Article III.  USE STANDARDS

Section 3.01  Use Table and Interpretation

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

3.01.2 PERMITTED AND PROHIBITED USES
Uses not listed as permitted (P); permitted with supplemental use standards (PS); or requiring a conditional use permit (C) are presumed to be prohibited ( - ) from the applicable zoning district.

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

3.01.4 SIMILAR USES
The Administrator may determine that a use is materially similar if a permitted use is similarly classified by one or more of the following use classification systems:
A. Land Based Classification Standards (LBCS) of the American Planning Association (APA)
B. North American Industrial Classification System (NAICS)

3.01.5 USE TABLE
Uses listed as (P) or (PS) which require a Transportation Impact Analysis (according to Article 5), and all residential developments with 3 units or more, are subject to the Major Site/Subdivision Plan Review Process established in Article 7. See Appendix A – Development Flow Chart for more information regarding how the development process will be administered according to the use allowances established below.
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## C. OFFICE AND SERVICES

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Town of Lillington, NC Unified Development Ordinance III-1
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*Requires quasi-judicial “major subdivision” approval process.
**Requires Board of Commissioners approval if located on public street/property.
Section 3.02 Supplementary Use Standards for Specific Uses

3.02.1 APPLICABILITY
There are certain uses that exist which may be constructed, continued, and/or expanded provided they meet certain conditions specific to their design or operation. Such conditions ensure compatibility so that different uses may be located in proximity to one another without adverse effects to either. When uses are listed in the Use Table above as Permitted with Supplemental Use Standards (PS) or uses requiring Conditional Use Permits (C) they shall comply with the additional criteria set forth in this Article for that use in addition to other applicable criteria contained in this ordinance.

3.02.2 LAND USES PERMITTED WITH SUPPLEMENTAL USE STANDARDS (PS)
A. Land uses with supplemental standards are uses permitted by right, provided that the specific standards set forth in this article are met.
B. The specified standards are intended to ensure that these uses fit the vision of the zoning districts in which they are permitted, and that these uses are compatible with other development permitted within the districts.

3.02.3 CONDITIONAL USE PERMITS
A. Purpose
There are uses that are generally compatible with other land uses permitted in a zoning district but, because of their unique characteristics or potential impacts on adjacent land uses, are not permitted in zoning districts as a matter of right. These uses may be permitted through the issuance of a Conditional Use Permit (CUP) after ensuring that the use complies with the approval criteria listed below. No inherent right exists to receive a CUP. Such authorization must be approved under a specific set of circumstances and conditions. Each application and situation is unique and may be subject to specific requirements to mitigate the impacts of the proposed use.
B. Criteria
1. All Conditional Uses shall at a minimum meet the standards for the zoning district in which they are located and the specific or supplemental use standards set forth in this article for that specific use. In addition to determining that the application meets all other requirements of this ordinance (no variances are permitted) the Board of Commissioners must find the following:
   a) The proposed use shall conform to the character of the neighborhood in which it is located and not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted;
   b) Adequate utilities, access roads, drainage, sanitation or other necessary facilities have been or are being provided;
   c) The proposed use shall not impair the orderly development and improvement of surrounding property for uses permitted within the zoning district or substantially diminish or impair the property values within the neighborhood;
3.03  Residential – Supplemental Use Standards

3.03.1  GENERAL PROVISIONS FOR ALL MANUFACTURED HOUSING

All manufactured HUD homes and offices, whether used for residential or business purposes and whether placed in a manufactured home park or on an individual lot of record, shall meet the following requirements:

A. Each manufactured home stand and space shall be graded to provide adequate storm drainage away from the structure and such that there will exist no more than 3 feet difference between the chassis of the home or office and the finished grade of the stand along the entire perimeter of the home or office proper.

B. The manufactured home or office is set up in accordance to the standards set by the North Carolina Department of Insurance in the current edition of the North Carolina Regulations for Manufactured Homes, including, but not limited to, all footings, supporting piers, anchors, and tie downs.

C. The tongue, moving hitch, wheels, axles, and transporting lights are all removed.

D. Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the home are installed in accordance with the requirements of the North Carolina State Building Code, attached firmly to the primary structure, and anchored securely to the ground.

E. Other than those within the manufactured home or office itself, all installations of plumbing and electrical wiring and all gas and oil appliances shall comply with the provisions of the building, plumbing, electrical, heating, and gas regulations of the North Carolina State Building Code.

