

SANFORD                      LEE COUNTY                      BROADWAY  
UNIFIED DEVELOPMENT ORDINANCE

**ARTICLE 4 – ZONING DISTRICT  
REGULATIONS**

Summary: This Article divides the County of Lee into districts for the purpose of regulating the use of lands within the districts, as well as dimensional requirements and other standards applicable to construction, reconstruction and alterations of such uses. This Article establishes a series of basic zoning districts, overlay districts (Airport Overlay, Floodplain Overlay, Watershed Protection Overlays, Historic Overlays, and Watershed Conservation Overlay(s) within which additional standards may apply, and Conditional Zoning Districts and the Village Neighborhood District, which may be designated by request of the applicant. Refer to Article 5 for additional regulations applicable to particular uses.

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## 4.1 PURPOSE

The City of Sanford, Town of Broadway, and Lee County are hereby zoned and divided into districts. The purpose of establishing these districts is:

- To implement the Comprehensive Plan;
- To promote the health, safety, morals, or the general welfare;
- To provide for the orderly growth and development of the County of Lee and for the efficient use of community resources (land, water, roads, etc.);
- To lessen congestion in the streets;
- To secure safety from fire, panic, and other dangers.
- To facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

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## 4.2 PURPOSE AND INTENT

### 4.2.1 PURPOSE AND INTENT

This §4.2 establishes base, overlay, and conditional zoning districts in accordance with the requirements of NCGS §160D-703 that zoning regulation be by district.

### 4.2.2 GENERAL USE ZONING DISTRICTS

Lee County, within the incorporated area and extraterritorial jurisdiction of the City of Sanford and Town of Broadway, and the unincorporated areas of Lee County, as shown on the Official Zoning Map accompanying this Ordinance and incorporated herein by this reference, is hereby divided into the following general use zoning districts which shall be governed by all of the uniform use and area requirements of this Ordinance, the respective symbol for each type of district being set forth opposite its title:

<b>RA</b>	Residential Agricultural District	<b>NC</b>	Neighborhood Commercial District
<b>RR</b>	Residential Restricted District	<b>HC</b>	Highway Commercial District
<b>RN-20</b>	Rural Neighborhood District	<b>O&amp;I</b>	Office and Institutional District
<b>SN-12</b>	Suburban Neighborhood District (Low)	<b>C-1</b>	Light commercial and Office District
<b>SN-9</b>	Suburban Neighborhood District (Medium)	<b>C-2</b>	General Commercial District
<b>UN-6</b>	Urban Neighborhood District	<b>CBD</b>	Central Business District
<b>MF-12</b>	Multi-Family District	<b>LI</b>	Light Industrial District
		<b>HI</b>	Heavy Industrial District

### 4.2.3 OVERLAY DISTRICTS

In accordance with the authority provided by NCGS § 160D-703, the County of Lee hereby establishes the following overlay districts which shall be governed by all of the uniform use and area requirements of this Ordinance. Within these overlay districts, additional requirements are imposed on certain properties within one or more underlying general or Conditional Use Districts. The symbol for each type of district is as follows:

<b>AO</b>	Airport Overlay District
<b>H</b>	Historic Overlay District
<b>MHP</b>	Manufactured Home Park Overlay District
<b>WCOD</b>	Watershed Conservation Overlay District

### 4.2.4 CONDITIONAL ZONING DISTRICT (TYPE 1)

Conditional Zoning Districts Type 1 may be established in accordance with § 3.4 of this

Ordinance. Conditional Zoning Districts Type 1 are unique, stand-alone zoning districts that have no relationship to the Ordinance's general use zoning districts as listed in § 4.2.2. Conditional zoning map amendment requests for large-scale residential developments should be pursued as a VND (Village Neighborhood Conditional Zoning District), as set forth in § 4.10 of this Ordinance.

#### **4.2.5 CONDITIONAL ZONING DISTRICT (TYPE 2)**

As an alternative to the Type 1 Conditional Zoning District, a property owner may petition for a Conditional Zoning District that correspond to the above-referenced base multi-family and non-residential zoning districts, and which are identical to the general use zoning districts with the exception that additional conditions are applied as set forth in § 3.4.3 of this Ordinance. Conditional zoning map amendment requests for large-scale residential developments should be pursued as a VND (Village Neighborhood Conditional Zoning District), as set forth in § 4.10 of this Ordinance. The following is a listing of Conditional Zoning Type 2 Districts and their corresponding symbols.

MF-12-C	Multifamily Conditional Zoning District
NC-C	Neighborhood Commercial Conditional Zoning District
HC-C	Highway Commercial Conditional Zoning District
O&I-C	Office and Institutional Conditional Zoning District
C-1-C	Light Commercial and Office Conditional Zoning District
C-2-C	General Commercial Conditional Zoning District
CBD-C	Central Business Conditional Zoning District
LI-C	Light Industrial Conditional Zoning District
HI-C	Heavy Industrial Conditional Zoning District

#### **4.2.6 ADDITIONAL ZONING DISTRICTS**

Additional zoning districts may be added from time to time upon the recommendation of the Planning Commission to the Governing Body pursuant to § 3.3 of this Ordinance. Proposed changes to the zoning district regulations or the Official Zoning Map, including the addition of new zoning districts, may be submitted by the Planning Commission or any other interested party.

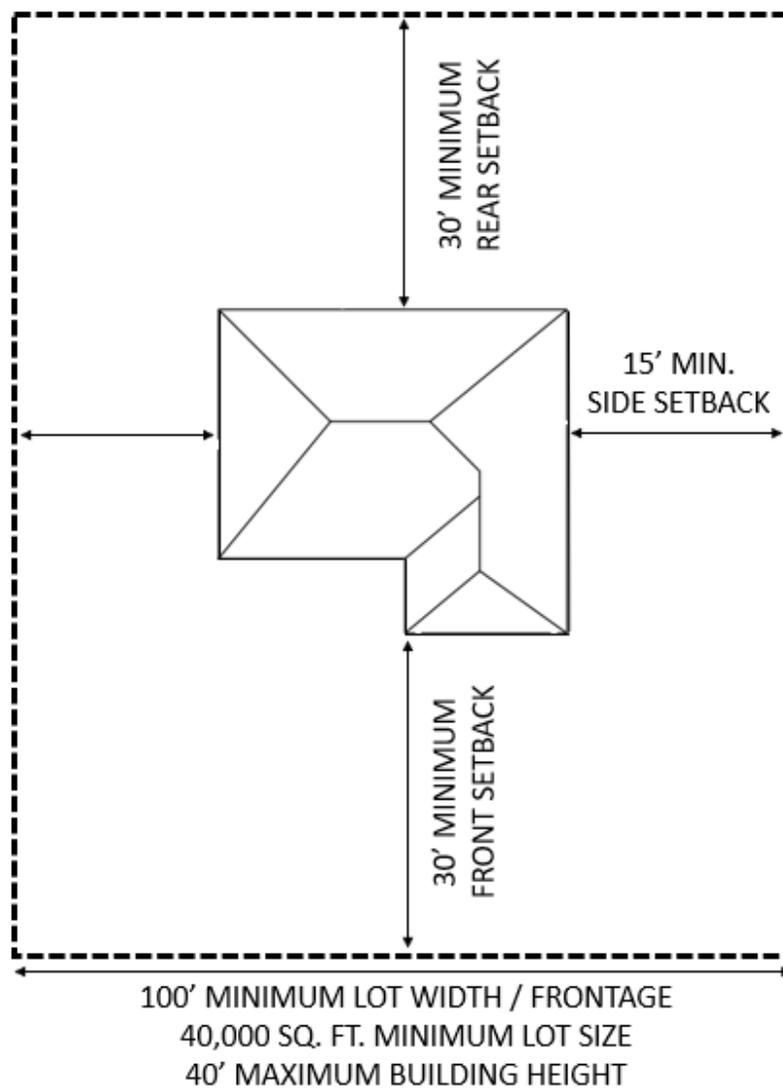
### 4.3 PURPOSE STATEMENTS

The purpose of this Section is to implement the land use policies of the Comprehensive Plan. Pursuant to NCGS §§ 160D-604 and 160D-605, all zoning ordinances or regulations adopted pursuant to this Ordinance shall state whether the action is consistent or inconsistent with the Comprehensive Plan. If an amendment is adopted which is inconsistent with the adopted plan the amendment shall have the effect of also amending the land use map. This Section describes the relationship between the various zoning districts and the Comprehensive Plan and a summary of each development district in form. However, to the extent that there is any inconsistency between the tabular summary and the specific provisions of § 4.6 et seq. of this Ordinance, the provisions of § 4.6 et seq. shall prevail.

### 4.3.1 PURPOSE STATEMENTS FOR GENERAL USE ZONING DISTRICTS

#### **RA RESIDENTIAL AGRICULTURAL DISTRICT**

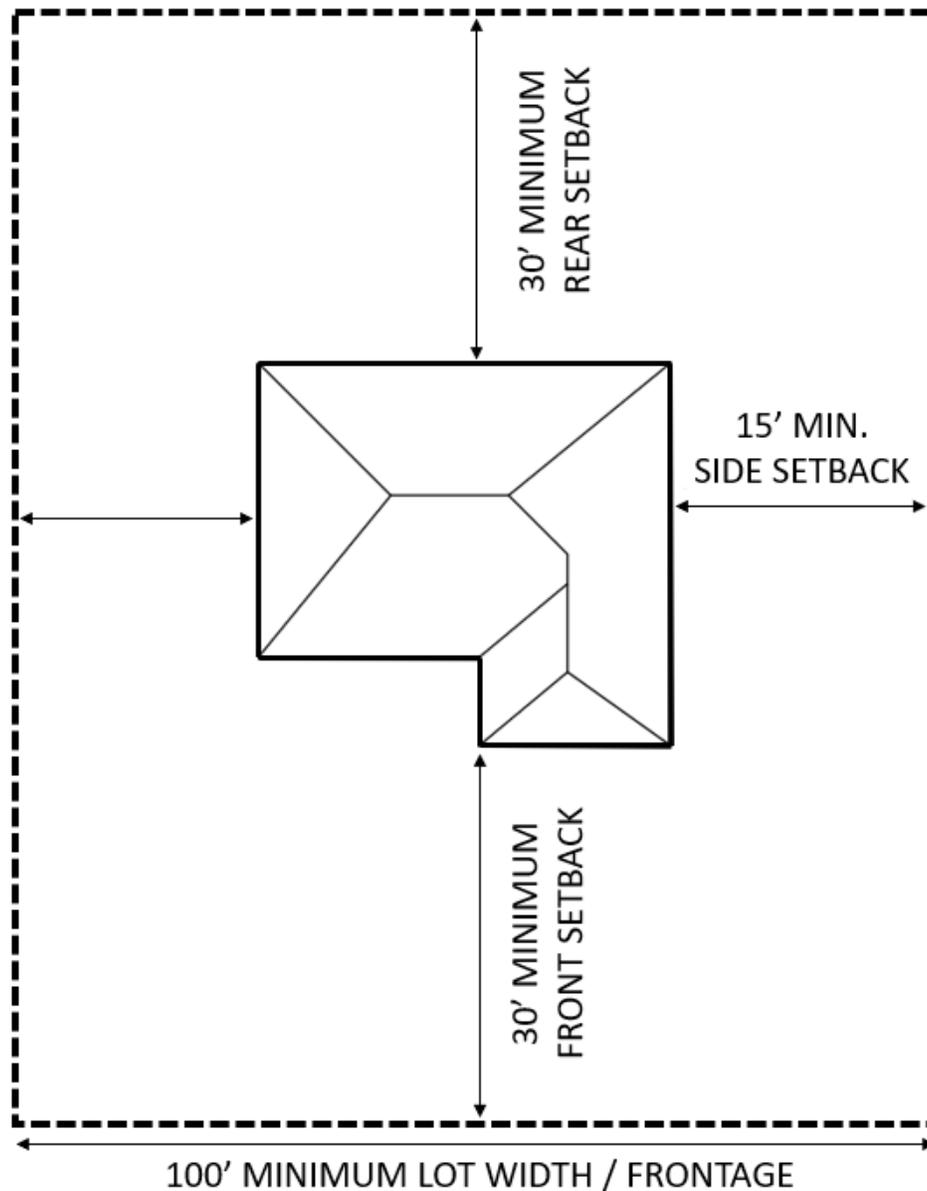
The RA (Residential Agricultural) district is established to provide areas for low-density single-family uses, low intensity agricultural operations as well as agri-business and supportive industrial and commercial uses. Industrial operations are not permitted unless they clearly support an agricultural use. RA zoning protects and preserves valuable agricultural areas, implements agricultural protection zoning, establishes performance standards for rural businesses, preserves rural areas, preserves pasture land and agriculture, sets maximum permissible densities or new zoning districts, defines specific areas for rural commercial uses, and identifies areas appropriate for agricultural preservation.



**FIGURE 1: RESIDENTIAL AGRICULTURAL (RA)**

**RR RESTRICTED RESIDENTIAL DISTRICT**

The RR district is established to provide areas for low-intensity single-family development. Property zoned RR should include only those tracts which abut or are in close proximity to existing large-lot single family development, making RR an appropriate transition district between rural, agricultural, and suburban uses.

