Article 7, Design Standards, and Article 8, Landscaping and Buffers, of the Pender County UDO. Individual Sites shall meet the following site design standards:
  - a) Parking:

- i) Each Individual Site located within the approved Industrial Park shall provide three parking spaces for each four employees on the largest shift plus additional spaces for vehicles permanently used in the operation of the business.
  - a. At the discretion of the Administrator, a reduction to the parking requirements may be approved if the applicant demonstrates the peak level of need is lower than these standards require.
  - b. To justify the reduction, a statement shall be provided by a licensed professional addressing facility usage, employment figures, shift changes, and any other applicable standards.
- b) Loading:
  - i) Off-street loading and unloading facilities shall be provided by each owner or lessee of any parcel of land within the Park when that parcel is developed;
  - ii) Parking and loading facilities shall generally be located along the side or rear of lots. Loading facilities may be located facing the front of a lot only when:
    - a. Cross-dock operations are proposed, in which loading facilities are on opposite sides of a building; and
    - b. Expressed written permission is provided by property owner's board or other covenant holder within approved industrial park.
  - iii) Allowance for front-side loading and unloading facilities within this Ordinance shall not override restrictive covenants in place for approved industrial parks that prohibit front-facing loading and unloading facilities.
  - iv) Front-side loading and unloading facilities in industrial parks without a property owners board shall require approval of a Variance in accordance with Section 3.14.
  - v) All loading and unloading facilities shall be screened by effective landscaping or otherwise from view of any public street or access road within or leading to or from the Park.
- c) Outdoor Lighting:
  - i) Outdoor lighting shall utilize illumination so as to not cast direct light beyond any property line.
- d) Outdoor Storage and Screening:
  - i) Outdoor storage yards and storage areas, incinerators, storage tanks, and trucks based on the premises, shall either be housed in closed buildings or be screened for sound and sight from public view as is deemed necessary by the Administrator and shall be placed so as to conform with the setback requirements of Section 5.3.12.E.5, Site Dimensional Standards, above.
  - ii) Such screening shall include landscaping or permanent fences (excluding chain link), or approved solid materials and shall be located so as to most effectively screen the view of the offending items from the street.
  - iii) The Administrator may allow modification to the screening requirements when special site conditions exist.
- e) Landscaping Standards:
  - i) If applicable, Individual Sites must ensure that the 20 foot, visually opaque landscaped buffer required along the external perimeter of the Industrial Park is maintained, according to the requirements of Section 5.3.12.E.3.b, Landscaping and Buffers above.
  - ii) Buffers are not required for internal property boundaries of Industrial Parks with the exception of road frontage.
- F. Marinas (Commercial): Activities and possible uses on the marina or club property shall be limited to wet boat storage, dry stack boat storage, boat service and repairs, boat accessory sales, ship's store, coffee shop, boat

trailer parking areas, automobile parking areas, launching ramp, piers and boat petroleum service areas. Additional uses permitted shall follow the Table of Permitted Uses for the specific zoning district.

- 1) Setbacks
  - a) Up to 35' in height: 100' front and 50' sides and rear.
  - b) Between 36' to 50' in height: Add two (2) additional feet of setback for every one foot in height above 35'.
- 2) Approved Special Use Permits are required in all zoning districts unless the proposed facility is illustrated in conjunction with a development which requires a master development plan. Sufficient detail must be provided on the master plan to allow the Planning Board to make an informed decision on the facility's impacts to the surrounding properties throughout the public hearing process