F. Empty liquefied petroleum gas containers and other objects and materials not approved by the Fire Department shall not be stored under manufactured homes or offices.

d) The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare;

e) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize the traffic congestion in the public streets;

f) The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas; and

g) The proposed use is consistent with the officially adopted plans and policies of the town.

2. The Planning Board shall provide a recommendation in an advisory capacity to the Board of Commissioners in assisting the Board of Commissioners to make its determination.

3. In approving any CUP, the Planning Board may recommend and the Town Council may impose such reasonable standards, conditions, or requirements, in addition to or superseding any standard specified in the UDO, as it may deem necessary to protect the public health, safety and welfare.

4. Approval procedures for Conditional Use Permits are found in Article 7.
3.03.2 CLASS A MANUFACTURED HOMES (DOUBLE-WIDES):
A continuous permanent masonry foundation, unpierced except for required ventilation and access, shall be installed around the entire perimeter of the home or office. If the masonry foundation is not brick, stone, or decorative concrete block it shall be coated with a mortar-like finish on the visible side. Class A Manufactured Homes have additional requirements, as described in the definition section of this ordinance.

3.03.3 CLASS B (SINGLE-WIDE) OR CLASS C (MOBILE HOME) MANUFACTURED HOMES:
A. Each single-wide manufactured home or office shall be installed with skirting provided by the manufacturer specifically for such use, unpierced except for required ventilation and access, around the entire perimeter of the home or office. Skirting shall be made of a material compatible with the siding of the home or office.
B. Class B and Class C Manufactured Housing (Single-wide manufactured HUD homes) shall be permitted in Manufactured Home Parks only.

3.03.4 MANUFACTURED HOME PARK
A. General Park Requirements
1. No manufactured home park shall be approved for a site less than 10 contiguous acres under single ownership or control.
2. The manufactured home park shall be screened from all adjacent property with a 20-foot Type B buffer in accordance with Article 4.
3. The operator/manager of a manufactured home park shall designate and enforce a uniform type of underpinning of all manufactured homes in the community.
4. All streets within a manufactured home park shall comply with the standards set forth in Article 5.
5. An acceptable plan for the collection and disposal of garbage shall be included in the site plan for the manufactured home park. The size and type of all garbage receptacles shall be in conformance with town standards. No person shall throw or leave garbage or refuse upon the ground of any manufactured home park. It shall be the duty of the manufactured home park operator to make certain that all garbage and refuse are regularly disposed of in a sanitary manner.
6. Recreational space shall be provided in accordance with Article 5.
7. Existing manufactured homes (mobile homes) in any district and in manufactured home parks that are to be replaced shall be replaced with a manufactured home that is no older than five years.
8. Maximum density is 5 units per acre; minimum area is 3 acres.
B. Space Requirements
1. Each manufactured home space shall be clearly established on the ground by permanent monuments or markers.
2. No more than one manufactured home may be parked on any manufactured home space.
3. Minimum setbacks for all sides for a manufactured home within a space (any attached accessory structure, such as room extensions,
porches and porch roofs and carports shall, for the purpose of this setback requirement, be considered to be part of the manufactured home) shall be 15 feet.

4. No manufactured home space shall have direct vehicular access to a thoroughfare street.

5. Each manufactured home stand and space shall be graded to provide adequate storm drainage away from the structure and such that there will exist no more than 3 feet difference between the chassis of the home or office and the finished grade of the stand along the entire perimeter of the home or office proper.

6. Each home shall be at least 40 feet from any property line.

7. Each manufactured home space shall have a permanent site number sign that is clearly visible from the street running in front of the home.

8. A minimum of 2 parking spaces shall be provided for each manufactured home.

9. A visitor parking area, consisting of 1 space for each 5 manufactured home units located within the park, shall be provided. This parking area does not have to be paved.

3.03.5 ACCESSORY DWELLINGS

A. One (1) accessory dwelling unit is permitted as an accessory to a residential use.

B. The dwelling unit may be attached or detached, located on the side or rear of the property.

C. The maximum size of Accessory Dwellings is the lesser of fifty (50) percent of the living area of the Principal Structure or one thousand (1,000) square feet.

D. Accessory Dwellings must be a minimum of 10 feet from the side or rear setback and shall not be located within the front setback.

E. If the Accessory Dwelling is attached to the primary residence, then access is limited to the side or rear of the Accessory Dwelling or to an existing door.