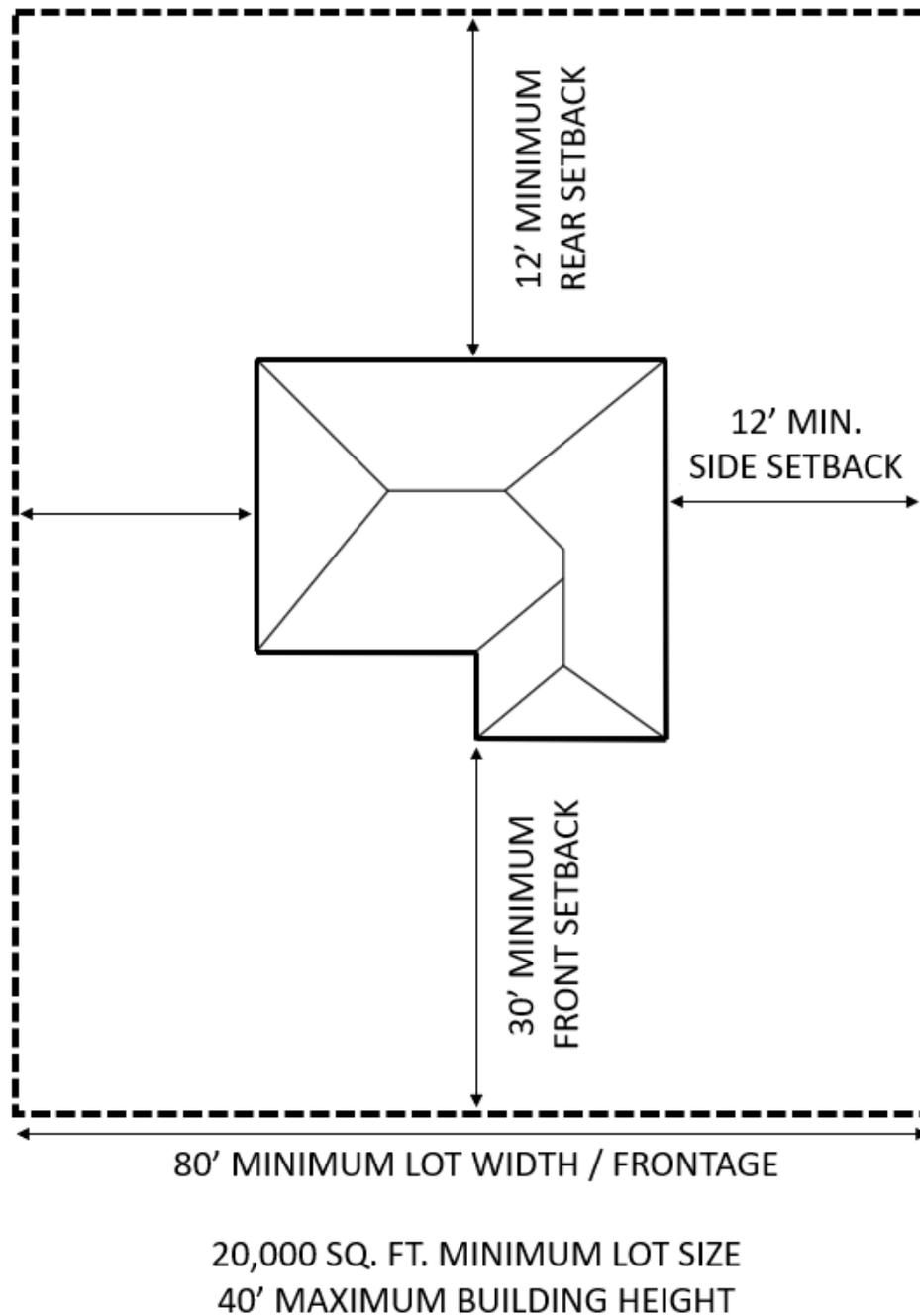


30,000 SQ. FT. MINIMUM LOT SIZE  
40' MAXIMUM BUILDING HEIGHT

**FIGURE 2: RESTRICTED RESIDENTIAL (RR)**

**RN-20 RURAL NEIGHBORHOOD DISTRICT**

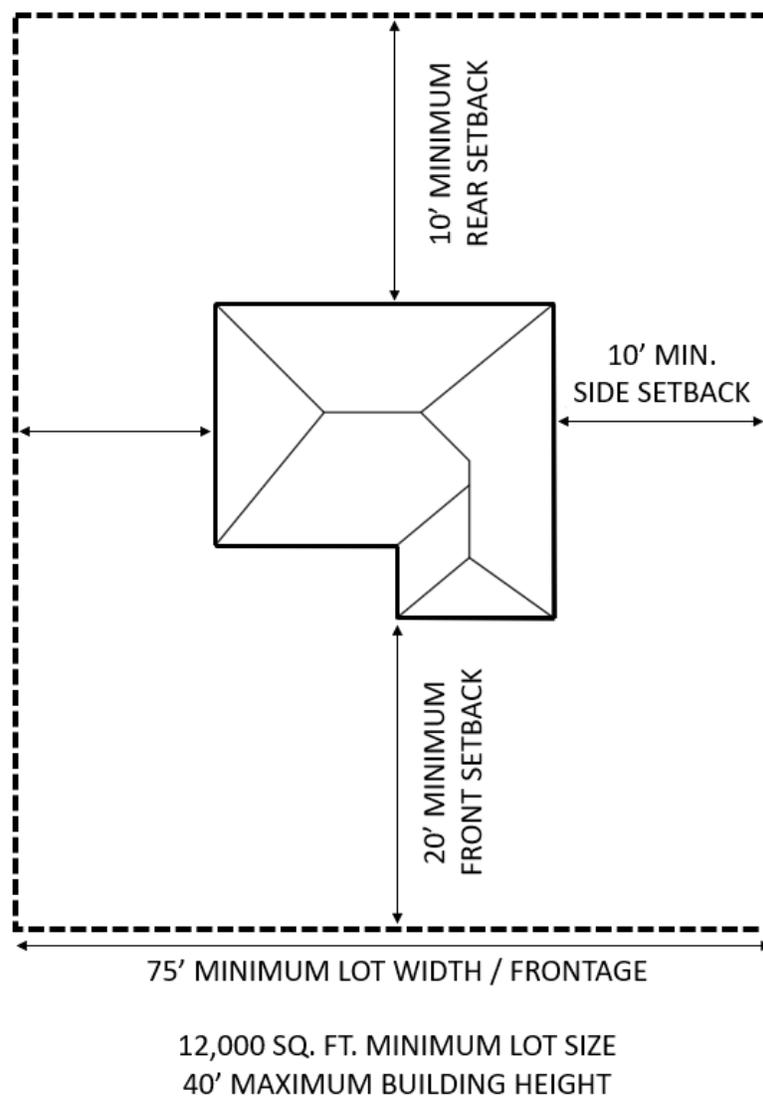
The RN-20 District is intended to provide single-family detached homes in larger-lot subdivisions at the outer limits of municipal boundaries that may or may not have access to public sewer and are often served by private septic systems. RN Districts should be located between Suburban Neighborhoods and Rural Residential and Agricultural areas.



**FIGURE 3: RURAL NEIGHBORHOOD (RN-20)**

**SN-12 SUBURBAN NEIGHBORHOOD DISTRICT (LOW)**

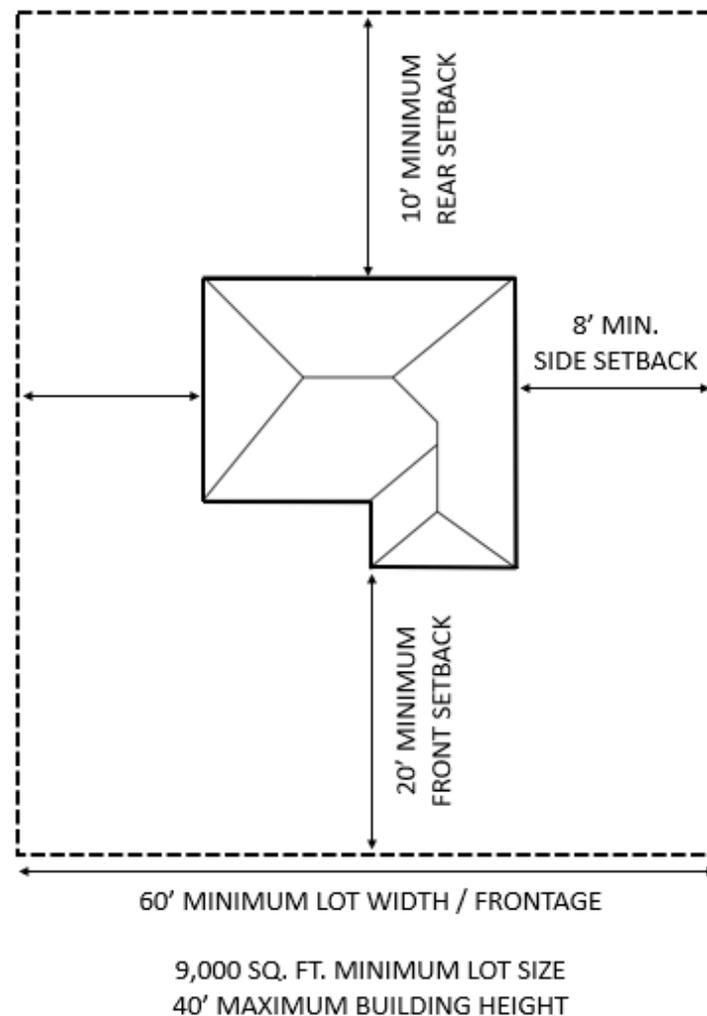
The SN-12 District is established to provide detached single-family homes in moderately compact developments within areas identified as “Suburban Neighborhood” in the *Plan SanLee Land Use Plan* adopted in 2018. SN-12 Districts should be located in areas where large-lot development is discouraged, and adequate public facilities and services are available. SN-12 is intended to facilitate the infill development of the municipalities’ conventional existing single-family suburban neighborhoods and act as a transitional component of new larger residential developments. While not urban in nature, these neighborhoods are walkable, and provide a high degree of transportation connectivity both between individual neighborhoods and to the surrounding network of thoroughfares that provide access to commercial neighborhood centers.



**FIGURE 4: SUBURBAN NEIGHBORHOOD (SN-12)**

**SN-9 SUBURBAN NEIGHBORHOOD DISTRICT (MEDIUM)**

The SN-9 Suburban Neighborhood District is established to provide a relatively intense mix of residential styles in areas identified as “Suburban Neighborhood” in the *Plan SanLee Land Use Plan* adopted in 2018. SN-9 Districts should be located on the outskirts of a core urbanized area. The SN-9 District is established to provide housing in areas where adequate public facilities and services exist or planned in the near future with capacity to serve the development. Unit types may include single-family detached dwellings and duplexes. While not urban in nature, these neighborhoods are walkable, and provide a high degree of transportation connectivity both between individual neighborhoods and to the surrounding network of thoroughfares that provide access to commercial neighborhood centers. It is strongly encouraged that the number of units in an SN-9 project be limited to 125 units; for projects greater than 125 units, applications for Village Neighborhood Development should be sought.

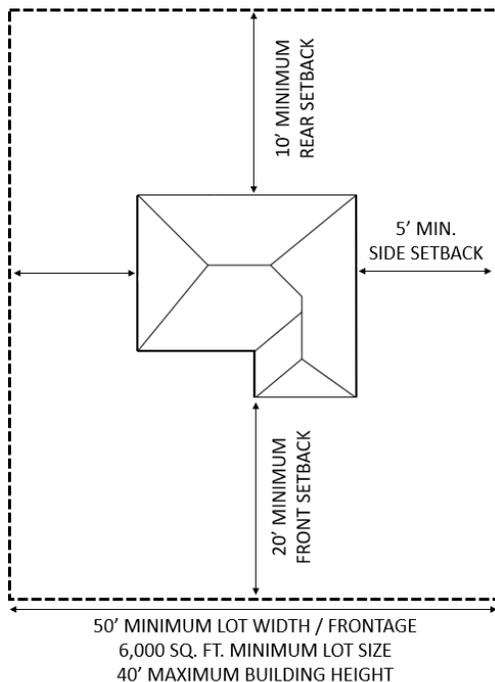
**FIGURE 5: SUBURBAN NEIGHBORHOOD (SN-9)**

**UN-6 URBAN NEIGHBORHOOD DISTRICT**

The UN-6 District is established to provide higher density residential living opportunities with compact development consisting of the full spectrum of residential unit types in areas identified as “Urban Neighborhood” in the *Plan SanLee Land Use Plan* adopted in 2018. The UN-6 District should be assigned for residential properties in the vicinity of the central business districts of Downtown Sanford, Broadway, and Jonesboro offering opportunities for in-fill development. The intent of this district is to recognize that gradual transformation of existing development to high quality mixed-density residential development is needed to support the central cores of municipalities.

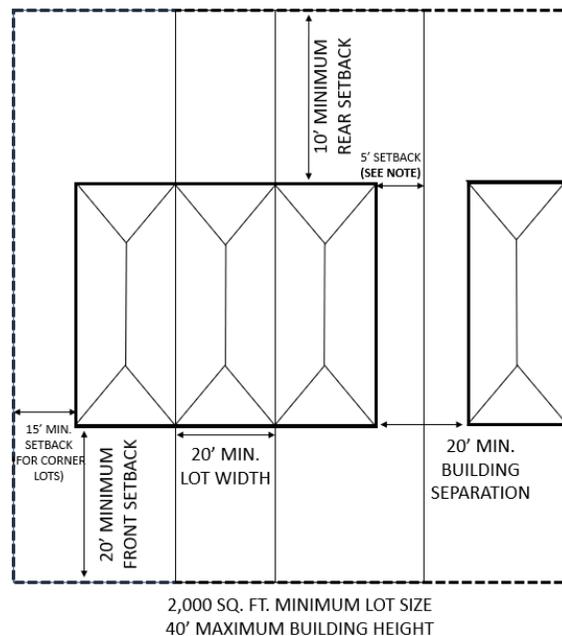
This district encourages a mix of residential unit types and densities to provide a balance of housing opportunities while maintaining neighborhood compatibility. Unit types may include single family detached and attached dwellings, townhomes, and duplexes, with a maximum of seven to twelve dwelling units per acre except as otherwise provided in this Ordinance. UN-6 supports the principles of concentrating urban growth and reinforcing existing community centers. Streets in the UN District should be interconnected, with streets and sidewalks providing a connection from the municipalities’ urban cores and other mixed-use districts to the Single-Family Residential Districts surrounding these neighborhoods. Higher density residential development allows a greater number of households to walk or bike, thus supporting local businesses while reducing the parking demand and providing environmental and health benefits.

**DETACHED SINGLE-FAMILY DWELLINGS**



**FIGURE 6: URBAN NEIGHBORHOOD (UN-6) DETACHED SINGLE-FAMILY DWELLINGS**

**ATTACHED SINGLE-FAMILY DWELLINGS**

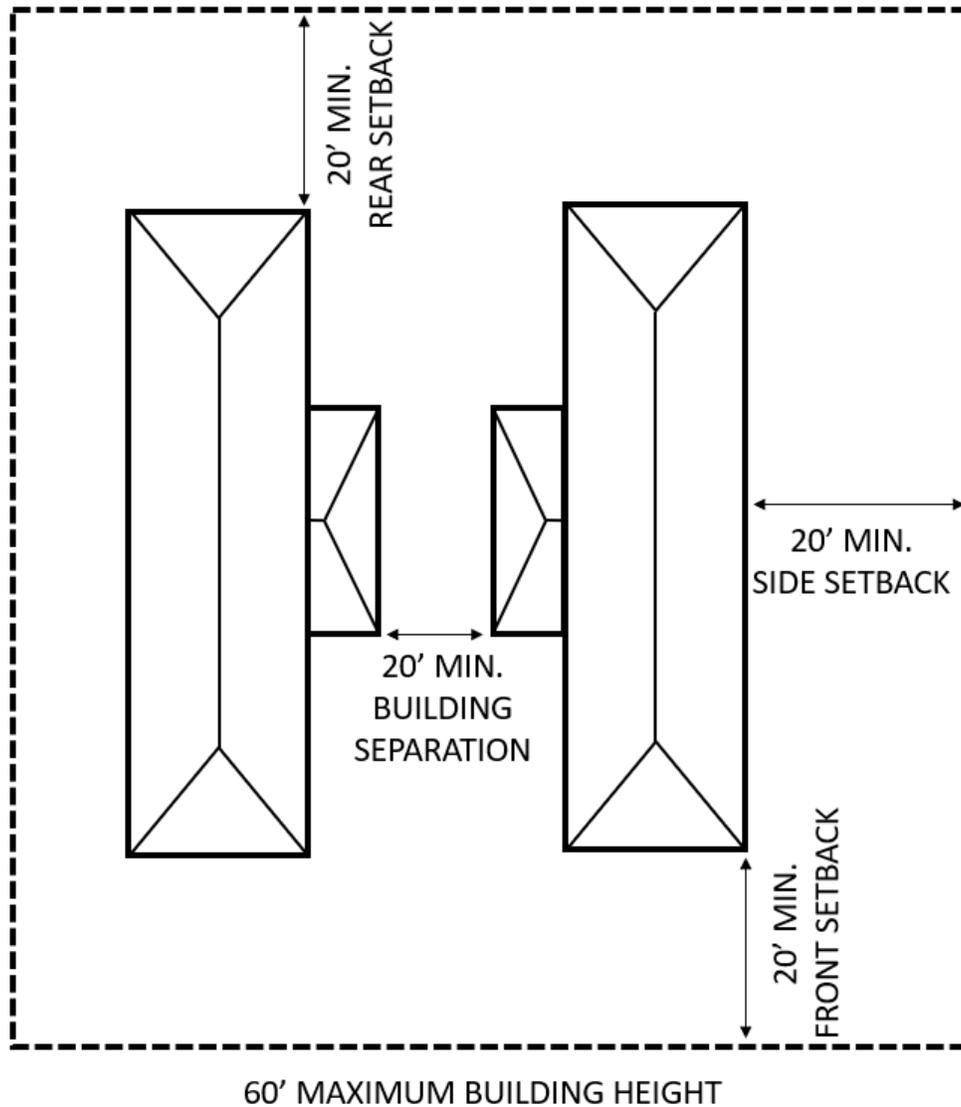


**FIGURE 7: URBAN NEIGHBORHOOD (UN-6) ATTACHED SINGLE-FAMILY DWELLINGS**

NOTE: TOWNHOUSES HAVE A 0' OR 5' SIDE SETBACK MINIMUM; THE 5' SETBACK APPLIES WHEN A TOWNHOUSE ABUTS A PARCEL NOT ASSOCIATED WITH THE TOWNHOUSE DEVELOPMENT.