G. Portable Storage Containers

- 1) All portable storage containers located on private property must apply for and obtain a permit. Each individual shall submit a complete application, site plan, and fee for review and approval by the Administrator or their agent. Applicants shall submit a site plan showing any permanent container and the relationship of this structure to the overall site. The site plan shall indicate how the container meets all permanent requirements including but not limited to; stormwater considerations, traffic circulation, screening requirements, other development codes and inspection requirements including engineered design plans to demonstrate the permanent storage container meets NC Building Code.
- 2) Permanent portable storage container use shall be restricted to non-residential districts: GB, General Business Zoning District, O&I, Office and Institutional Zoning District, GI, General Industrial Zoning District and IT, Industrial Transition Zoning District.
- 3) Portable storage containers may be permitted as an accessory structure, for storage purposes only.
- 4) A maximum of one (1) portable storage container per site shall be permitted on lots of one (1) acre or less. One (1) additional portable storage container may be permitted for lots greater than one (1) acre. No more than two (2) portable storage containers may be permitted on one (1) single property.
- 5) A portable storage container may be placed for thirty or less consecutive days in any twelve month period without issuance of a permit in all zoning districts, except Environmental Conservation.
- 6) Portable storage containers shall be allowed no more than two (2) times on a lot for a period no longer than 60 days within a twelve (12) month period when the following items are met:
  - a) The principal structure is damaged and dilapidated and is undergoing repairs, reconstruction, or renovation.
  - b) A building permit has been issued for the repairs, constructions, reconstruction, or renovation, if required, and is valid throughout the extension.
  - c) An extension may be granted for portable storage containers located in all districts, excluding Environmental Conservation, up to sixty (60) additional days within a twelve (12) month period as approved by the Administrator.
- 7) Portable storage containers shall not be permitted in any parking areas, required buffers or setbacks.
- 8) Portable storage containers must meet minimum accessory use and structure setback and separation requirements.
- 9) Portable storage containers shall meet all yard setback requirements and be located on the rear of the lot.
- 10) Portable storage containers shall not exceed the dimensions of forty (40) feet in length, eight (8) feet in width and ten (10) feet in height.
- 11) Stacking of portable storage containers shall not be permitted.
- 12) No sign shall be attached to a portable storage container other than the provider's contact information.
- 13) All portable storage containers shall be screened from view from any public right-of-way, private street or access easements and any residential use or residential zoning district. Screening shall be accomplished by a combination of fencing or landscaping which is contiguous and at least six (6) feet in height.

- 14) Portable storage containers must be off-chassis.
  - 15) No permanent off-chassis portable storage containers shall be permitted in loading areas.
  - 16) Portable storage containers shall not be permitted to be rented or leased to a use not located on the same lot.
  - 17) The structure shall be maintained in good condition free from structural damage, rust and deterioration.
- H. Private Residential Boating Facility
- 1) May provide single access in approved zoning districts for residential use only.
  - 2) Commercial activities of any kind shall be prohibited.
- I. Salvage Operations
- 1) Must be enclosed by a screened fence a minimum eight feet in height.
  - 2) The fence must be located a minimum of 20 feet from any public street right-of-way and vegetative planting along the fence to provide a continuous evergreen screen in front of the fence.
  - 3) The combined screening shall be adequate to conceal all storage from public view.
  - 4) Must be located entirely outside any FEMA designated Special Flood Hazard Area (SFHA).
- J. Sweepstakes Center
- 1) Sweepstakes centers shall be permitted in accordance with Section 5.2.3, Table of Permitted Uses.
  - 2) All new sweepstakes centers and additions or alterations to existing sweepstakes centers must be in accordance with this Ordinance.
  - 3) Sweepstakes Centers shall be located a minimum distance of 500 feet, measured in a straight line in any direction from the closest point of the building or unit of the proposed business to the property line of any of the following:
    - a) Religious Organizations as defined by NAICS code 813110
    - b) A public or private school and family child care home or child care center with an active license with the State of North Carolina
    - c) A public park, playground, public library, or private cemetery
    - d) Drinking Places (Alcoholic Beverages) as defined by NAICS code 722410
    - e) Adult and Sexually Oriented Businesses
    - f) Any other approved sweepstakes center
  - 4) Hours of operation shall be limited Monday to Saturday from 9:00 a.m. to 12:00 midnight and on Sunday from 12:00 noon to 10:00 p.m.
  - 5) All food or beverage to be served or distributed by the establishment must meet the requirements of the Pender County Environmental Health Department.
  - 6) Sweepstakes centers shall receive approval from the Pender County Fire Marshal prior to occupancy and must comply with annual review standards.
  - 7) Sweepstakes centers must meet indoor recreation parking requirements as outlined in Section 7.10, Off Street Parking and Loading/Parking Requirements
  - 8) All zoning and building permits issued after June 18, 2012 for all sweepstakes centers shall be subject to an annual review and inspection (from the date of approval) to ensure compliance with this Ordinance.
- K. Temporary Events - The Administrator or their agent may issue a temporary permit for carnivals, religious revivals, sport events, circuses, festivals and similar activities that will last for a period of up to sixty (60) days in the districts in which they are indicated as a permitted use. All temporary events shall submit an application and site plan, at least 14 calendar days prior to the event, with a description of activities so that it can be determined if adequate parking, sanitation & other necessary facilities will be available. The Administrator shall submit each temporary event proposal to the Building Inspector, Health Director, and Fire Marshal for review and approval.