F. Attached or detached Accessory Dwellings must have the same architectural appearance of the primary residence such as same type and color of siding, trim and roofing appearance.

G. Manufactured housing, campers, travel trailers and recreational vehicles are not permitted for use as an accessory dwelling.

H. Must contain complete kitchen facilities including a stove or cook top and a full bath including lavatory, water closet, and tub or shower (or combination).

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

3.03.7 MULTI-FAMILY
First or main floor of building must be non-residential and must provide a “shop-front” appearance at the sidewalk level in accordance with Article 4.

3.03.8 FAMILY CARE HOME (6 OR FEWER RESIDENTS)
A. Family Care Homes shall be certified by the International Building Code, as amended by the NC Building Code.
B. No Family Care Home shall be closer than ½ mile to another such use.

3.03.9 LIVE-WORK UNITS
Construction shall meet requirements of the International Residential Code, and the following:
A. The maximum total size of a live-work unit shall be 3,000 square feet and 3 stories in height.
B. The work area shall occupy a maximum of 50% or less of the total unit.
C. The non-residential area function shall be limited to the first or main floor only.
D. A maximum of 3 non-residential worker or employees are allowed to occupy the non-residential area at any one time.
E. The same tenant shall occupy the work area and living area.

3.03.10 RESIDENTIAL CARE FACILITIES (MORE THAN 6 RESIDENTS)
A. Residential care facilities must be buffered from adjacent residually zoned property with a 20-foot Type B buffer in accordance with Article 4.
B. Prior to the submission of an application, an owner/operator of a residential care facility shall have received a license from the State of North Carolina for such a facility.
C. Unless located and having access on an arterial or marginal access street, no residential care facility shall contain more than 16 units.
D. To the extent practicable, the community shall provide access connectivity (vehicular and pedestrian) to adjacent neighborhoods.
E. The following accessory uses are permitted: congregate dining facilities, recreational and social facilities, health care facilities, gift shops, snack shops, banks, barber/beauty shops, and similar services for residents.
Section 3.04  Lodging & Accommodations – Supplemental Use Standards

3.04.1  BED AND BREAKFAST ESTABLISHMENTS
Bed & Breakfast establishments, where allowed, are subject to the following standards:
A. No more than eight (8) guest rooms that offers bed and breakfast accommodations may be provided on each private residence;
B. Serves only the breakfast meal, and that meal is served to overnight guests of the business;
C. An owner/manager of a bed and breakfast home shall reside on the property.

3.04.2  ROOMING AND BOARDING HOUSE
A. In residential and mixed use districts, parking areas shall not be permitted in the front yard and shall be screened from adjacent properties by a 20-foot Type B buffer.
B. The owner shall serve as a full-time manager or otherwise designate a full-time manager, either of which shall permanently reside on the premises.
C. The minimum size of any sleeping room shall be 200 square feet per resident.
D. One full bath consisting of tub or shower, toilet and sink shall be provided for each 4 residents.
E. Full kitchen facilities, consisting of a stove, oven, sink, refrigerator, food preparation area, and storage areas shall be provided and accessible to all tenants.
F. Signs, other than address/tenant identification signs which meet the requirements of Article 4, shall not be permitted.
G. All of the lot area which is not used for parking, sidewalks, buildings, utility structures or site access must be landscaped and maintained.

Section 3.05  Office & Services – Supplemental Use Standards

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

3.05.2  HOME OCCUPATIONS
A. Permitted in the primary dwelling only as an accessory use.
B. Clearly incidental and secondary to residential occupancy.
C. The use shall be carried on entirely within an enclosed structure on the premises.
D. No more than 25% of the total floor area or 500 square feet, whichever is less, is used for such purposes
E. No sign or display of products be visible from the streets;
F. No more than one person not a resident of said dwelling is employed in connection with the home occupation.
G. The home occupation shall be operated by a resident of the dwelling.
H. Storage of goods and materials associated with the home occupation must be completely within an enclosed structure.
I. Parking must be provided so as not to create hazards or street congestion.
J. All parking associated with the home shall be accommodated off-street or in spaces directly in front of the residence.
K. No generation of dust, odors, noise, vibration or electrical interference or fluctuation shall be perceptible beyond the property line.

3.05.3 RESTRICTED PERSONAL CARE SERVICES
A. Such facilities shall be at least 1,000 feet from a religious institution, school or playground or another such facility and shall be a minimum of 500 feet road frontage spacing from residential uses in a residential zoned district.
B. The facility shall be open to the public only between the hours of 8:00 a.m. and 11:00 p.m.