**MF-12 MULTI-FAMILY DISTRICT**

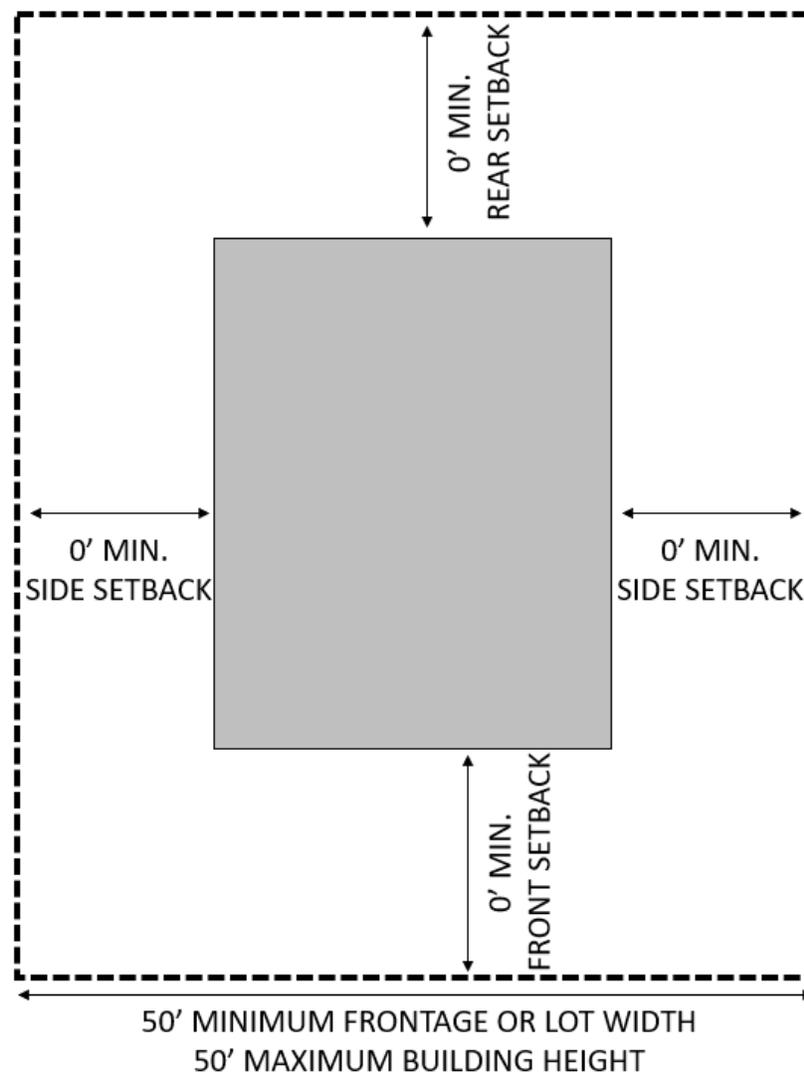
A MF-12 multi-family district permits multi-family uses with a maximum density of up to 12 units per acre, depending on unit size. A MF-12 district designation may be applied to a use in a residential neighborhood that contains a mixture of single family and multi-family uses or in an area for which limited density multi-family use is appropriate. A MF-12 district may be used as a transition between a single family and higher intensity uses. MF-12 districts are appropriate in areas containing a variety of dwelling types, or in single-family areas at the intersection of Local Roads and Collector or higher order streets. MF-12 districts are appropriate in locations where affordable housing is needed. MF-12 districts shall be designated only in areas with central water and sewer.



**FIGURE 8: MULTI-FAMILY (MF-12)**

### **NC NEIGHBORHOOD COMMERCIAL DISTRICT**

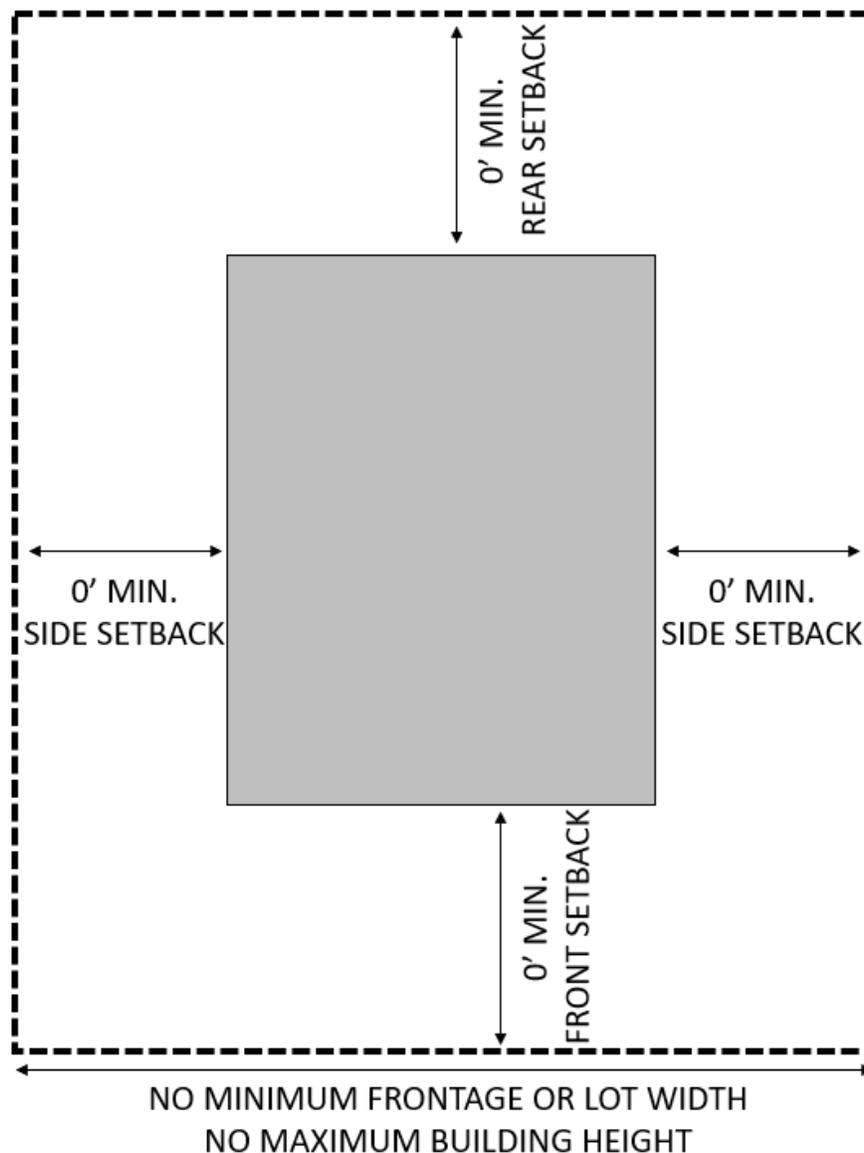
The NC district is established to provide small areas for office and professional services combined with shop front retail uses, shops for artisans and craftsmen, designed in scale with surrounding residential uses. This district provides a balance of residential and non-residential land use opportunities reflecting the economic needs of residents and business owners. Location of NC districts should include lots, parcels or tracts located at the intersections of collector streets, including collector/collector and minor thoroughfare/collector, except where an existing building or structure used as permitted in the NC District has been established prior to the adoption of this Ordinance on a parcel subject to an application for rezoning. The distance shall be measured between the closest boundaries of the two (existing and proposed) districts.



**FIGURE 9: NEIGHBORHOOD COMMERCIAL (NC)**

**CBD CENTRAL BUSINESS DISTRICT**

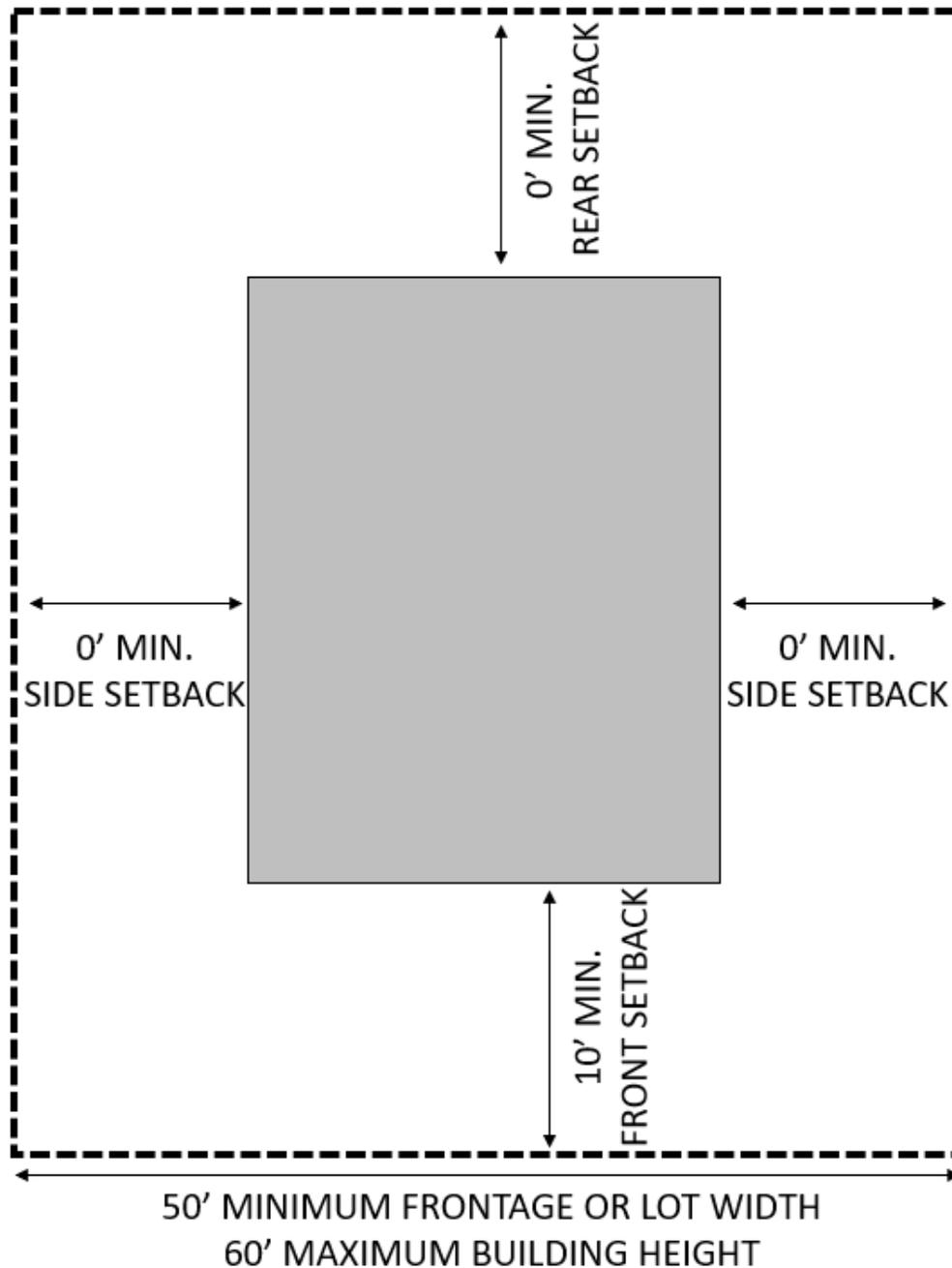
The “CBD” district is established to provide concentrated downtown retail, service, office, and mixed uses (including residential uses) in the existing central business districts. Shopping centers are permitted, but design standards are required in order maintain a neighborhood commercial scale, to promote pedestrian activity, and to maintain the unique character of the center. Pedestrian circulation is required as are common parking areas. The “CBD” district promotes the long-term vitality of the central business districts. No rezoning to a “CBD” District is appropriate unless the lot, parcel, or tract subject to the application adjoins an existing “CBD” zoning district.



**FIGURE 10: CENTRAL BUSINESS DISTRICT (CBD)**

**O&I OFFICE & INSTITUTIONAL DISTRICT**

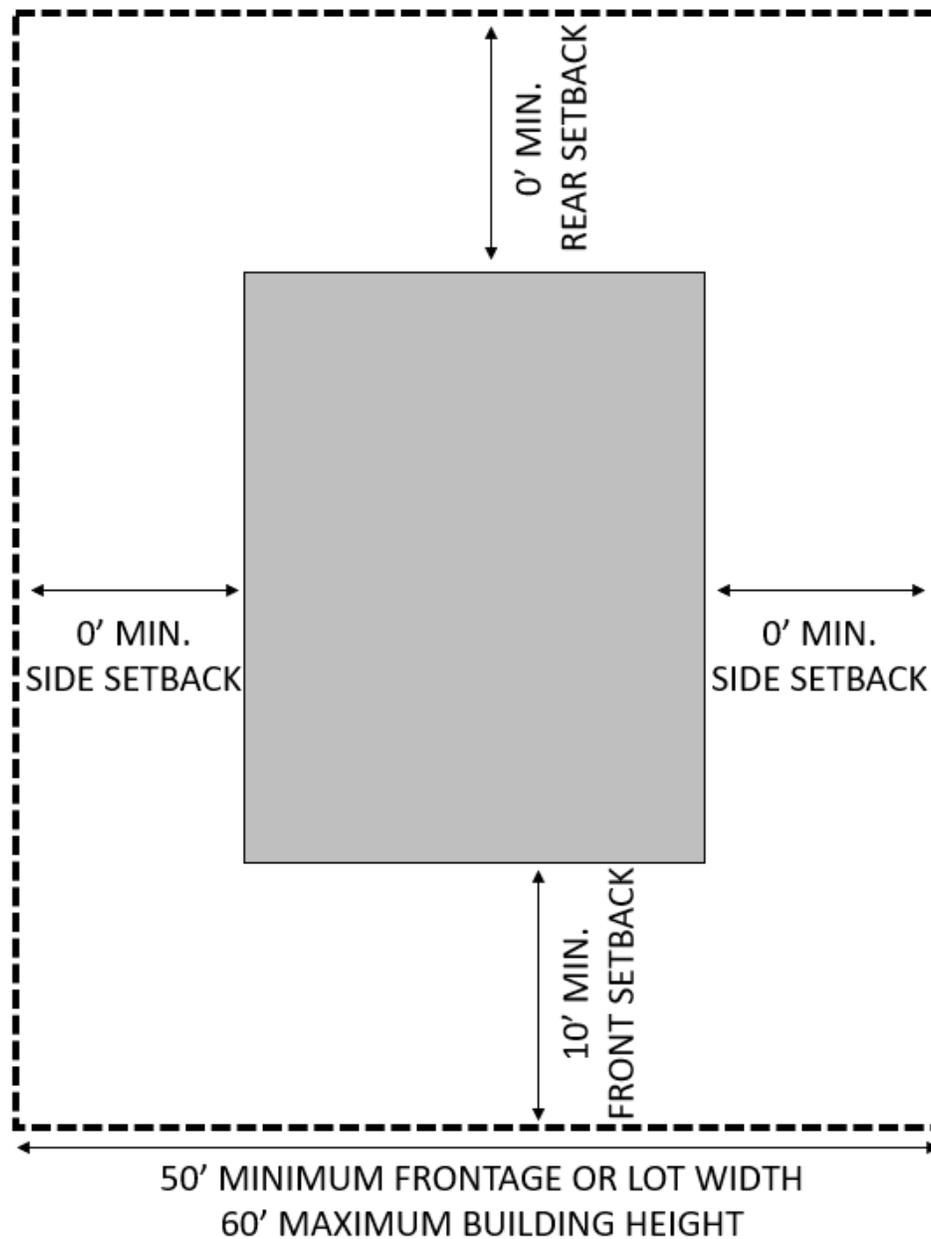
The Office & Institutional District is established to provide for agencies and offices rendering specialized services and traditional institutional functions (both public and private) including, but not limited to, governmental facilities, cultural and recreational facilities, educational facilities, and charitable institutions.



**FIGURE 11: OFFICE & INSTITUTIONAL (O&I)**

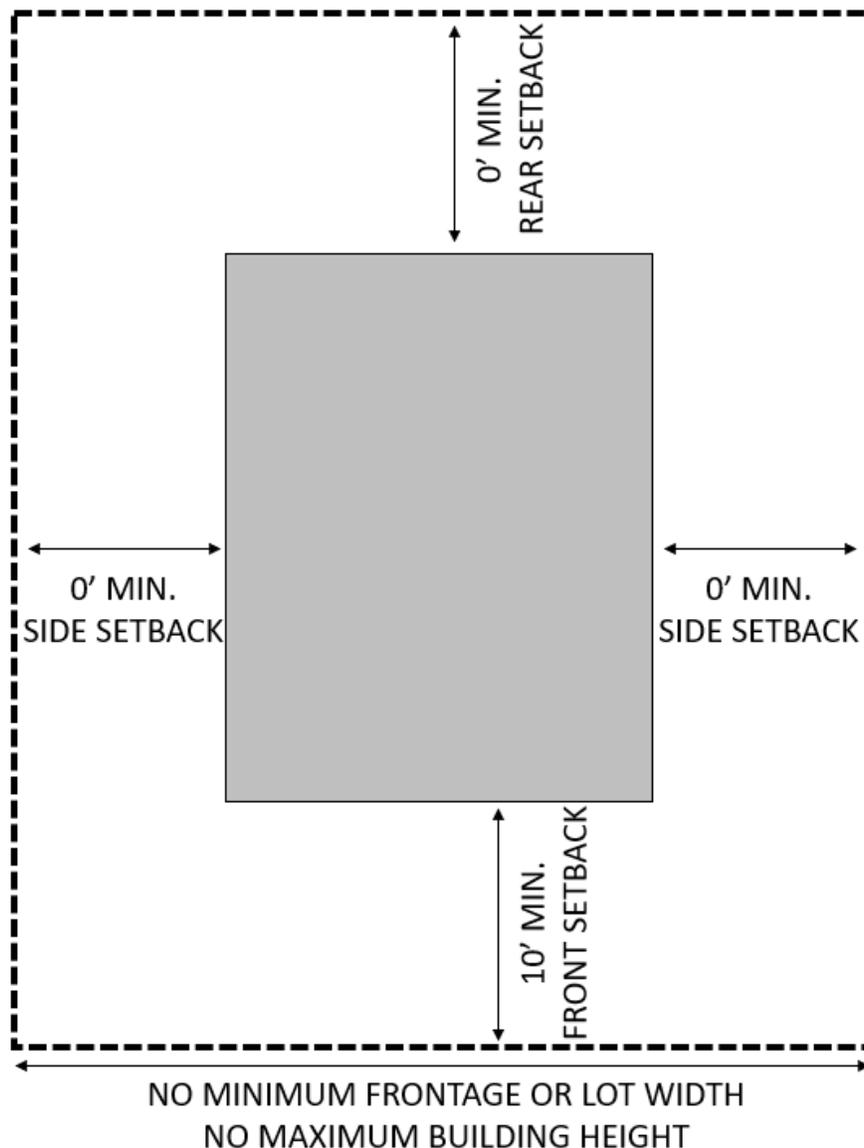
**C-1 LIGHT COMMERCIAL & OFFICE DISTRICT**

The C-1 district is established to provide areas for indoor retail, service and office uses. The purpose of the C-1 district is to accommodate well-designed development sites that provide excellent transportation access, make the most efficient use of existing infrastructure, and provide for an orderly transition between uses. C-1 Zones should be located in areas which continue the orderly development and concentration of moderate commercial uses. C-1 zones should be located on or within proximity to major and/or minor thoroughfares.