L. Temporary Modular/Manufactured Offices

- 1) Modular or Manufactured offices may be used on a temporary basis for office or business purposes in cases where a new building for the use is under construction or where the permanent structure has been destroyed through no fault of the owner or tenant. A temporary permit must be obtained before the use of the mobile office is initiated. This permit shall be valid for a specified period of time while reconstruction takes place not to exceed six (6) months and may be renewed no more than once.
- 2) Manufactured homes rated for residential use may only be used for residential uses and not for other temporary or permanent uses.
- 3) Licensed motor vehicles used as an accessory use by a public or nonprofit entity for such purposes as book mobiles, blood mobiles, medical services or educational purposes will not require a permit unless set up for use on a site for more than 7 days.

M. Temporary Manufactured Homes - Temporary use of a manufactured home as a residence shall be permitted in any district in cases where the permanent home has been destroyed through no fault of the owner or tenant or when completing the construction of a new home. A temporary occupancy permit must be obtained from the Administrator before the use of the mobile home is initiated. This occupancy permit shall be valid for a specified period of time not to exceed six (6) months while reconstruction takes place and may be renewed no more than twice, unless specifically approved by the Board of Adjustment for additional time.

N. Temporary Fruit & Vegetable Stands - Temporary fruit & vegetable stands that are located on the property where the fruits or vegetables are produced will be permitted in the districts in which they are indicated as a permitted use and will not require zoning approval. All activities associated with such stands shall be set back a minimum of 10' from any street right-of-way, and any structures associated with such stands will comply with requirements for building permits and the building code. Temporary fruit & vegetable stands that are not located on the property where they are produced are subject to all provisions of this Ordinance.

O. Temporary Buildings for Construction or Development - In any zoning district, temporary structures, as set forth below, which are to be used in connection with the development and sale of a tract of land, may be erected or located on said tract, prior to, and may remain thereof, during the construction or development period

- 1) Temporary buildings, mobile offices or trailers, not exceeding 400 sq. ft. per contractor or developer on the site, may be used as construction offices, field offices, or for storage of materials to be used in connection with the development of said tract, provided that said temporary structures are removed from said tract within thirty (30) days after completion of the project or development, after voluntary suspension of work on the project or development, after revocation or expiration of building permit or an order by the Building Inspector upon a finding that said temporary structure is deemed hazardous to the public health and welfare. No such building may however remain on the site for more than one year without renewal of the permit. Such permits may be renewed by the Administrator one time for a period not to exceed one year.
- 2) Temporary real estate offices or sales offices may be established in a display dwelling unit or temporary building provided that said offices are closed and the operation discontinued and all temporary structures and facilities are removed from the tract upon the completion of the sale, rent, or lease of ninety-five percent (95%) of the dwelling units or lot of said tract unless prior approval is given by the Administrator.
- 3) No temporary buildings or trailers shall at any time be located closer than twenty-five (25) feet to a property line of any adjacent property, notwithstanding the required setbacks of the zoning district in which such temporary building or trailer is located.
- 4) Manufactured Homes rated for residential use may only be used for residential purposes and not any other temporary or permanent use.