3.05.4 VETERINARY SERVICES
Only animals in veterinary care may stay overnight. No kennels or storage of animals shall be permitted outside unless otherwise permitted in the district in which it is located.

Section 3.06 Commercial and Entertainment – Supplemental Use Standards

3.06.1 ADULT ESTABLISHMENTS
A. Some special entertainment uses because of their very nature can have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances can produce deleterious secondary effects on adjacent areas and the community at large, including increased transients, increased crime, disruptive conduct, financial instability and negative influences on children and the surrounding populace.
B. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood due to the deleterious secondary effects listed above.
C. Avoiding concentration of these uses, separating these uses from other uses and screening these uses can reduce the deleterious secondary effects listed above.
D. These special regulations are itemized in this section. The primary control or regulation is the purpose of preventing a concentration of these uses in any one area (i.e., not more than one (1) such use within two thousand (2,000) feet of each other which would create such adverse effects):
   1. Adult Bookstores;
   2. Adult Motion Picture Theaters housed in a permanent indoor structure;
3. Clubs and other places of entertainment operated as a commercial enterprise providing nude or semi-nude entertainment such as "topless" dancing;
4. Eating and drinking establishments including drive-in curb service providing nude or semi-nude entertainment such as "topless" dancing;
5. Any Physical Culture establishment, masseur, massage parlor, health salon or club not otherwise defined in this UDO.
6. Adult Motels and Hotels.

E. Location of uses.
   1. No use regulated under this section may be located within two thousand (2,000) feet of another use permitted under this section which will be measured from the exterior walls of the building(s) containing such regulated use.
   2. No use permitted under this section may be located within one thousand feet (1000) of any area zoned for residential use or from the property line of any residential dwelling.
   3. One thousand five hundred feet (1,500) of any religious institutions, day care center (child/adult) or public or private schools, public park, library or theater open to the general public in any zoning districts.
   4. Measurements of distance separation shall be in a straight line from the closest points of the building at which the adult uses are located.
   5. No use regulated under this section may be located in any designated Highway Overlay District.

F. Signs
   1. Signage is limited to one (1) wall sign per premise.
   2. The maximum Sign area shall be 10 square feet.

G. Hours of Operation.
   No adult establishment shall operate before 4:00 p.m. or after 12:00 midnight.

3.06.2 DRIVE-IN THEATER
A. Outdoor theaters shall be buffered from adjoining residential uses with a 50-foot Type A (option 1) buffer as set forth in Article 4.
B. The performance and audience areas for any outdoor theater shall be located a minimum of 200 feet from any adjacent residentially zoned property.
C. Primary access to all outdoor theaters shall be to a collector or higher order street.
D. Lights shall be shielded and positioned so as not to shine onto adjacent properties.
3.06.3 DRIVE-THROUGH FACILITIES
A. Traffic queues will not interfere with pedestrian movement along public sidewalks or create a traffic hazard.
B. Use of the drive-through service will not interfere with the use, enjoyment or operations of adjacent properties.
C. Drive-through lanes or loading spaces shall not be located any closer than thirty-five (35) feet to a residential zoning district.
D. If a speaker box faces a residential zoning district, there shall be a 50-foot landscaped buffer or sound wall between the speaker box and the residential district.
E. Stacking Lane Requirements
1. All uses and facilities providing drive-up or drive-through service shall provide the at least the minimum required vehicle stacking spaces established below.
2. Stacking spaces shall be a minimum of eight (8) feet wide by twenty (20) feet long.
3. Stacking spaces shall not impede on-site or off-site traffic movements, including access to parking spaces.
4. A solid faced brick, masonry or wooden wall or fence shall be provided along a property line abutting Lots or Parcels zoned residential purposes to block lights from vehicles in the stacking lanes or drive through facility.