**FIGURE 12: LIGHT COMMERCIAL & OFFICE (C-1)**

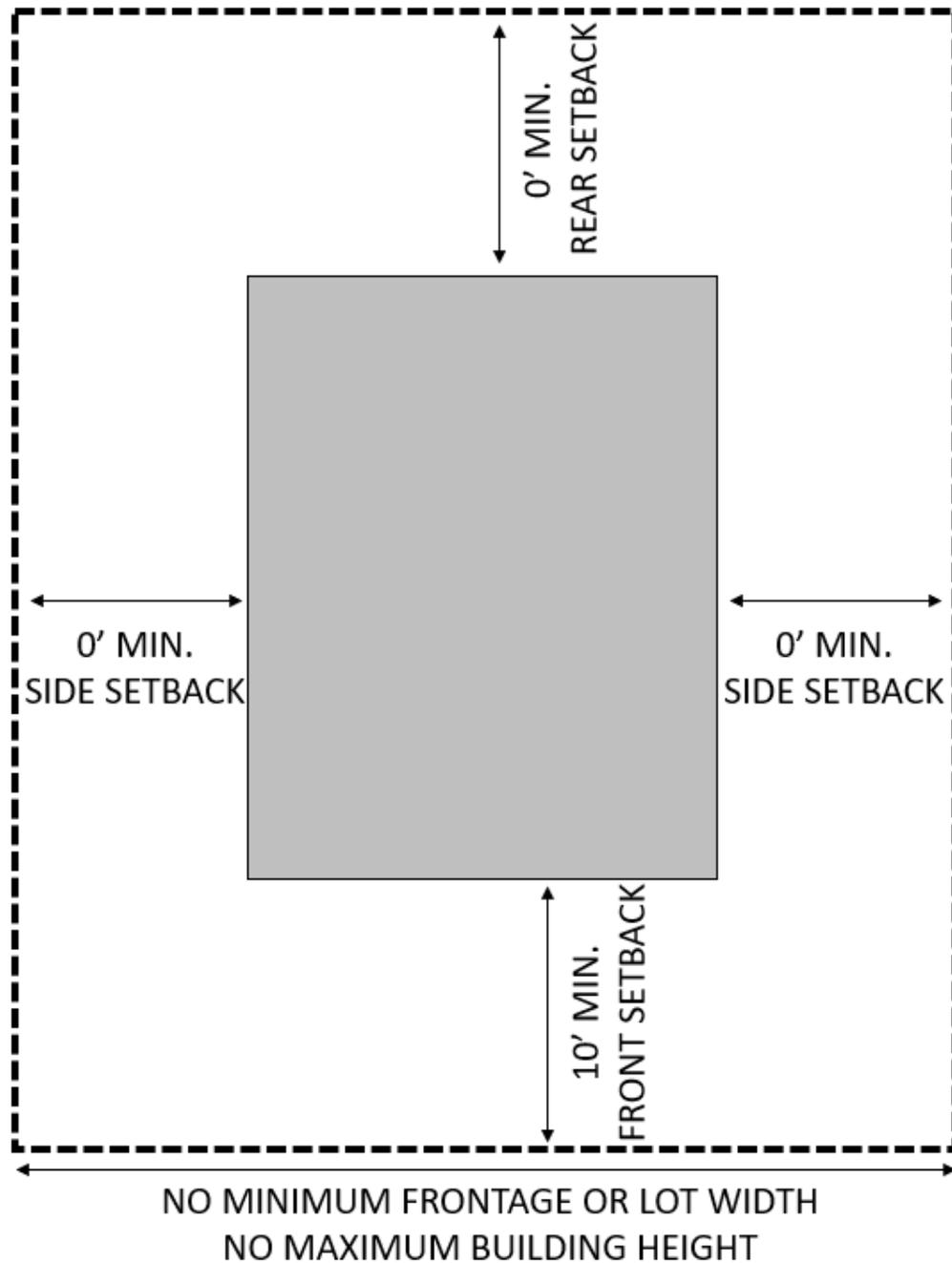
**C-2 GENERAL COMMERCIAL DISTRICT**

The “C-2” district is established to provide areas for general commercial activities designed to serve the community such as shopping centers, repair shops, wholesale businesses, and retail sales with limited outdoor display of goods and limited outdoor operations. This district promotes a broad range of commercial operations and services necessary for large regions of the County, providing community balance. “C-2” zones should be located on or within proximity to major thoroughfares. This shall not apply where an existing building or structure used as permitted within the “C-2” District has been established prior to the adoption of this Ordinance on a parcel subject to an application for rezoning.

**FIGURE 13: GENERAL COMMERCIAL (C-2)**

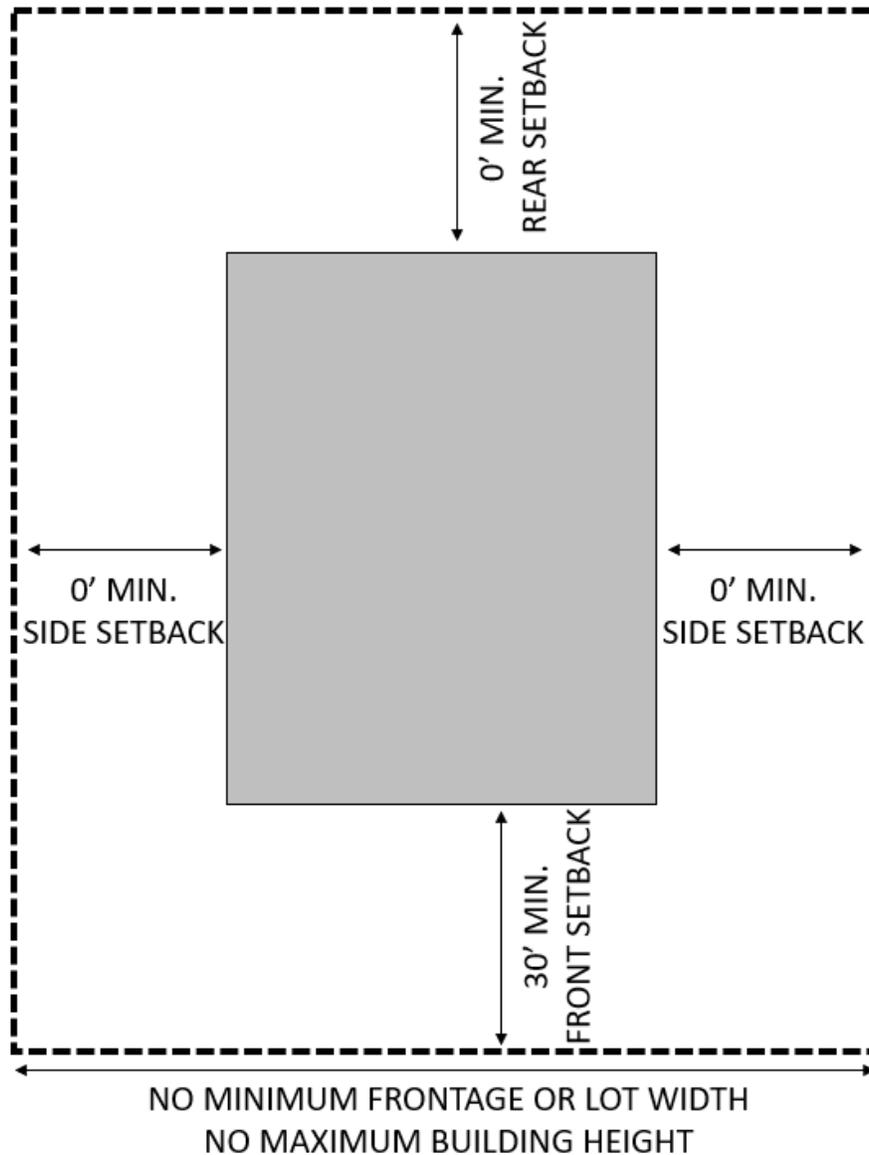
**HC HIGHWAY COMMERCIAL**

The purpose of the highway commercial (HC) is to accommodate uses that depend upon a large flow of traffic and convenient access, such as retailing of durable goods, the provision of commercial services to industrial areas, and the provision of services to tourists.

**FIGURE 14: HIGHWAY COMMERCIAL (HC)**

**LI LIGHT INDUSTRIAL DISTRICT**

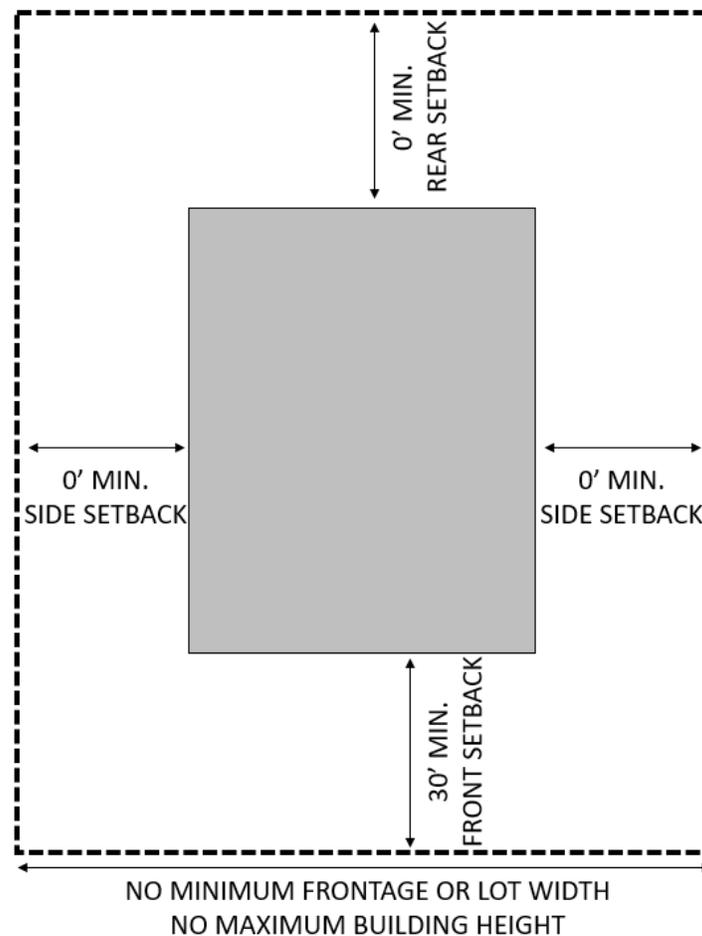
The LI district is established to provide for areas that contain a mix of light manufacturing uses, office park and limited retail and service uses that service the industrial uses in an attractive business park setting with proper screening and buffering, all compatible with adjoining uses. LI districts should include areas which continue the orderly development and concentration of light industrial uses. LI zones should be located to have direct access to or within proximity to a major or minor thoroughfare. This shall not apply where an existing building or structure used as permitted within the LI District has been established prior to the adoption of this Ordinance on a parcel subject to an application for rezoning.



**FIGURE 15: LIGHT INDUSTRIAL (LI)**

### **HI HEAVY INDUSTRIAL DISTRICT**

The HI district is established to provide for areas of heavy manufacturing, concentrated fabrication, manufacturing, and industrial uses which are suitable based upon adjacent land uses, access to transportation and the availability of public services and facilities. It is the intent of this district to provide an environment for industries that is unencumbered by nearby residential or commercial development. HI should be located in areas where conflicts with other uses can be minimized to promote orderly transitions and buffers between uses. The HI district is established to provide sites for activities which involve major transportation terminals, and manufacturing facilities that have a greater impact on the surrounding area than industries found in the LI district. HI districts should not be located adjacent to any property that is zoned for residential use, including mixed-use developments with an adjacent residential designation. HI zones should be restricted so as to have direct access to or within proximity to a major or minor thoroughfare. This shall not apply where an existing building or structure used as permitted within the HI District has been established prior to the adoption of this Ordinance on a parcel subject to an application for rezoning.



**FIGURE 16: HEAVY INDUSTRIAL (HI)**

#### **4.3.2 PURPOSE STATEMENT FOR OVERLAY ZONING DISTRICTS**

The overlay zone creates special siting, use and compatibility issues which require use development regulations in addition to those found in the underlying zoning districts. If any regulation in an overlay zoning district requires lower densities, greater setbacks, or otherwise imposes greater standards than those required by the base zoning district, the more restrictive standard applies. See §§ 4.11 through 4.15 for the purpose statements and regulations applicable to the overlay zoning districts.

## 4.4 ZONING MAP

**4.4.1** The boundaries of zoning districts established by this Ordinance shall be designated on a map or maps entitled Official Zoning Map(s) of the County of Lee. These maps and all references and dates shown thereon shall be certified by the Chairman of the Lee County Commissioners, the Mayor of the City of Sanford, and the Mayor of the Town of Broadway. The Official Zoning Map is hereby incorporated by reference as set forth in its entirety herein, and may be referred to as Article 4, §4.4 of the UDO.

**4.4.2** The Official Zoning Map shall be located in the Department of Community Development. A copy of the Official Zoning Map shall be kept on file with the Clerk of the City of Sanford, Town of Broadway, and Lee County. Changes thereto shall be clearly shown on the Official Zoning Map when officially adopted by the City of Sanford, Town of Broadway, and/or Lee County.

**4.4.3** The Official Zoning Map shall bear a stamp showing the effective date of this Ordinance and shall:

- Be certified by the Department of Community Development
- Be identified by the signatures of the County Commission Chairman and the Mayors
- Be attested by the County of Lee Clerk
- Bear the seal of the County of Lee under the words: "Official Zoning Map, Sanford / Lee County / Broadway."

**4.4.4** If a zoning district is eliminated and there is no corresponding zoning district classification on the Official Zoning Map, the property shall remain subject to all restrictions, regulations and conditions imposed under the zoning ordinance in effect at the time that the Official Zoning Map previously in effect was effective unless and until the zoning classification of the property is amended pursuant to this Ordinance.

**4.4.5** If a property is zoned as a conditional zoning district at the time of adoption of this ordinance, it shall remain subject to all terms, conditions, and restrictions of approval under the zoning ordinance in effect prior to the adoption of this Ordinance.

## 4.5. ZONING DISTRICT BOUNDARIES

**4.5.1** Unless otherwise provided, zoning district boundaries shall be located on municipal corporate lines, section lines, parcel lines, natural boundary lines or on the center lines of highways, streets alleys, or railroad rights-of-way. In cases where these lines are not used, the zoning district lines shall be as determined by using the scale of the Official Zoning Map. If a parcel of land is divided by a zoning district boundary line at the time of enactment of this Ordinance or by subsequent amendments thereto, the appropriate standards and uses for each zone shall apply on the portion of the parcel covered by that zone.

**4.5.2** Any dispute as to the boundary or location of property within a zoning district shall be resolved in accordance with the following criteria. When a district boundary is shown as approximately following a street, highway, alley, road, right-of-way, parkway, public utility right-of-way, railroad, stream or watercourse, the boundary shall be deemed to be the centerline of such feature.

- Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- Boundaries indicated as approximately following established municipal limits and county borders shall be construed as following such lines.
- Boundaries indicated as separated from but approximately parallel to any of the features indicated above, or any land marked or monumental line, shall be deemed to be parallel to the aforesaid centerline or railroad track mid-point.
- Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- Where a street, highway, railroad or other physical monument or marker on the ground, by which a boundary is determined, varies from that as shown on the Official Zoning Map, the physical monument or marker located on the ground shall control. Where physical or cultural features, such as flood plains, vary from those shown on the Official Zoning Map, or in other circumstances not covered above, the Department of Community Development shall determine the district boundaries.