P. Telecommunication Facilities

- 1) Co-located - Telecommunication antenna units that are attached to structures constructed for purposes other than supporting telecommunication equipment may be no taller than 30 feet or 30% of the structure's height. Co-located towers must comply with all relevant standards of this Article.
- 2) Freestanding - Freestanding telecommunication towers must comply with the following standards:
  - a) The minimum distance between the tower and an adjoining parcel of land that is residentially developed or is vacant and zoned Rural Agricultural, Residential Performance, Manufactured Home, General Business or Office & Institutional, or from an adjoining local road separating the tower site from such a parcel, must be equal to the tower's height, but not less than 50 feet, nor less than the minimum setback depth applicable in the zoning district. This provision does not apply in relationship to any nonconforming residential use or the residence of a caretaker or watchman accessory to a permitted non-residential use.
  - b) The Board of Commissioners, through the Special Use Permit public hearing, may reduce the minimum distance required above on finding that a lesser distance will not be injurious to properties or improvements in the affected area, but in no case may the minimum distance be reduced to less than that equal to 50% of the tower's height, or 50 feet, nor less than the minimum required setback depth applicable in the zoning district in which the tower is located.
  - c) The minimum distance between the tower and any other adjoining parcel of land or road must be equal to the minimum setback depth applicable in the zoning district, plus any additional distance necessary to ensure that the tower, as designed, will fall within the tower site.
  - d) The distances referred to above must be measured from the outside dimensions of the tower, not from the guy anchors.
  - e) If the tower is more than 100 feet high, but less than 180 feet high, it must be engineered and constructed to accommodate at least one additional telecommunication user. If the tower is at least 180 feet high, it must be engineered and constructed to accommodate at least 2 additional telecommunication users. Provision of co-location sites on other towers is encouraged wherever feasible.
  - f) The base of the tower and each guy anchor must be surrounded by a fence or wall at least 8 feet high, unless the tower and all guy anchors are mounted entirely on a structure over 8 feet high. Except for its entrances, the fence or wall must be screened with plant material so that no more than two-thirds of its surface is visible, within 3 years after its installation, from a public street or from any adjoining parcel of land that is residentially developed or is vacant and zoned Rural Agricultural, Residential Performance, Manufactured Home, General Business or Office & Institutional.
  - g) A buffer yard must be provided around the perimeter of the lease lot as in accordance with the requirements of Article 8, Landscaping & Buffering. A 40-foot-type C buffer yard is required along the inside perimeter of a leased lot or parcel for the utilization of telecommunication towers.
  - h) Radio, television, or other electromagnetic transmission or reception on other properties may not be disturbed or diminished.
  - i) The tower must meet the standards of the Federal Aviation Administration (FAA) for avoiding obstruction of navigable airspace and approaches to public airports (see Federal Aviation Regulations Part 77, as amended), and for marking and lighting structures to promote aviation safety (see FAA Advisory Circular 70/7460, as amended). Specifically, tower lighting must meet applicable FAA standards for either red obstruction lighting systems or dual lighting systems (red lighting for nighttime and medium-intensity flashing white lighting for daytime). If a tower is proposed to be located within 1,000 feet of a private use airport, the application must so indicate.
  - j) Output from the tower's antennas must meet the minimum standards of the Federal Communications Commission (FCC) relating to the environmental effects of radio frequency emissions.
- 3) Standards for Specific Zoning Districts

- a) Residential Districts - Telecommunication towers in residential districts must comply with the following standards:
  - i) If the tower is more than 75 feet high, it must be located at least 1,500 feet from any other telecommunications tower greater than 75 feet high; provided, however, that this separation requirement does not apply from a tower if the applicant submits sufficient evidence to demonstrate that a reasonable effort to co-locate on that tower has been made, or that co-location on the tower will not technically satisfy the applicant's specific needs.
  - ii) Buildings associated with the tower may not be used as an employment center for any worker (This provision does not prohibit the periodic maintenance or monitoring of equipment and instruments).
- b) Non-residential Districts - If the tower is more than 100 feet high, it must be located at least 1,000 feet from any other telecommunications tower greater than 100 feet high; provided, however, that this separation requirement does not apply from a tower if the applicant submits sufficient evidence to demonstrate that a reasonable effort to co-locate on that tower was made, or that co-location on the tower will not technically satisfy the applicant's specific needs.

Q. Telecommunication Facilities – Public Safety

- 1) Public Safety Telecommunication Facilities must meet the development standards for Telecommunication Facilities as outlined in Section 5.3.12.P. Through the Special Use Permit process, the Board of Commissioners shall have the authority to waive setback requirements provided that a survey prepared by a licensed professional showing that the designated fall zone associated with the tower is sufficient to accommodate the designed fall radius of the proposed tower.

R. **Personal Structure (non-commercial)**

**A principal structure solely dedicated to personal, non-commercial use, such as a personal, non-commercial garage, personal storage building not associated with a commercial use, or workshop structure not associated with a commercial use. The structure may be used for the storage of personal items or as a non-commercial workshop only and may not be used as a dwelling; and is subject to the following additional requirements:**

- 1. Meets all setback and dimensional requirements for principal structures in the zoning district in which it is permitted (see Section 4.14);**
- 2. Applicant must acknowledge that the personal structure will be placed on the parcel in such a manner that at such time the structure becomes an accessory to a primary structure, it is compliant with all of the requirements for accessory structures, consistent with Section 5.3.3 of the UDO;**
- 3. The number of personal structures allowed on each parcel are noted as follows:**

| <b>Lot Size</b>                                    | <b>Number of Structures</b> |
|--|-----------------------------|
| <b>2 acres or less</b>                             | <b>1 structure</b>          |
| <b>Greater than 2 acres and less than 10 acres</b> | <b>2 structures</b>         |
| <b>10 acres or greater</b>                         | <b>3 structures</b>         |