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<tr>
<td>Restaurant, drive-through</td>
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<td>Order Box to Beginning of Drive Through Lane</td>
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<td>Car wash</td>
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<td>Stall Entrance</td>
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3.06.4 GAS/FUELING STATION
A. Canopies/Pumps
1. Must be located to the side or rear of the principal building.
2. Pump canopies must be located at least 50 feet from any interior side or rear property line that adjoins residentially developed property.
3. Must be buffered from adjoining residential uses with a 20-foot Type B buffer in accordance with Article 4.
4. The maximum number of pumps permitted at a single gas/fueling station shall be 12.
5. A conforming principal building is required and shall be a minimum of 1,600 square feet.
B. Lighting
All lighting must be shielded to direct light and glare only onto the lot or parcel where the gas/fueling station is located and shall be in accordance with Article 4.
3.06.5 OPEN AIR RETAIL
A. The use shall be conducted behind the prevailing setback line for the district.
B. Sidewalk Kiosks, Vendor Carts, Concession Stands, etc: Such uses shall be permitted to operate within the right-of-way provided that adequate pedestrian clearance on the sidewalk is maintained (minimum of 5 feet) and the automobile and bicycle travel way is clear of obstructions.
C. No permanent parking is required but the use must accommodate reasonable vehicular circulation and parking to preclude off-site impacts as determined by the Administrator.

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

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

3.06.8 SHOOTING RANGE, OUTDOOR
A. Outdoor shooting ranges shall be buffered from adjoining properties with a 50-foot Type A (option 1) buffer as set forth in Article 4.
B. Outdoor shooting ranges shall be located no closer than 1,000 feet to any religious institution, school or residential dwelling.

3.06.9 THEATER, OUTDOOR
A. Outdoor theaters shall be buffered from adjoining residential uses with a 50-foot Type A (option 1) buffer as set forth in Article 4.
B. Primary access to all outdoor theaters shall be to a collector or higher order street.
C. Lights shall be shielded and positioned so as not to shine onto adjacent properties.
3.06.10 VEHICLE RENTAL (MOVING TRUCKS)
A. Vehicles must be stored in an area that is screened from the public right-of-way and adjacent residential neighborhoods by a 50-foot Type A (option 1) buffer in accordance with Article 4.
B. When vehicle rental is an accessory use, the storage of vehicles shall not occupy more than the minimum number of required spaces.
C. All parking areas shall be placed in accordance within the provisions of Article 4 and shall be accessory to an otherwise conforming building.

3.06.11 VEHICLE SERVICES – MINOR MAINTENANCE/REPAIR
A. All outdoor storage areas shall be screened by a 50-foot Type A (option 1) buffer in accordance with Article 4.
B. Vehicle bays shall be set perpendicular to the street or otherwise screened from direct view by landscaping.

Section 3.07 Manufacturing, Industrial and Wholesale Trade – Supplemental Use Standards

3.07.1 LIGHT INDUSTRY USES
A. No generation of dust, odors, noise, vibration or electrical interference or fluctuation shall be perceptible beyond the property line.
B. All establishments shall be maintained so as not to create environmental hazards (such as oil or gas leaks or spills) that pose a threat to ground or surface water quality, air quality, wildlife and/or humans.
C. Vehicular access to the site shall be provided on a thoroughfare of suitable industrial capacity as determined by the Administrator and/or any required Transportation Impact Analysis.

3.07.2 HEAVY INDUSTRY USES
A. All such uses must be located a minimum distance of 500 feet from the RS20, RS10, RMF, RMX and CB districts and any parallel conditional zoning district to those districts.
B. All establishments shall be maintained so as not to create environmental hazards (such as oil or gas leaks or spills) that pose a threat to ground or surface water quality, air quality, wildlife and/or humans.
C. Vehicular access to the site shall be provided on a thoroughfare of suitable industrial capacity as determined by the Administrator and/or any required Transportation Impact Analysis.
3.07.3 MATERIAL RECOVERY & WASTE TRANSFER FACILITIES
A. All such uses must be located a minimum distance of 500 feet from the RS20, RS10, RMF, RMX and CB districts and any parallel conditional zoning district to those districts.
B. All establishments shall be maintained so as not to create environmental hazards (such as oil or gas leaks or spills) that pose a threat to ground or surface water quality, air quality, wildlife and/or humans.
C. Vehicular access to the site shall be provided on a thoroughfare of suitable industrial capacity as determined by the Administrator and/or any required Transportation Impact Analysis.
D. A minimum 150-foot Type A buffer (option 1) area is required along all property lines and public rights-of-way. No materials recovery and waste transfer activities, including parking, access roads, buildings, or disposal shall occur in the buffer area. Roads for access to the site may cross the 100-foot area, and monitoring wells may be located within the 100-foot area. All existing trees within the buffer area shall be preserved, except to allow for construction of necessary road crossings and monitoring wells.
E. A 50-foot Type A buffer (option 1) shall be required in the buffer area along all property lines and public rights-of-way regardless of the adjacent zoning. Existing plant material may be included in the computation of the required plantings, with approval of the Administrator.