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## 4.6 USE REGULATIONS (INCLUDES PERMITTED USE MATRIX)

### **4.6.1 GENERALLY**

No use shall be permitted pursuant to this Ordinance, and no Development Permit authorizing a use may be authorized, issued, or approved by any officer, official, or agency, unless said use is listed as a permitted or Special Use in this § 4.6 and all applicable permits and approvals have been issued by the agency or official with final decision-making authority. Those uses permitted as Primary Uses or Buildings within each zoning district shall be those uses listed in the Use Matrix (Table 4.6-1) and as forth in § 4.6, below.

### **4.6.2 PRIMARY USES**

No Zoning Clearance Permit shall be issued for a Primary use not specifically mentioned or described by category in the Use Matrix (Table 4.6-1). Notwithstanding any provision of this Section to the contrary, uses which are preempted by state statute are not listed in the Use Matrix, and may be permitted in accordance with state law.

#### **4.6.2.1 INTERPRETATION OF USE MATRIX**

The use categories listed in the first column of Table 4.6-1 are defined in this Ordinance, the LBCS or in other resources cross-referenced in this Ordinance. In determining whether a use is permitted by right, permitted as a Special Use, or prohibited within each zoning district, the following rules of construction apply:

The use categories listed in the first column of Table 4.6-1 are defined in this Ordinance, the LBCS or in other resources cross-referenced in this Ordinance. In determining whether a use is permitted by right, permitted as a Special Use, or prohibited within each zoning district, the following rules of construction apply:

#### **4.6.2.2 VILLAGE NEIGHBORHOOD DEVELOPMENT EXCLUDED**

Uses in the VND Districts shall be governed by their respective sections in this Ordinance and shall not be subject to Table 4.6-1.

### **4.6.3 ACCESSORY AND TEMPORARY USES**

Permitted Accessory Uses and permitted Temporary Uses are set forth in Article 5 of this Ordinance. If a Primary use is listed as prohibited in a Zoning District but is permitted as an Accessory Use in § 5.1 of this Ordinance, the use is permitted only as an Accessory Use to a Principal Use or Principal Building on the same lot, tract, or parcel. Such uses cannot be established unless and until there is a Principal Use or Principal Building on the same lot, tract, or parcel to which that use is accessory.

### **4.6.4 USES NOT LISTED**

**4.6.4.1** The Department of Community Development shall determine if a use not mentioned could reasonably be interpreted to fit into a use category where similar uses are described. It is

the intent of this Article to group similar or compatible land uses into specific zoning districts, either as permitted uses or as uses authorized by a Special Use permit. If a particular use is not listed in the Use Matrix, and such use is not listed as a prohibited use and is not otherwise prohibited by law, the Department of Community Development shall determine whether a materially similar use exists in this Section.

**4.6.4.2** Should the Department of Community Development determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Department of Community Development’s decision shall be recorded in writing. The Department of Community Development may determine that a use is materially similar if the use is listed as within the same Structure or Function classification as the use specifically enumerated in the Use Matrix, as determined by the Land- Based Classification Standards (“LBCS”) of the American Planning Association. The use shall be considered materially similar if it falls within the same LBCS classification.

#### **4.6.5 INTERPRETATION OF LAND BASED CLASSIFICATION STANDARDS (LBCS)**

To assist in interpretation of the Use Matrix, the LBCS numbers precede each use in the Use Matrix. In interpreting the Use Matrix, the following rules of construction shall apply:

- If a use is listed for a specific classification, while a more general classification within the same industry classification is also listed for another use, the specific classification governs. The specific use is not permitted in all districts where the uses coded to the general classification are permitted simply because they share a similar code number. The numbers increase as the classifications get more specific.
- Some uses are listed separately but fall within the same LBCS classification. The uses within one such classification are not permitted in all of the zoning districts as the others simply because they fall within the same LBCS classification.

*Example: “Restaurant, with incidental consumption of alcoholic beverages” is coded as LBCS Structure 2220. A “Restaurant, no consumption of alcoholic beverages permitted” is also coded as Structure 2220. The former is listed as a prohibited use in District X. It is not considered a permitted use in X simply because it falls within the same LBCS classification as the latter use.*

INTERPRETATION KEY FOR TABLE 4.6-1 PERMITTED USE MATRIX

<b>P</b>	<b>Permitted Uses.</b> The letter “P” indicates that the listed use is permitted by right within the zoning district. Permitted uses are subject to all other applicable standards of this Ordinance.
<b>D</b>	<b>Permitted Uses with Development Regulations.</b> The letter “D” indicates that the use is also subject to development regulations as prescribed in Article 5. The use may be permitted as of right or as a Special Use but will also be subject to the requirements of Article 5 Supplemental Development Regulations.
<b>S</b>	<b>Special Uses.</b> The letter “S” indicates that the listed use is permitted within the respective zoning district only after review and approval of a Special Use Permit, in accordance with the review procedures of § 3.5 of this Ordinance. Special Uses are subject to all other applicable standards of this Ordinance and those requirements that may reasonably be imposed by the County of Lee consistent with the criteria set forth in § 3.5 of this Ordinance and any Development Regulations which apply to said use.
<b>-</b>	<b>Prohibited Uses.</b> A dash (“-”) indicates that the listed use type is not allowed within the respective zoning district unless it is otherwise expressly allowed by other regulations of this Ordinance.

Section numbers as provided in the LAND USE column (i.e., § 5.1) provide additional reference regarding the supplemental design standards as found within other sections of this Ordinance. Refer to Appendix A or the sources referred to under “Land Use Coding” for specific definitions of uses.

**TABLE 4.6-1: PERMITTED USE MATRIX**

LAND USE	LBCS Function	LCBS Structure	RA Residential Agricultural	RR Residential Restricted	RN-20 Rural Neighborhood	SN-12 Suburban Neighborhood	SN-9 Suburban Neighborhood	UN-6 Urban Neighborhood	MF-12 Multifamily	NC Neighborhood Commercial	HC Highway Commercial	C-1 Light Commercial & Office	C-2 General Commercial	O&I Office & Institutional	CBD Central Business District	LI Light Industrial	HI Heavy Industrial	
	<b>ACCESSORY USES</b>																	
Accessory Uses (see §5.1)		1130	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Urban Beekeeping (see § 5.44)			-	-	-	-	-	-	-	-	-	-	-	-	P/D	-	-	-
<b>RESIDENTIAL USES</b>																		
Accessory Dwellings (see § 10.4)	1100	1130	P/D	P/D	P/D	P/D	P/D	P/D	P/D	-	-	-	-	-	-	-	-	-
Building, Mixed Use – Mixed commercial and residential use where commercial use is primary on first floor, with dwellings occupancy second floors or above (no unenclosed storage) (see § 5.35)		2300	-	-	-	-	-	-	-	-	-	-	-	-	P/D	-	-	-
Dwelling, Duplex (two-family dwelling) (see § 5.49)	1100	1121	P/D	-	-	-	P/D	P/D	-	-	-	-	-	S	-	-	-	-
Dwelling, Manufactured home, Class A <b>Unincorporated Lee County and Town of Broadway only</b> (see § 10.5)	1100	1150	P/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
See also – Class A Manuf. Home permitted by right in MH overlay districts																		
Dwelling, Manufactured home, Class A <b>City of Sanford only</b> (see §10.5)	1100	1150	S/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
See also – Class A Manuf. Home permitted by right in MH overlay districts																		
Dwelling, Manufactured home, Class B <b>Unincorporated Lee County and Town of Broadway only</b> (see § 10.5)	1100	1150	P/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
See also – Class B Manuf. Home permitted by right in MH overlay districts																		
Dwelling, Manufactured home, Class B <b>City of Sanford only</b> (see § 10.5)	1100	1150	S/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
See also – Class B Manuf. Home permitted by right in MH overlay districts																		
Dwelling, Manufactured home, Class C <b>Unincorporated Lee County only</b> (see § 10.5)	1100	1100	S/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
See also – Class C Manuf. Home permitted by right in MH overlay districts																		
Dwelling, Manufactured home, Class C <b>City of Sanford and Town of Broadway only</b> (see § 10.5)	1100	1100	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
See also – Class C Manuf. Home permitted by right in MH overlay districts																		
Dwelling, modular home	1100	1100	P	P	P	P	P	P	-	-	-	-	-	S	-	-	-	-
Dwelling, Multifamily (three or more units) (see § 10.3)	1100	1200	-	-	-	-	-	-	P/D	-	-	-	-	S/D	-	-	-	-
Dwelling, Single-family attached (see § 5.50)	1100	1120	-	-	-	-	-	P/D	-	-	-	-	-	S/D	-	-	-	-
Dwelling, Single-family detached	1100	1110	P	P	P	P	P	P	-	-	-	-	-	S	-	-	-	-
Home Occupation (see § 5.16)			P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D

LAND USE	LBCS Function	LCBS Structure	RA Residential Agricultural	RR Residential Restricted	RN-20 Rural Neighborhood	SN-12 Suburban Neighborhood	SN-9 Suburban Neighborhood	UN-6 Urban Neighborhood	MF-12 Multifamily	NC Neighborhood Commercial	HC Highway Commercial	C-1 Light Commercial & Office	C-2 General Commercial	O&I Office & Institutional	CBD Central Business District	LI Light Industrial	HI Heavy Industrial
	Manufactured Home for Hardship <b>Unincorporated Lee County only</b> (see § 10.6)			P/D	-	-	-	-	-	-	-	-	-	-	-	-	-
Manufactured Home Park (see § 4.11)	1100	1100	Manuf. Home Parks only permitted within a MH overlay district														
Rural Family Occupation Commercial / Industrial <b>Unincorporated Lee County only</b> (see § 5.30)			S/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Travel trailer / Recreational Vehicle / Motor home / Camper, to be used as a Temporary Residence <b>Unincorporated Lee County and ETJ areas of Sanford and Town of Broadway</b> (see § 5.34.2.9)			P/D	P/D	P/D	-	-	-	-	-	-	-	-	-	-	-	-
<b>ACCOMMODATIONS AND GROUP LIVING</b>																	
Bed and breakfast inn (see § 5.4)	1310		P/D	P/D	-	S/D	S/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	-	-
Boarding house / Room Renting	1320		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dormitories for the students of colleges, commercial schools, staff of hospitals	1320	1320	S	S	S	S	S	S	S	S	P	S	P	P	S	-	-
Family Care Homes (see NCGS § 160D-907) (see §5.12)	6520		P/D	P/D	P/D	P/D	P/D	P/D	P/D	-	-	-	-	-	-	-	-
Group Home / Residential Care Facility, Level I	6520		-	-	-	-	-	-	S	P	P	P	P	P	-	-	-
Group Home / Residential Care Facility, Level II	6520		-	-	-	-	-	-	S	P	P	P	P	P	-	-	-
Group Home / Residential Care Facility, Level III	6520		-	-	-	-	-	-	-	S	S	S	S	S	-	-	-
Group Home / Residential Care Facility, Level IV	6520		-	-	-	-	-	-	-	S	S	S	S	S	-	-	-
Hotel, Motel, and tourist court (see § 5.17)	1330	1330	-	-	-	-	-	-	-	-	P/D	P/D	P/D	P/D	P/D	P/D	P/D
Child and Youth Services	6561		-	-	-	S	S	S	P	-	-	-	-	P	-	-	-
Nursing, Supervision, Adult Care Homes, Group Care Facilities and other rehabilitative services	6520		S	S	S	S	S	S	P	-	P	P	P	P	-	-	-
<b>GENERAL SALES OR SERVICES</b>																	
ABC Store (liquor store), incorporated areas only	2155		-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Administrative Services, Travel Arrangement and Reservation Services, Investigation and Security Services (locksmiths)	2420 – 2440		-	-	-	-	-	-	-	-	P	P	P	P	P	P	P
Agricultural equipment, sales and services	2120		-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Animal Hospitals, Veterinary services, Animal Shelters, Kennels / Animal Pet Services (see § 5.3)	2418 2720		S/D	-	-	-	-	-	-	-	P/D	P/D	P/D	-	-	P/D	P/D
Antique Shops	2145	2230	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P

LAND USE	LBCS Function	LCBS Structure	RA Residential Agricultural	RR Residential Restricted	RN-20 Rural Neighborhood	SN-12 Suburban Neighborhood	SN-9 Suburban Neighborhood	UN-6 Urban Neighborhood	MF-12 Multifamily	NC Neighborhood Commercial	HC Highway Commercial	C-1 Light Commercial & Office	C-2 General Commercial	O&I Office & Institutional	CBD Central Business District	LI Light Industrial	HI Heavy Industrial
	Appliance Sales, Repair and Maintenance, (no outside storage)	2125		-	-	-	-	-	-	-	P	P	P	-	P	P	P
Art dealers, supplies, sales and services	2142		-	-	-	-	-	-	-	P	P	P	P	-	P	P	P
Auction sales, general merchandise (no vehicular sales)	2140		-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Auction sales, vehicular sales			-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Bakeries, retail, including manufacturing of goods for sale on the premises only	2151		-	-	-	-	-	-	-	S	P	P	P	-	P	P	P
Bicycle (non-motorized) Sales and/or Repair	2113		-	-	-	-	-	-	-	S	P	P	P	-	P	P	P
Books, Magazines, music, etc.	2135		-	-	-	-	-	-	-	P	P	P	P	-	P	P	P
Building, Mixed Use – Mixed commercial and residential use where commercial use is primary on first floor, with dwellings occupancy second floors or above (no unenclosed storage) (See §5.35)		2300	-	-	-	-	-	-	-	-	-	-	-	-	P/D	-	-
Camera and Photographic Supplies	2132		-	-	-	-	-	-	-	P	P	P	P	-	P	P	P
Car Washes and Car Care Centers (see § 5.5)		2593	-	-	-	-	-	-	-	-	P/D	-	P/D	-	-	P/D	P/D
Clothing, Jewelry, Luggage, Shoes, etc.	2133		-	-	-	-	-	-	-	P	P	P	P	-	P	P	P
Computer and Software Sales	2131		-	-	-	-	-	-	-	P	P	P	P	-	P	P	P
Consumer Goods, not otherwise listed	2140		-	-	-	-	-	-	-	S	P	P	P	-	P	P	P
Convenience stores, without gas sales	2152	2591	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P
Convenience stores, with gas sales		2591	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P
Consignment Shops, Used Merchandise Store (not otherwise listed)	2145	2240	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Dry cleaning and laundry	2600		-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Electronic equipment (small), sales and service	2120		-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Farm, landscape, and garden supply sales (feed, seed, fertilizer, farm hardware, lawn furniture, mulch, fencing, fountains, statuaries, and other incidental sales of products or related items) – (with indoor storage only)	2123		S	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Farm, landscape, and garden supply sales (feed, seed, fertilizer, farm hardware, lawn furniture, mulch, fencing, fountains, statuaries, and other incidental sales of products or related items) – (with outdoor storage)	2123		S	-	-	-	-	-	-	-	P	-	P	-	-	P	P

LAND USE	LBCS Function	LCBS Structure	RA Residential Agricultural	RR Residential Restricted	RN-20 Rural Neighborhood	SN-12 Suburban Neighborhood	SN-9 Suburban Neighborhood	UN-6 Urban Neighborhood	MF-12 Multifamily	NC Neighborhood Commercial	HC Highway Commercial	C-1 Light Commercial & Office	C-2 General Commercial	O&I Office & Institutional	CBD Central Business District	LI Light Industrial	HI Heavy Industrial
	Farmers Markets and market shops, including open markets		2260	-	-	-	-	-	-	-	-	P	-	P	-	S	-
Finance and Insurance Services (Bank, Credit and Finance, Insurance-related)	2200-2250		-	-	-	-	-	-	-	S	P	P	P	P	P	P	P
Flea markets (indoors)	2145	2580	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P
Flea markets (outdoors) (see § 5.14)	2145	2580	-	-	-	-	-	-	-	-	P/D	-	P/D	-	-	-	-
Florists	2141		-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Food Truck Parks (see §5.47) <b>City of Sanford and Town of Broadway only</b>			-	-	-	-	-	-	-	-	P/D	-	P/D	-	-	-	-
Food Truck Parks (see §5.48) <b>Unincorporated Lee County only</b>			-	-	-	-	-	-	-	-	P/D	-	P/D	-	-	-	-
Freestanding Ice Vending Unit (see § 5.37)			-	-	-	-	-	-	-	-	P/D	-	P/D	-	-	P/D	-
Furniture or home furnishing sales	2121		-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Gasoline stations	2116	2270	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Grocery stores and Supermarkets (less than 25,000 sq. ft. GFA)	2151		-	-	-	-	-	-	-	P	P	P	P	-	P	P	P
Grocery stores and Supermarkets (more than 25,000 sq. ft. GFA)	2151		-	-	-	-	-	-	-	-	P	-	P	-	-	P	-
Hardware, home centers, lumber yard, heating and plumbing etc., outside storage	2122, 2126, 3510, 2127	2592	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Hardware, home centers, lumber yard, heating and plumbing etc., inside storage	2122, 2126, 3510, 2127	2592	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Heavy Equipment, sales and service	2120		-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Leasing / Rental Recreational Goods (Furniture, Party Supplies, Sporting Goods)	2333		-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Leasing, Commercial and Industrial Machinery and Equipment	2334		-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Gun shops and Gunsmiths	2314		-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Mail order or direct selling establishments / Electronic Shopping and Mail-Order Houses	2144		-	-	-	-	-	-	-	-	P	P	P	P	P	P	P
Manufactured home and / or storage building sales (see § 5.21)	2112		-	-	-	-	-	-	-	-	P/D	-	P/D	-	-	P/D	P/D
Mini-warehousing / Self-service storage leasing (see § 5.22)	3600	2710 2720	-	-	-	-	-	-	-	-	P/D	P/D	P/D	-	-	P/D	P/D