3.07.4 RECYCLING COLLECTION STATIONS (NB, HB, ICD, LI, HI)
A. All outdoor storage, collection loading and processing areas must be located a minimum distance of 500 feet from the RS20, RS10, RMF, RMX and CB districts and any parallel conditional zoning district to those districts.
B. All outdoor storage, collection loading and processing areas must be located a minimum distance of 50 feet from the adjacent property line.
C. All establishments shall be maintained so as not to create environmental hazards (such as oil or gas leaks or spills) that pose a threat to ground or surface water quality, air quality, wildlife and/or humans.
D. Vehicular access to the site shall be provided on a thoroughfare of suitable industrial capacity as determined by the Administrator and/or any required Transportation Impact Analysis.
Section 3.08  Education and Institutions – Supplemental Use Standards

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

3.08.2 CHILD/ADULT DAY CARE CENTER (MORE THAN 8 PERSONS)
A. Outdoor play space for Child Care Homes shall be provided in accordance with the regulations of North Carolina Department of Human Resources.
B. Outdoor play space shall be enclosed on all sides by building and/or walls or fences in accordance with the standards in ordinance. The minimum height for such fences shall be 4 feet.
C. Outdoor play space may not include driveways, parking areas, or land otherwise unsuitable for children’s play space.
D. Outdoor play space may not be in the established front yard.
E. Adult Day Care Centers: Adult Day Care Centers shall meet the requirements of the North Carolina Department of Health and Human Services’ “Adult Day Care and Day Health Services Standards for Certification.”

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

3.08.4 HALFWAY HOUSES
No such use may be located within 2500 feet of another such use measured as a straight line on a map.
SCHOOLS — ELEMENTARY & SECONDARY
A. Athletic fields and parking areas must be buffered from adjacent residentially zoned property with a 20-foot Type B buffer as set forth in Article 4.
B. Connectivity (vehicular and pedestrian) to surrounding residential areas is required. Where a full vehicular connection is impractical, a multi-use trail connection shall be provided.
C. Student pick-up/drop-off areas shall adhere to NCDOT standards for vehicular circulation and stacking.

Section 3.09 Agriculture and Forestry – Supplemental Use Standards

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

3.09.2 KENNELS, OUTDOOR
A. Any building or pen housing animals shall be located a minimum of 150 feet from any residentially zoned or developed property.
B. Areas used for exercising or training of animals shall be securely fenced to prevent the animals from straying.
C. All animal refuse and food shall be kept in airtight containers and disposed of on a regular basis.
D. Animal wastes shall not be stored within 150 feet of any property line or surface waters unless located indoors.
E. All such outdoor kennels and similar animal shelters shall be buffered from any adjoining residentially zoned property with a 50-foot Type A (option 1) buffer in accordance with Article 4.

3.09.3 PRODUCE STANDS
A. Produce stands shall be permitted by the Administrator to operate on an individual parcel for a period of time not to exceed 90 consecutive days and no more than 2 events per calendar year.
B. Hours of operation shall be limited to 7:00 AM – 10:00 PM.
Section 3.10  Communications, Transportation and Infrastructure – Supplemental Use Standards