LAND USE	LBCS Function	LBCS Structure	RA Residential Agricultural	RR Residential Restricted	RN-20 Rural Neighborhood	SN-12 Suburban Neighborhood	SN-9 Suburban Neighborhood	UN-6 Urban Neighborhood	MF-12 Multifamily	NC Neighborhood Commercial	HC Highway Commercial	C-1 Light Commercial & Office	C-2 General Commercial	O&I Office & Institutional	CBD Central Business District	LI Light Industrial	HI Heavy Industrial
Medical equipment sales, rental or leasing	2120		-	-	-	-	-	-	-	-	P	P	P	P	P	P	P
Monument and cut stone sales			-	-	-	-	-	-	-	-	P	P	P	-	-	P	P
Motion Picture, Video and Audio Production	4221 4223		-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Motorcycle, Motorized Scooters, ATV Sales and/or Leasing / Rental (Indoor display)	2113		-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Motorcycle, Motorized Scooters, ATV Sales and/or Leasing / Rental (Outdoor display)	2113		-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Motor Vehicles, (automobiles), Boats, RV's Sales and/or Leasing/Rental (see § 5.24)	2111 2112 2113 2114 2331 2332 2333 2000		-	-	-	-	-	-	-	-	P/D	-	P/D	-	-	P/D	P/D
Motor Vehicle Parts, Accessories, Tire Sales, enclosed building only	2115		-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Motor Vehicle, Motorcycle, ATV's, Boats, RV's, etc., repair and service	2110 2120	2280	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Motor Vehicle Towing with incidental storage, excluding Salvage Yards & Junkyards	4138		-	-	-	-	-	-	-	-	P	-	-	-	-	P	P
Nurseries and greenhouses, commercial (see § 5.25)	9140	8400	S/D	-	-	-	-	-	-	-	P	P	P	-	-	P	P
Office Building (general)	2200- 2455 5140- 5160 6800- 6820	2100	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Palmistry services, Fortune Tellers, Astrologers	2600		-	-	-	-	-	-	-	-	P	-	P	-	-	-	-
Pawnshops (as defined by NCGS 66-387)			-	-	-	-	-	-	-	-	P	P	P	-	-	P	P
Personal Services (e.g., nail salons, barbers, shoe repair, and similar establishments), not otherwise listed	2600		-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Pet store or pet supply store	2710		-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Pharmacy or Drugstore, without drive-thru facility	2161		-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Pharmacy or Drugstore, with drive-thru facility	2161		-	-	-	-	-	-	-	-	P	P	P	-	-	P	P

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	Printing and Publishing Services	4210		-	-	-	-	-	-	-	P	P	P	P	P	P	P
Professional Services (legal, Accounting, Architectural, Graphic, Consulting Services), Research and Development, Advertising, etc.	2410 2416 2417		-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Real Estate, Sales, Rental & Leasing	2300- 2336		-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Repair of any goods, equipment or vehicles, the manufacture, assembly, or sales of which are permitted in that zoning district			P	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Restaurants, with drive-in or drive-through facilities	2500	2220	-	-	-	-	-	-	-	-	P	P	P	-	-	P	-
Restaurants, no drive-in or drive-through facilities	2500	2220	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-
Retail sales or service establishments, not listed elsewhere, and conducted within an enclosed building	2100		-	-	-	-	-	-	-	S	P	P	P	-	S	P	P
Rural family occupation – Commercial / Industrial Unincorporated Lee County only (see § 5.30)			S/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Services to buildings and dwellings (Extermination, Janitorial, Landscaping, Carpet and Upholstery cleaning, Packing, and crating, etc.), no outside storage	2450- 2455		-	-	-	-	-	-	-	S	P	P	P	P	P	P	P
Services to buildings and dwellings (Extermination, Janitorial, Landscaping, Carpet and Upholstery cleaning, Packing and crating, etc.), with outside storage	2450- 2455		-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Shopping Center, less than 25,000 sq. ft.	2500		-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Shopping Center / Superstore, 25,000 – 100,000 sq. ft. (see § 10.2)	2500		-	-	-	-	-	-	-	-	P/D	-	P/D	-	-	P/D	P/D
Shopping Center / Superstore, over 100,000 sq. ft. (See §10.2)	2500		-	-	-	-	-	-	-	-	P/D	-	P/D	-	-	P/D	P/D
Sporting goods, toys, and hobby sales, excluding guns and gunsmiths	2134		-	-	-	-	-	-	-	S	P	P	P	-	P	P	P
Tattoo Parlor / Tattoo Studio and/or Body Piercing	2600		-	-	-	-	-	-	-	-	P	P	P	-	-	P	P
Tobacco or Tobacconist	2143		-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Upholstery and furniture refinishing	2120		-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Wine Shop (see § 5.43)			-	-	-	-	-	-	-	-	P/D	P/D	P/D	-	P/D	-	-

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	Wholesale trade, generally, with operations conducted entirely within a building and not otherwise listed	3500		-	-	-	-	-	-	-	-	P	-	P	-	-	P
<b>INDUSTRIAL &amp; MANUFACTURING USES</b>																	
Brewery (Regional Brewery and Large Brewery)			-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Brewery (Microbrewery, see § 5.42)			-	-	-	-	-	-	-	-	P/D	P/D	P/D	-	P/D	P	P
Chemicals, plastics, and rubber products	3320		-	-	-	-	-	-	-	-	-	-	-	-	-	S	P
Concrete and Asphalt Plants (see § 5.8)			-	-	-	-	-	-	-	-	-	-	-	-	-	P/D	P/D
Contractors' Offices/Shop with outdoor storage areas	7110-7450		-	-	-	-	-	-	-	-	S	-	S	-	-	S	P
Contractors' Offices/Shop without outdoor storage area	7110-7450		-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Dolls, Toys, Games, and musical instruments	3420		-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Electrical Equipment, appliance and components manufacturing	3360	2621	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Finished nonmetallic mineral products (brick, refractories, ceramics, glass, cement, etc.)	3330		-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Food and Beverage manufacturing	3110		-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Food Manufacturing, Animal Slaughtering and Processing	3110		-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Furniture and Related Products Manufacturing	3230		-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Jewelry and Silverware Manufacturing	3410		-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Junkyard / Automobile Salvage Yard (see § 5.18)			-	-	-	-	-	-	-	-	-	-	-	-	-	-	S/D
Landfills, LCID (2 acres or less in size) (see § 5.19)			P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	-	P/D	P/D
Landfills, C&D or LCID (greater than 2 acres in size) (see §5.20)			S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	-	P/D	P/D
Landfills, Sanitary / Solid Waste (see § 5.20)	4345	6320	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S/D
Leather and Allied Products	3140		-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Machinery and Equipment Manufacturing (w/ indoor storage / operations only)	3350		-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Machinery and Equipment Manufacturing (w/ outdoor storage / operations)	3350		-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Manufactured Housing Manufacturing			-	-	-	-	-	-	-	-	-	-	-	-	-	-	P

LAND USE	LBCS Function	LBCS Structure	RA Residential Agricultural	RR Residential Restricted	RN-20 Rural Neighborhood	SN-12 Suburban Neighborhood	SN-9 Suburban Neighborhood	UN-6 Urban Neighborhood	MF-12 Multifamily	NC Neighborhood Commercial	HC Highway Commercial	C-1 Light Commercial & Office	C-2 General Commercial	O&I Office & Institutional	CBD Central Business District	LI Light Industrial	HI Heavy Industrial
Manufacturing, excluding other uses listed in this table	3100-3230; 3400-3520		-	-	-	-	-	-	-	-	-	-	S	-	-	S	P
Metal Manufacturing (excluding smelting operations)	3340		-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Metal Manufacturing (including smelting operations)	3340		-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Mining and Quarrying ( <i>City of Sanford only</i> )	8000-8500		Permitted only within the Mining Special Use Overlay District, See Section 4.16 of this Ordinance														
Mining and Quarrying ( <i>Lee County &amp; Town of Broadway</i> ) (See §5.23)	8000-8500		-	-	-	-	-	-	-	-	-	-	-	-	-	-	S/D
Oil and Gas Exploration, Development and Production	8100		S	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Gas Compressor Station	8100		S	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Office Supply, inks, etc. manufacturing (except paper)	3430		-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Paper and Printing Materials manufacturing	3220		-	-	-	-	-	-	-	-	-	-	P	-	-	P	P
Petroleum, Asphalt & Coal Manufacturing	3310		-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Pharmaceutical Manufacturing			-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Pottery Manufacturing & Sales			P	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Retail outlets for products manufactured on premises			-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Sawmills or Planing Mills			-	-	-	-	-	-	-	-	-	-	-	-	-	S	P
Sign manufacturing	3440		-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Storage of Flammable Liquids (in bulk) Above Ground Storage (see § 5.31)			-	-	-	-	-	-	-	-	-	-	-	-	-	S/D	S/D
Textile Mills & Apparel Manufacturing	3130		-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Tire Recapping			-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Tobacco Manufacturing	3120		-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Transportation equipment, automobiles, aircraft, boat, railroad, etc.	3770		-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Warehouse structures, generally	3600	2730 2740 2750 2760	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P
Wood products (except furniture)	3210		-	-	-	-	-	-	-	-	-	-	-	-	-	P	P

LAND USE	LBCS Function	LBCS Structure	RA Residential Agricultural	RR Residential Restricted	RN-20 Rural Neighborhood	SN-12 Suburban Neighborhood	SN-9 Suburban Neighborhood	UN-6 Urban Neighborhood	MF-12 Multifamily	NC Neighborhood Commercial	HC Highway Commercial	C-1 Light Commercial & Office	C-2 General Commercial	O&I Office & Institutional	CBD Central Business District	LI Light Industrial	HI Heavy Industrial
<b>ARTS, RECREATION, &amp; ENTERTAINMENT</b>																	
Aquarium or Planetarium		4420 4430	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-
Adult Establishments (see § 5.2)			-	-	-	-	-	-	-	-	-	-	-	-	-	-	S/D
Amphitheater		3130	S	-	-	-	-	-	-	-	P	P	P	P	-	P	-
Amusement or Theme Park Establishment	5310		-	-	-	-	-	-	-	-	S	-	S	-	-	S	P
Art Galleries	5210	4400	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-
Botanical gardens & arboreta	5230	4450	P	-	-	-	-	-	-	-	P	P	P	-	-	P	P
Bowling Alley	5380	3200	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Campgrounds (see § 5.29)	5400		S/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Drive-in Theaters (see § 5.11)		3140	-	-	-	-	-	-	-	-	P/D	-	P/D	-	-	P/D	-
Entertainment Establishments (lounges, discos, nightclubs, pool halls, and/or private clubs (see § 5.26)			-	-	-	-	-	-	-	-	P/D	P/D	P/D	-	-	P/D	P/D
Exhibition, convention, or conference structure		3400	-	-	-	-	-	-	-	-	S	S	P	P	P	P	P
Fitness and recreational sports, gym, health spa, reducing salon, swimming pool / auditorium, racquet club or athletic club (not otherwise listed)	5370		S	S	S	S	S	S	S	S	P	P	P	P	P	P	P
Golf courses, public and private	5370		S	S	S	S	S	S	S	-	-	-	-	P	-	P	P
Golf driving ranges	5370		S	S	S	S	S	S	S	-	P	P	P	P	-	P	P
Golf, miniature	5340		-	-	-	-	-	-	-	-	P	P	P	-	-	P	P
Hunting and trapping, game retreats, game and fishing preserves	9520		S	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Movie Theater		3120	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Museums and art galleries	5210	4400	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-
Outdoor stage, bandstand, or similar structure (maximum 3,000 sq. ft.)		6970	S	-	-	-	-	-	-	-	-	P	P	-	P	P	P
Parks, playgrounds, and athletic fields operated on a noncommercial basis	5500		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Performance Theaters (outdoor)	5110	3110	S	-	-	-	-	-	-	-	-	P	P	-	P	P	P
Performance Theaters or auditoria (indoor)	5110	3110	S	-	-	-	-	-	-	-	P	P	P	-	P	P	P

LAND USE	LBCS Function	LCBS Structure	RA Residential Agricultural	RR Residential Restricted	RN-20 Rural Neighborhood	SN-12 Suburban Neighborhood	SN-9 Suburban Neighborhood	UN-6 Urban Neighborhood	MF-12 Multifamily	NC Neighborhood Commercial	HC Highway Commercial	C-1 Light Commercial & Office	C-2 General Commercial	O&I Office & Institutional	CBD Central Business District	LI Light Industrial	HI Heavy Industrial
	Racetracks, drag strips (motorized vehicles) (see § 5.27)	5130		S/D	-	-	-	-	-	-	-	-	-	-	-	-	P/D
Recreation activities, commercial indoor, not otherwise listed	5300		S	-	-	-	-	-	-	-	P	P	P	-	S	P	P
Recreation activities, commercial outdoor (defined in Article 5), not otherwise listed (see §5.28)	5310	4440	S/D	-	-	-	-	-	-	-	-	-	P/D	-	-	P/D	P/D
Skating Rink – Ice or Roller Skating	5390		-	-	-	-	-	-	-	-	P	P	P	-	-	P	P
Sports stadiums or arenas	5120		S	S	S	S	S	S	S	-	P	P	P	S	S	P	P
Stables / Riding Academies		8240	P/D	P/D	-	-	-	-	-	-	-	-	-	-	-	-	-
Stable, Accessory to Dwelling	5300	8240	P/D	P/D	P/D	-	-	-	-	-	-	-	-	-	-	-	-
Studios for artists, designers, musicians, photographers, sculptors, woodworking (not as home occupation)	5210	4410	S	-	-	-	-	-	-	P	P	P	P	-	P	-	-
Travel Trailer Parks (see § 5.36)			S/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Zoos	5230	4450	S	-	-	-	-	-	-	-	P	P	P	-	-	P	P
<b>EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND INSTITUTIONAL</b>																	
Cemeteries, public and private (does not include individual family plots) (see § 5.6)		4700	P/D	S/D	S/D	S/D	S/D	S/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D
Civic, Social, and Fraternal Organizations, including community centers, meeting halls, community halls, reception halls, wedding halls, for assembly and recreation	6830	3700 3800	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P
Community Food Service (see § 5.7)	6563		-	-	-	-	-	-	-	-	-	P/D	P/D	-	-	P/D	-
Correctional facilities (see § 5.9)	6222	4600	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/D
Crematorium & Embalming	6720	4800	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P
Day Care facility, Child Care Center (see § 5.10)	6562		S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	P/D	P/D	P/D	P/D	P/D	-	-
Day Care facility, Home Child Care (see § 5.10)	6562		P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	-	-
Day Care facility, Adult (see § 5.38)	6566		S/D	S/D	S/D	S/D	S/D	S/D	S/D	P	P	P	P	P	P	-	-
Fire, sheriff, and emergency services	6400- 6430	4500- 4530	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P
Funeral homes	6710	4800	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P
Governmental Functions, not otherwise listed	6200- 6221		S	S	S	S	S	S	S	P	P	P	P	P	P	P	P
Hospitals	6530	4110	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-