### 3.10.1 AIRSTRIP

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

### 3.10.2 SOLAR ENERGY SYSTEM

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

3.10.3 WIRELESS TELECOMMUNICATIONS FACILITY (NON-TOWER)
Maximum height on any co-located structure shall be 40 feet.

3.10.4 WIRELESS TELECOMMUNICATIONS TOWERS
A. Transmission towers may be sited on any held tract of land exceeding one-half acre in size.
B. The site shall be fenced with an eight-foot high fence, landscaped and buffered.
C. Abandoned towers (those not used for a period of six months or more) shall be removed by carriers.
D. Should technology changes render the height of the tower excessive, the Administrator may require that the tower be reduced in height, replaced or removed.
E. All telecommunication towers must have setbacks from all property lines of at least one foot for every foot of structure height.
F. Height of the structure shall be limited to a maximum of 200 feet in all districts
G. Conditional Use Permit applications shall provide the following information that:
   1. Demonstrates the antenna's compliance with State and Federal radio frequency emission standards.
   2. Specifies the tower height and design and include a cross-section of the structure.
   3. Details any technical, engineering, economic and other pertinent factors governing the selection of the proposed design.
   4. Demonstrates the tower's compliance with applicable structural standards, which may include certification that the tower will withstand sustained winds in accordance with local building codes or nationally recognized standards.
   5. Describes the failure characteristics of the tower and demonstrates that the site and setbacks are of adequate size to contain debris.
   6. Describes the tower's maximum capacity, including the number of antennas that it can accommodate for collection, taking into consideration radio frequency interference, mass, height and other characteristics, as well as options to overcome any problems that these considerations may pose to service delivery.
   7. Assesses the environmental impact of the facility siting, including the impact on adjacent structures and districts as well as on historic sites and streetscapes.
   8. Determines whether the construction of the tower and its reception and transmission functions will interfere with the usual and customary transmission or reception of radio, television and other services on adjoining properties.
9. Documents the due diligence in seeking and subsequent failure to find space on an existing tower to collocate their antenna(s) (if permission for tower construction is being sought).

10. Documents compliance with or exemption from FCC, FAA, MEPA and any other federal or state regulations applicable to the siting; statements must be issued from the FCC, FAA or the state attesting to the proposed facility's compliance.

11. Includes an agreement between the Town and the tower owners and their successors to allow shared use of the tower if:
   a) Capacity exists based on existing and planned use;
   b) A future Applicant for space on the tower agrees in writing
   c) The potential use is technically compatible

12. Documents anticipated maintenance needs, including frequency of service, personnel needs, equipment needs and traffic, noise or safety impacts of such maintenance.

13. Documents liability insurance or bonding where applicable.

14. Includes approval of the site owner, if different from the tower owner, to apply for a permit.

Section 3.11 Temporary Uses/Special Events – Supplemental Use Standards

Proposed land uses defined as temporary uses shall obtain a zoning permit that outlines the conditions of operations and shall be consistent with the applications of this section. Upon conformance to all requirements of this section, the Administrator has the authority to issue a development permit for temporary uses such as bazaars, festivals, carnivals, produce stands, seasonal outdoor sales, races, construction offices, and similar uses. Such permit shall be issued for a fixed period of time, to be stated in the permit and shall be subject to such limitations as the Administrator may impose to protect the character of the district affected. The Administrator may consider any prior violation of this ordinance by applicant for which the applicant has received citation or notice from the Administrator as grounds for denial of an application.

3.11.1 GENERAL STANDARDS / PERMIT REQUIREMENTS FOR ALL TEMPORARY USE/SPECIAL EVENTS

A. All permitted temporary uses listed in this section require a zoning permit for temporary use that shall be reviewed and issued by the Administrator.

B. The property on which a temporary use is proposed must contain sufficient space to support the temporary use.

C. Parking must be adequate to support the proposed temporary use.

D. Restroom facilities, if needed, must be provided.

E. All inspections and permits required by the building code, fire marshal, or applicable government agency must be received.

F. A temporary use shall last only as long as that time period stated in the development permit but shall not exceed 140 days within a calendar year on any individual lot. Duration of a development permit for temporary use is intended to include days operated, or attended by persons not employed by or volunteering to work at the event and does not include the setup, takedown, clean-up, or rehearsal days of the event.

G. The applicant is responsible for fully removing from the site any structures allowed as temporary uses and also any garbage or rubbish resulting from the temporary use within 3 days after the expiration of the zoning permit.
Each day after the expiration of the permit in which applicant fails to fully remove a structure or garbage or rubbish shall be deemed a violation of this ordinance.

**H. Temporary uses** shall be limited to a maximum duration of 14 days, unless otherwise specifically authorized or extended by the Administrator. A permittee may request an extension of the approval term in writing before the expiration of the original approval term and the Administrator may approve an extension upon a finding that the special event has substantially complied with all conditions of the original approval, and that the extension will not create substantial adverse impacts on adjacent properties.

**I. Maximum number of special events** per property: within any single calendar year, the same property may host no more than ten special events. The temporary use permits for these special events may be reviewed and approved concurrently. A minimum of 14 days shall lapse between special events on any one property.

**J. Any temporary use/special event** involving usage of a public street/property shall require Board of Commissioner approval.

### 3.11.2 TEMPORARY EVENTS / USES EXEMPT FROM PERMIT REQUIREMENTS

Zoning permits for temporary uses are not required for the following events (this exemption does not exclude any other required permits, such as building permit, ABC license, health department approval, Board of Commissioner approval for usage of a public street/property etc.):

**A. Private events** such as weddings, private parties, funerals, etc.; not open to the general public; and lasting less than 12 hours.

**B. Government-sponsored events** and those governed by the Lillington Code of Ordinances;

**C. Regularly established** permanent places of worship, sports facilities, schools, auditoriums, or other similar permanently established place of assembly for events that do not exceed the maximum capacity of the structure or site where the assembly is held.

**D. Events** which occur on property possessing site plan approval for such activities.

**E. Indoor promotional events** where the size and location of such events shall be reasonably related to the existing building and in no case shall interfere with the day-to-day business operations of on-site or adjacent businesses.

**F. Natural disaster** and emergency offices.

### 3.11.3 TEMPORARY USES WITH SPECIFIC REQUIREMENTS

**A. Produce Sales, Seasonal Outdoor Sales & Other Similar Uses:** Such temporary uses shall not exceed 90 consecutive days and no more than 2 events per calendar year. Hours of operation shall be limited to 7:00 AM – 10:00 PM.

**B. Contractor's Office and Equipment/Storage Sheds:** Contractor's office and/or equipment/storage sheds may be placed in any district temporarily on the site of construction of a development for which plans have been approved. All such equipment shall be removed upon completion of development.

**C. Real Estate Office in a Construction Trailer or Temporary Modular Unit:** One temporary structure, such as a construction trailer or temporary modular unit may be used as a real estate sales office in any new construction project in any district. Such a temporary structure shall be used for the sale of units
within that project only. Temporary real estate offices in construction trailers or temporary modular units may remain on the site until the development completion date.

D. **Real Estate Office in a Model Home:** A model dwelling may be used as a real estate sales office in a new residential development in any District. Such a model home/sales office may be used for the sale of units within that project only.

E. **Large Events** (Bazaars, Festivals, Carnivals, Fairs, Circuses, Concerts & Similar Outdoor Gatherings with the total anticipated assembly of 3,000 or more people and duration of 2 or more days per calendar year on an individual parcel or site). The following information is required as part of the application process a minimum of 30 days prior to the planned event:

1. Anticipated attendance, including previous attendance figures;
2. Anticipated number of days needed to prepare location for use;
3. Means of activity containment (i.e. fencing, security, etc.);
4. Event security, crowd control and traffic safety measures. Provisions for these must be approved by the Lillington Police Department;
5. Location of temporary signage;
6. Existing land uses of all adjacent properties;
7. Location of restroom facilities;
8. Method and location of garbage impoundment and means of removal;
9. Location and method of site lighting;
10. Adequate access for emergency vehicles;
11. Applicant is responsible for obtaining all other applicable permits, such as building permits, ABC licenses, and health department approval. Proof of application for these permits must be submitted with the zoning permit application.

### Section 3.12 Satellite Dish Antennas – Supplemental Use Standards

A. The provisions of this section shall apply to satellite dish antennas that are greater than twenty-four (24) inches in diameter.

B. Only one satellite dish antenna shall be allowed per premises, except for display models as provided in this section.

C. In RR and RS20 zoning districts, a ground-mounted satellite dish antenna may be installed only in a side or rear yard and shall not be located within any required building setback.

D. In all nonresidential zoning districts:

1. A satellite dish antenna may be installed at any location on the Lot except within ten (10) feet of either a public street right-of-way or a side or rear yard Lot line that abuts a residentially zoned district.

2. A satellite dish antenna may be installed on the roof of the Principal Structure provided it is anchored to a rafter, girder or other superstructure member of the building so as to be structurally secure.
E. A dish antenna shall be permanently ground or roof mounted (where permitted) and no antenna shall be installed on a portable or moveable structure except to transport an antenna to a permanent site or to provide a temporary on-site antenna for testing purposes not to exceed seven (7) days in duration.

F. A dish antenna shall be painted with a dull, non-glossy finish. No lettering, numerals or pattern shall be permitted on the dish surface other than the name of the manufacturer in letters not to exceed six (6) inches in height.

G. No antenna shall exceed an overall diameter of twelve (12) feet or an overall height of seventeen (17) feet above existing grade when located on the ground.

H. When located on the roof of a building in a non-residential district, no antenna shall exceed the building height limitation for the district in which it is located by more than ten (10) feet.

I. Inoperative satellite dish antennas, not to exceed two (2) in number, may be stored outside of commercial establishments in districts in which satellite dish retail sales are permitted.