LAND USE	LBCS Function	LCBS Structure	RA Residential Agricultural	RR Residential Restricted	RN-20 Rural Neighborhood	SN-12 Suburban Neighborhood	SN-9 Suburban Neighborhood	UN-6 Urban Neighborhood	MF-12 Multifamily	NC Neighborhood Commercial	HC Highway Commercial	C-1 Light Commercial & Office	C-2 General Commercial	O&I Office & Institutional	CBD Central Business District	LI Light Industrial	HI Heavy Industrial
	Libraries		4300	S	S	S	S	S	S	S	P	P	P	P	P	P	-
Medical and dental clinics or offices, ambulatory or outpatient care, family planning and care, and blood or organ banks	6510-6514	4120	-	-	-	-	-	-	-	S	P	P	P	P	P	-	-
Post Office	6310		-	-	-	-	-	-	-	-	P	P	P	P	P	P	P
Religious Complex (less than 350 seats), new site	6600	3500	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Religious Complex (more than 350) seats, new site	6600	3500	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Religious Complex (any size), addition to existing complex/site	6600	3500	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Schools, Continuing Education (alternative, adult, colleges, and universities, and technical, trade, and other specialty schools)	6124-6144, 6147	4220	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P
Schools, Pre-K – Secondary (nursery and preschool, grade schools, elementary, middle, and high school), new site	6110-6123	4210	S	S	S	S	S	S	S	P	P	P	P	P	S	S	S
Schools, Pre-K – Secondary (nursery and preschool, grade schools, elementary, middle, and high school), addition to existing site	6110-6123	4210	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Schools, Fine and Performing Arts	6145		-	-	-	-	-	-	-	-	-	P	P	P	P	-	-
Social assistance, welfare and charitable services	6560-6568		-	-	-	-	-	-	S	S	P	P	P	P	S	S	-
<b>TRANSPORTATION, COMMUNICATION, AND UTILITIES</b>																	
Airports, Heliports, and Support Establishments	4110-4114	3920-5600-5650	S	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Bus passenger stations / terminals / shelters	4133	5300	-	-	-	-	-	-	-	-	P	-	P	-	P	P	P
Freight Terminals & Truck Terminals	4140-4144		-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Gas or electric generation distribution facilities, compressor stations, or substations	4310-4320	6410-6422-6440-6460	S	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Hazardous waste facilities (subject to NCGS § 130A-293) (see § 5.15)		6340	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S/D
Parking lots, parking structures or underground parking areas (commercial or governmental)		5200-5250	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P
Power generation plants or substations		6430-6434	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S

LAND USE	LCBS Function	LCBS Structure	RA Residential Agricultural	RR Residential Restricted	RN-20 Rural Neighborhood	SN-12 Suburban Neighborhood	SN-9 Suburban Neighborhood	UN-6 Urban Neighborhood	MF-12 Multifamily	NC Neighborhood Commercial	HC Highway Commercial	C-1 Light Commercial & Office	C-2 General Commercial	O&I Office & Institutional	CBD Central Business District	LI Light Industrial	HI Heavy Industrial
	Public utility storage and service yards			-	-	-	-	-	-	-	-	-	-	S	-	-	P
Radio and TV stations and studios (excluding transmission towers)	4231		-	-	-	-	-	-	-	-	P	P	P	P	P	P	P
Railroad freight yards, repair shops/sheds and marshalling yards	4123	5720	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Sewage treatment and water treatment plants	4340		S	S	S	S	S	S	S	S	S	S	S	S	S	P	P
Solar Collectors, Commercial (see § 5.39)	4310		S/D	S/D	S/D	S/D	-	-	S/D	S/D	S/D	S/D	S/D	S/D	-	S/D	S/D
Solar Collectors, Residential (see § 5.40)			P/D	P/D	-	-	-	-	-	-	-	-	-	-	-	-	-
Solid Waste Collection, Transfer and/or disposal (Non-Hazardous)	4343		-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Solid Waste Convenience Centers			-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Solid Waste Combustor or Incinerator	4344	6330	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
Taxi and Limousine Service	4137		-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Telecommunication Towers (see § 5.33)	4230	6500	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D
Utility lines (including electric lines, phone/cable lines, distribution circuits, gas/fuel lines, water lines, steam/air conditioning lines, irrigation channels, and sewer/wastewater lines)		6100-6162	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
<b>AGRICULTURE</b>																	
Animal Production and Support Services (unincorporated Lee County)	9300-9380	8200	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Animal Production and Support Services (Sanford and Broadway)	9300-9380	8200	S	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Crop Production and Support Functions (unincorporated Lee County)	9100-9240	8100	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Crop Production and Support Functions (Sanford and Broadway)	9100-9240	8100	P	S	S	S	S	S	P	P	P	P	P	P	P	P	P
Forestry and Logging and Support Services (unincorporated Lee County)	9400-9430		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Forestry and Logging and Support Services (Sanford and Broadway)	9400-9430		S	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Livestock Sales and markets	9200		P	-	-	-	-	-	-	-	-	-	-	-	-	-	P
SIGNS – SEE ARTICLE 11 OF THIS ORDINANCE																	
TEMPORARY USES – SEE § 5.34 OF THIS ORDINANCE																	

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## 4.7 DIMENSIONAL AND DENSITY REGULATIONS

### **4.7.1 PURPOSE**

This section establishes minimum and maximum standards for the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings pursuant to NCGS 160D-702.

Developments in the Village Neighborhood Development shall be governed by their respective sections in this Ordinance and shall not be subject to the dimensional and density regulations of this § 4.7 or Table 4.7-1.

### **4.7.2 DENSITY REGULATIONS**

#### **4.7.2.1 SINGLE-FAMILY RESIDENTIAL DENSITY**

For Conventional Subdivisions, the ordinance does not establish a maximum or minimum number of total permitted dwelling units, because the total number of dwelling units is governed by minimum lot size.

#### **4.7.2.2 NON-RESIDENTIAL AND MULTI-FAMILY DENSITY**

Impervious surface ratio is the measurement tool used to regulate density for non-residential zoning districts. Impervious surfaces include all buildings or structures measured at their greatest extent and so as to include areas overhung by eaves, balconies, and other projecting features of the structure; also, all paved or otherwise hard-surfaced areas such as buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), and similar hard-surfaced areas. Impervious surface ratio is a measure of the amount of impervious area that covers a parcel or tract. As an example, a maximum impervious surface ratio of 0.7 indicates that a maximum of 70% of the land area may be covered with an impervious surface.

Table 4.7-1 establishes a maximum impervious surface ratio for each of the non-residential zoning districts.

### **4.7.3 DIMENSIONAL REGULATIONS**

#### **4.7.3.1 SETBACKS**

Setbacks for buildings or structures are measured as the area between the furthest projection of a principal structure and the lot line on which the structure is located, except as modified by the standards of this Section. Setbacks shall be unobstructed from the ground to the sky except as specified in this Section. Building setbacks for each zoning district are set forth in Table 4.7-1.

The following features may encroach into a required building setback:

- Bay windows or other structural overhang, not to exceed three (3) feet;
- Chimneys, not to exceed two (2) feet;

- 
- Heating and cooling units, not to exceed (3) feet;
  - Overhanging roof, eave, gutter, cornice, or other architectural feature and awnings, not to exceed 2 feet;
  - Steps, stairs or fire escapes (non-enclosed), not to exceed 6 feet;
  - Any accessory building or use customarily incidental to the permitted primary use or building as allowed in accordance with § 5.1, “Accessory Uses and Structures”.

#### **4.7.3.2 SETBACKS FOR LOTS WITH MORE THAN ONE STREET FRONTAGE**

Structures shall meet the front yard setback from all abutting street rights-of-way unless otherwise provided in this Ordinance. For undeveloped multiple frontage lots, the developer has the option to determine which yard shall be considered the “front” so long as the structure to be constructed on said lot shall have its front facing the same yard. For the purposes of applying setbacks to an existing developed lot, the front yard setback shall be defined as the yard with the shortest amount of street frontage. All other frontages shall be considered street side yards and the rear yard shall be that yard that is opposite the designated front yard. For the purposes of determining setback distance, a street side yard shall be considered the same as a front yard and shall meet the respective front yard setback.

#### **4.7.3.3 PROVISIONS FOR REDUCED FRONT YARD SETBACK IN DEVELOPED AREAS**

- (a) The minimum or maximum front setback may be reduced for any lot where the average established front setback on developed lots located within 300 feet on each side of such lot, and fronting on the same street as such lot, is less or more than the minimum or maximum required setback. In such cases, the minimum or maximum front setback on such a lot may be less or more than the required front setback, but not vary by more than five (5) feet from the average of the existing front setbacks on the developed lots within 300 feet of each side.
- (b) Where the applicant requests an adjustment in the front setback, the average setbacks shall be provided by the applicant based upon public records or actual measurements. Where the Administrator requires an adjustment in the maximum front setback, such information shall be provided by the Department of Community Development. The Department of Community Development is also authorized, but not required, to provide data pertaining to the average setback for designated areas of the County for purposes of this section.

#### **4.7.4 HEIGHT REGULATIONS**

##### **4.7.4.1 MEASUREMENT**

Building height is measured as the vertical distance between the average natural grade between the lowest and highest grades along the foundation and 1) the average height level between the eaves and ridge line of a gable, hip or gambrel roof; or 2) the highest point of a mansard roof; or 3) the highest point of the coping of a flat roof.

##### **4.7.4.2 EXCEPTIONS TO HEIGHT RESTRICTIONS**

Zoning district height limits shall not apply to:

- belfries, cupolas, spires, or domes,
- monuments,
- airway beacons,
- structures for essential services,
- windmills,
- flagpoles,
- chimneys and chimney flues,
- telecommunications towers (subject to the provisions of § 5.33 of this Ordinance).
- bulkhead,
- elevator,
- water tank,
- or to any similar structure or necessary mechanical appurtenance extending above the roof of any building if such structure does not occupy more than 33 percent of the area of the roof.

TABLE 4.7-1: DENSITY AND DIMENSIONAL STANDARDS

ZONING DISTRICT	Minimum Lot Size (Sq. Ft.) (see Note 2)	Maximum Density (Units per Acre)	Maximum Impervious Surface Ratio (see Note 3)	Minimum Lot Width (in feet) (see Notes 2 and 5)	Minimum Lot Depth (in feet) (see note 5)	Maximum Lot Width-to-Depth Ratio (See Note 4)	Maximum Building Height (in feet)	Minimum Front Setback (in feet) (see Note 2)	Minimum Side Setback (in feet) (see Notes 2 & 9)	Minimum Rear Setback (in feet) (see Note 2)
RESIDENTIAL AGRICULTURAL (RA)	40,000	-	-	100	150	1:4	40	30	15	30
RESTRICTED RESIDENTIAL (RR)	30,000	-	-	100	125	1:4	40	30	15	30
RURAL NEIGHBORHOOD (RN-20)	20,000	-	-	80	125	1:4	40	30	12	12
SUBURBAN NEIGHBORHOOD (LOW) (SN-12)	12,000	-	-	75	100	1:4	40	20	10	10
SUBURBAN NEIGHBORHOOD (MEDIUM) (SN-9)	9,000	-	-	60	100	1:4	40	20	8	10
URBAN NEIGHBORHOOD (UN-6) <i>for detached single-family</i>	6,000	-	-	50	100	1:4	40	20	5	10
URBAN NEIGHBORHOOD (UN-6) <i>for attached single-family (townhouses)</i>	2,000	-	-	20	100	1:4	40	20	0 or 5	10
MULTI-FAMILY (MF-12)	-	12	-	50	100		60	20	20	20
NEIGHBORHOOD COMMERCIAL (NC)	-	-	0.7	50	100		50	10	0	0
OFFICE & INSTITUTIONAL (O&I)	-	-	0.7	50	100		60	10	0	0
LIGHT COMMERCIAL & OFFICE (C-1)	-	-	0.7	50	100		50	10	0	0
HIGHWAY COMMERCIAL (HC)	-	-	0.8	50	100		-	10	0	0
GENERAL COMMERCIAL (C-2)	-	-	0.8	50	100		-	10	0	0
CENTRAL BUSINESS DISTRICT (CBD)	-	-	1.0	-	-		-	0	0	0
LIGHT INDUSTRIAL (LI)	-	-	0.8	80	100		-	30	0	0
HEAVY INDUSTRIAL (HI)	-	-	0.9	100	100		-	30	0	0

**NOTE 1:** A dash (-) indicates that the requirement does not apply within the particular zoning district. Fractions shall be rounded up.

**NOTE 2:** Minimum Lot Size and Minimum Lot Width apply to lots within a conventional subdivision. Lot size requirements for Village Neighborhood Developments are governed within the specific sections of this Ordinance that addresses these optional development styles.

**NOTE 3:** The impervious surface figure is expressed as a ratio (see Appendix A for definitions). Additional impervious surface restrictions might apply to portions of a site located within the Watershed Conservation Overlay District.

**NOTE 4:** The Maximum Lot Width-to-Depth ratio applies to all lots created under the Major Subdivision procedure as set forth in Article 6 of this UDO, except for cul-de-sac lots, which shall be exempt from this provision. Lots created under the Minor Subdivision procedures are exempt from these requirements.

**NOTE 5:** Multifamily Dwellings, Townhouses, etc., are governed by additional standards. Refer to §10.3 and §5.50 of this UDO for additional standards and regulations.

**NOTE 6:** For cul-de-sac and/or corner lots, see § 6.6 Lot Design Standards.

**NOTE 7:** Any ramp or other structure constructed to comply with the standards of the Americans with Disabilities Act (ADA) or other similar Building Code requirement for the purpose of providing handicap access to a building shall be exempt from the required setbacks of this Table 4.7-1.

**NOTE 8:** For townhouse developments, corner lots (structures with frontages on two rights-of-way at a corner or intersection) shall have a side setback of 15ft. For townhouse developments, side setbacks for townhomes when abutting a parcel unrelated to the subject development shall be 5ft.

4.8 RESERVED

4.9 RESERVED

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## 4.10 VILLAGE NEIGHBORHOOD DEVELOPMENT (VND)

The Village Neighborhood Development option is intended to provide an opportunity for the development of land in a manner consistent with the historic and timeless principles of existing neighborhoods within Sanford and the surrounding areas. The Village Neighborhood Development (VND) combines a variety of housing types and lot sizes with commercial and civic components to form a compact, walkable neighborhood setting. The Village Neighborhood features a highly interconnected street network and setbacks appropriate to create a public realm built on a human scale. This Conditional Zoning District is intended to help the City of Sanford and the Town of Broadway achieve the following developmental goals:

- To establish growth areas within the community where existing and planned infrastructure will support higher density and more intense growth and development (*Plan SanLee* Objective 1)
- Preserve and protect the character of existing residential neighborhoods, historic districts, and similar community assets from encroachment by incompatible development while promoting ongoing investment and development around such areas (*Plan SanLee* Objective 4)
- Promote the long-term sustainability of Lee County's rich rural and agricultural heritage by directing growth away from productive farming areas and concentrating development in the urbanized portions of Lee County (*Plan SanLee* Objective 6)
- Enhance the functionality of the local and regional transportation network by aligning land use patterns with the existing and planned capacity of the region's streets and highways, promoting connectivity, and developing in a manner that encourages alternative modes of transportation (*Plan SanLee* Objective 5)
- Enhance the aesthetic character of legacy commercial corridors and business districts by promoting reinvestment, redevelopment, and retrofitting that matches the urban form and quality standards promoted by the *Plan SanLee* (Objective 3)
- Protect and preserve the environmental quality of Lee County through reasonable environmental regulations and context-sensitive development standards to prevent negative effects of development on flood plains, ground water, air quality, forests, wetlands, and wildlife habitat (*Plan SanLee* Objective 7)
- To adopt and implement land use regulations that support development patterns that are consistent with the overall strategic objectives of the plan and conform to the land use vision promoted by the long-range plan (*Plan SanLee* Objective 10)

The VND concept is particularly well-suited to the *Plan SanLee's* emphasis on identifiable neighborhoods and community. By providing compact residential development linked with pedestrian facilities, commercial and civic components within walkable distances of residential areas, dispersed and functional open space accessible to all residents, and an identifiable edge, a Village Neighborhood Development provides a sense of community.

#### 4.10.1 APPLICABILITY

The Village Neighborhood Development is recommended for large-scale residential major subdivisions that exceed 125 total lots/units. For proposed developments that exceed 375 total lots/units, a non-residential component (either commercial or civic in nature) shall be required in proportions referenced in Table 4.10-3 of this Section. The provisions of this Section apply to any application for a VND as provided in § 4.10.2. Furthermore, it is understood that the standards as set forth in the remainder of this section are intended as general guidelines for the creation of a conditional zoning district in which the subdivider/developer has the flexibility to create a distinct sense of place. A proposed Village Neighborhood Development may deviate from the standards as set forth in this section if it can be demonstrated to the satisfaction of the Zoning Administrator that the alternative approach is in keeping with the spirit of a traditional neighborhood.

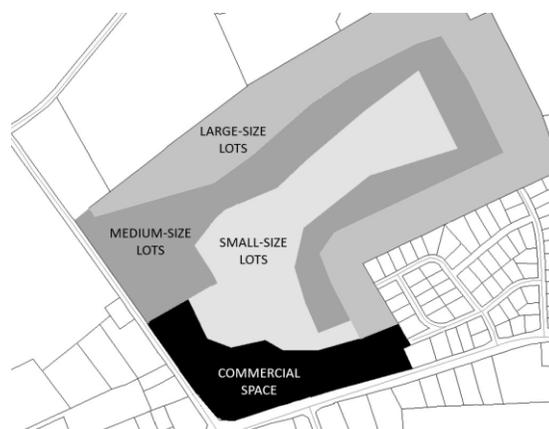
#### 4.10.2 PROCESSING PROCEDURES

A Village Neighborhood Development shall be considered a conditional zoning district and shall be processed in accordance with § 3.4 of this Ordinance. Applicants for the VND must follow the process put forward in Table 4.10-1 of this section for the review and approval of a Village Neighborhood District.

##### (A) VILLAGE NEIGHBORHOOD DEVELOPMENT – CONCEPTUAL REVIEW

Applicants have the option to request a zoning map amendment to establish a Village Neighborhood Developments (VNDs) based upon a conceptual site plan. This site plan provides the applicant or developer with an opportunity to commit to self-imposed land use standards and lot sizes associated with the development site before marketing the project to a builder, or moving forward with developing the site themselves. The conceptual review process does not include the required review of engineered construction drawings, but must include minimal design details, including maximum densities and intended land uses. The concept plan option is intended to provide a preliminary overall plan for the extent and intensity of development for specific areas within a development site.

##### FIGURE 1: EXAMPLE OF A CONCEPTUAL DEVELOPMENT PLAN



**(B) VILLAGE NEIGHBORHOOD DEVELOPMENT – OVERALL REVIEW**

If a VND zoning map amendment request is approved by the appropriate jurisdiction’s governing board, the applicant or developer may then move forward with a more detailed engineered site plan for review and approval. A site plan-specific development plan, which shall include details such as lot dimensions, street locations and hierarchy, utilities layout, open space locations, phase lines, the location of residential, commercial, multi-family and/or civic building lots, and a master signage plan, as well as other engineering-level details should be submitted to the Department of Community Development for a full technical review. This process is intended to provide developers with an opportunity to have a large-scale project reviewed by the appropriate jurisdiction’s Planning Board and governing board and have both the zoning map amendment and the preliminary plat(s) approved before construction. This process is also intended to provide assurance to governing boards that the development will not be modified or subject to further review. This process, however, does not include any reviews or approvals required by the North Carolina Department of Transportation, the respective municipality’s Public Works Department, or any other agency that may need to review and approve site plans for development.

**TABLE 4.10-1 REVIEW PROCESS FOR VILLAGE NEIGHBORHOOD DEVELOPMENT**

<b>VND REVIEW PROCESS OVERVIEW</b>
Pre-Application Conference with Community Development Staff
TRC (Technical Review Committee) Concept Review
Annexation Petition (if applicable)
Neighborhood Information Meeting with Adjoining Property Owners
Zoning Map Amendment (rezoning) Review – Joint Public Hearing with Planning Board and Governing Board
Zoning Map Amendment (rezoning) Review – Final Decision by Governing Board
TRC (Technical Review Committee) – Full Engineered Plan Review

**4.10.3 SUBAREAS**

The total site to be developed for Village Neighborhood Developments shall consist of a minimum of ten (10) acres in size. The development site may be divided into the following subareas:

- A) Residential single-family areas which shall consist of a variety of housing choices (attached and detached single-family dwellings), a variety of lot sizes (ranging between large lots, mid-size lots, and small lots), and architectural diversity. Larger lots intended for single-family dwellings shall be located along the exterior perimeter of each Neighborhood that abuts existing subdivisions, while smaller, denser single-family lots shall be concentrated further towards the focal point or

Non-Residential component of the neighborhood and towards larger, undeveloped abutting tracts of land that could be developed in the future.

- B) A Village Main Street area which shall consist of a focal point of non-single-family residential (either civic, institutional, or light commercial development). Multi-family residential uses may also be incorporated into the design as the Village Main Street area. Mixed-use developments are encouraged. Retail and service uses may designate the entire building area above the ground floor or the second floor for residential use, so long as adequate off-street parking exists in accordance with Article 8 of this Ordinance. The Non-Residential area shall consist of designations for Light Commercial (C-1), Neighborhood Commercial (NC), or Office & Institutional (O&I), or Multi-Family (MF-12), and uses permitted within those zoning districts.
- C) Parks and Open Space, including a Perimeter Greenbelt (See § 4.8.9.1 of this Ordinance). Parks are intended to provide accentuating focal points and community gathering spaces, while the Perimeter Greenbelt provides a clear edge to the community, open space for community residents, and natural areas for storm water management.
- D) Multi-Family development shall comply with the standards set forth in § 10.3 of this Ordinance. Multi-Family development shall comprise no greater than 25% of the total site’s land area. A multi-family component may be included in the design, but is not required as a part of the overall development.

**4.10.4 LOT SIZE DIVERSITY STANDARDS**

A diversity in housing types and lot sizes is encouraged. Each VND development shall have a variety of housing choices provided for homebuyers.

**TABLE 4.10-2 LOT SIZE CATEGORIES**

Minimum Lot Size	Minimum Lot Width	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback
<b>Townhouse Lot</b> (min. 2,000sf)	<b>REFER TO TABLE 4.7-1 AND §5.50 FOR TOWNHOUSE STANDARDS</b>			
<b>Cottage Lot</b> (min. 4,000sf)	40ft	10ft	5ft	10ft
<b>Small Lot</b> (min. 6,000sf)	50ft	20ft	5ft	10ft
<b>Medium Lot</b> (min. 9,000sf)	60ft	20ft	8ft	10ft
<b>Large Lot</b> (min. 12,000sf)	75ft	20ft	10ft	10ft

**4.10.4.1** For every 200 units of single-family residential dwellings proposed within a VND project, another lot size must be provided within the development as shown in Table 4.10-2 until all lot size types are provided (e.g.: if a development exceeds 1,000 lots, all five lot size types must be included in

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the design). Each lot size category provided shall not be less than 5% of the total number of lots proposed. **4.10.4.2** New development associated with a VND development that abuts existing residential subdivisions shall be of a comparable lot size, or no more than one Lot Size Category (as described in Table 4.10-3) removed from the existing, abutting development.

#### **4.10.4.3 ACCESSORY DWELLINGS**

Accessory dwellings shall be permitted within a VND on any lot designated for single-family detached dwellings, consistent with § 5.1 of this Ordinance.

### **4.10.5 VILLAGE NEIGHBORHOOD DEVELOPMENT DESIGN STANDARDS & SPECIFICATIONS**

#### **4.10.5.1 LOT ARRANGEMENT & DIMENSIONS**

**4.10.5.2** The area of the VND shall be divided into blocks, streets, lots, and open space. Grading of blocks shall not produce abrupt “V” ditches, swales, or other disruptions to the landscape between dwellings on either individual lots or the same lot. The use of either a crawl space and/or stem-wall design is required to meet the characteristics of site development.

**4.10.5.3** All buildings (excluding accessory buildings) shall have an entrance which opens to a public street, a public sidewalk, a square, or a plaza. This façade shall be considered the front of the building, and the façade facing the rear lot line shall be considered the rear of the building.

**4.10.5.4** The minimum lot dimensions, setbacks, and development intensities for principal buildings shall be as set forth in Table 4.10-2 of this Ordinance. Setbacks for accessory structures shall comply with § 5.1 of this Ordinance. The frontage and setback requirements shall not apply to Parks and Open Space.

For any single-family detached lots proposed to have a minimum lot width less than 50ft, the lots must be rear-loaded and served by either a back alley or, if creating a double-frontage lot, a public street.

**4.10.5.5** Corner lot setbacks shall be the same as a front setback unless otherwise specified by the applicant and noted on their site plan, subject to review and approval by the TRC and appropriate jurisdiction’s governing board.

**4.10.5.6** The impervious surface standards set forth in Table 4.7-1 of this Ordinance shall apply to all Non-Residential development within a VND development. Impervious surface standards set forth in the Watershed Conservation Overlay District standards found in § 4.84 of this Ordinance shall take precedence over the standards found in Table 4.7-1 for any development

#### **4.10.6 STREET & ALLEY DESIGN**

**4.10.6.1** All proposed internal streets within a Village Neighborhood Development shall be publicly maintained by the appropriate municipal jurisdiction. Such public streets shall include street types described in either the City of Sanford’s or the Town of Broadway’s *Technical Standards & Specifications Manual* and shall conform to the technical specifications of the appropriate jurisdiction.

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**4.10.6.2** Both sides of public streets proposed within a Village Neighborhood Development shall include the following:

- Pedestrian sidewalks of at least 5 feet in width.
- Curb & gutter.
- A planting strip of at least 7 feet in width.

**4.10.6.3** Internal streets providing access to a Village Neighborhood Development shall be aligned perpendicular to Collector or higher order streets, unless otherwise approved by the North Carolina Department of Transportation or the appropriate municipality's Public Works Department.

**4.10.6.4** All lots created within a Village Neighborhood Development shall have access to a proposed or existing public street. However, attached and detached single-family dwellings may be separated from a public right-of-way by a strip of land under common ownership by the owners of the lots wherein access and utility easements, where necessary, are established. Vehicular access, may be provided by privately maintained proposed, or existing, alleyways. Back alleyways that provide vehicular access to dwellings that front an existing or proposed public street are an encouraged design feature. Proposing residential dwellings with backyards facing existing or proposed public streets should be avoided whenever practical.

**4.10.6.5** Public streets and alleys shall, whenever practical, terminate at other public streets proposed within the Village Neighborhood Development and connect to existing and project streets ("stub streets") outside of the development. Any proposed stub streets within the Village Neighborhood Development shall include a guard rail at or near the property line, with signage posted indicating that a street extension is intended for future development. Such signage shall be maintained by the HOA or responsible organization.

**4.10.6.6** A permanent access and utility easement shall be required for the full length of all proposed alleys in which utilities may be installed, or in which access may be needed for the provision of public services, such as solid waste collection or utility maintenance.

**4.10.6.7** An array of street design elements that are combined to meet the purposes of a Village Neighborhood Development include:

- Building placement line
- Right-of-way line
- Operational utility location
- Sidewalks
- Planting strips
- Curb & gutter
- Travel lanes
- Optional parallel on-street parking

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Alternative methods of assembling the required street elements shall be considered by the Public Works Department to allow the neighborhood street designs that are most appropriate to setting and use.

**4.10.6.8** Block lengths within a Village Neighborhood Development shall measure at least 250 linear feet and shall not exceed 900 linear feet. The Zoning Administrator will have discretion to allow block lengths that exceed 900 linear feet for lots along the exterior of development sites.

**4.10.6.9** Blocks proposed within the Village Neighborhood Development shall include an improved pedestrian walkway (asphalt, concrete, recycled rubber, or other comparable material approved by the Zoning Administrator) perpendicular to the street when block lengths exceed 600 linear feet. This walkway shall provide pedestrian access links to parallel streets on either side of the block. A pedestrian crosswalk of at least eight (8) feet in width at mid-block alignment with the pedestrian walkway shall also be provided.

**4.10.6.10** A separate, paved pedestrian walkway connection, measuring no less than 4 feet in width, shall be provided to connect the primary front entryway of each dwelling to either the dwelling's private driveway or the public sidewalk.

**4.10.6.11** All private driveways within a proposed Village Neighborhood Development shall be paved with either asphalt or concrete.

#### **4.10.7 STREET TREES**

**4.10.7.1** Street trees shall be required for all proposed internal public streets within a Village Neighborhood Development and shall comply with the following standards:

- (a) one (1) large tree shall be required for every eighty (80) linear feet of public street.
- (b) Street trees shall be a minimum of fifteen (15) feet apart and a maximum of ninety (90) feet apart. Street trees may be evenly spaced or spaced to accommodate existing or proposed site features, such as utilities, street intersections, driveways, or sight distance triangles.
- (c) street trees must be planted within the 7-foot planting strip required along all proposed public streets as prescribed in § 4.10.5.2.
- (d) Street trees shall be planted to be as centered within the planting strip as much as practical, but planting location may be adjusted to accommodate utilities or other appurtenances.
- (e) A variety of tree species are encouraged, but single species of street trees shall be used for each residential block.
- (f) Street tree species along streets developed with **detached single-family dwellings** must be selected from the following list:

- American Elm (*Ulmus Americana*)
- American Hornbeam (*Carpinus caroliniana*)
- American Sweetgum (fruitless) (*Liquidambar Styraciflua*)
- Amur Corktree (*Phellodendron amurensis*)
- Bald Cypress (*Taxodium distichum*)
- Black Gum (*Nyssa sylvatica*)
- Bosque Elm (*Ulmus Parvifolia*)
- Chinese Pistache (*Pistacia chinensis*)
- Dawn Redwood (*Metasequoia glyptostroboides*)
- Goldenraintree (*Koelreuteria paniculate*)
- Green Ash (*Fraxinus pennsylvanica*)
- Horse Chestnut (*aesculus hippocastanum*)
- Japanese Pagodatree (*Sophora japonica*)
- Japanese Zelkova (*Zelkova Serrata*)
- Kentucky Coffeetree (*gymnocladus dioicus*)
- Lacebark Elm (*Ulmus parvifolia*)
- Little-leaf linden (*Tilia cordata*)
- London Planetree (*Platanus x acerifolia*)
- Maidenhair Tree (*Ginko Biloba*)
- Red Horse Chestnut Aesculus x carnea)
- Red Maple (*Acer rubrum*)
- Sargent Cherry (*Prunus sargentii*)
- Silver Linden (*Tilia tomentosa*)
- Sugarberry (*Celtis laevigata*)
- Thornless Honeylocust (*Gleditsia triacanthos*)
- Tupleo (*Nyssa Sylvatica*)
- Turkish Filbert (*Corylus colurna*)

(g) Street tree species along streets developed with **attached single-family dwellings** (townhomes) must be selected from the following list:

- Hedge Maple (*Acer campestre*)
- Serviceberry Tree (*Amelanchier arborea*)
- Eastern Redbud (*Cercis canadensis*)
- Fringtree (*Chionanthus virginicus*)
- Kousa Dogwood (*Cornus kousa*)
- Green Hawthorn (*Crataegus viridis*)
- Carolina Silverbell (*Halesia tetraptera*)
- Flowering Crabapple (*Malus spp.*)

- Chinese Pistache (*Pistacia chinensis*)
- Carolina Cherry Laurel (*Prunus caroliniana*)
- Chokecherry (*Prunus virginiana*)
- Japanese Tree Lilac (*Syringa reticulata*)

#### **4.10.8 STREET LIGHTS**

**4.10.8.1** All proposed internal public streets within a Village Neighborhood Development shall include streetlights. Streetlights shall also be provided at all intersections.

**4.10.8.2** Streetlights shall be located within planting streets in accordance with standard set forth in each municipal jurisdiction's *Technical Standards & Specifications Manual*.

**4.10.8.3** Spacing for streetlights shall be determined by the appropriate utility provider.

**4.10.8.4** The height of streetlight fixtures shall be no greater than 14 vertical feet within residential areas of a VND.

**4.10.8.5** Streetlight fixtures shall not produce direct light into adjacent properties at a height above four (4) vertical feet at the building setback line of residential districts. Streetlights within non-residential areas shall not produce direct light into adjacent residential properties at a height above six (6) vertical feet at the property line.

**4.10.8.6** Streetlights along residential streets shall comply with the appropriate jurisdiction's Public Works Department standard model. Within the corporate limits of the City of Sanford, the upgraded period lighting shall be utilized for streetlights.

#### **4.10.9 CUL-DE-SAC STREETS**

**4.10.9.1** Cul-de-sac streets within a Village Neighborhood Development shall not exceed 400 feet in length.

**4.10.9.2** Cul-de-sac streets shall only be utilized where topography makes a street connection impractical. Stub streets that terminate at the property line shared with larger, potentially developable parcels abutting the subject property are encouraged.

**4.10.9.3** The radius for the circular terminus of a cul-de-sac, also known as a "turnaround", shall be no less than 45 feet. If the radius exceeds 50 feet, an island may be planted in the center of the turnaround. The island shall have a minimum radius of ten (10) feet.

#### **4.10.9 LEGALLY RESPONSIBLE ORGANIZATIONS**

**4.10.9.1** A legally responsible organization (i.e., a homeowners' association, a property owners' association, a special district, etc.) shall be established to maintain any private streets (where permitted), private driveways, residential alleys, open space, or other features and amenities not

dedicated or accepted for public maintenance by the appropriate jurisdiction. Documents to assure private responsibility of future maintenance and repair by a homeowners’ or property owners’ association or a special district shall be provided to the Department of Community Development.

**4.10.10 UTILITIES**

**4.10.10.1** All off-street utility easements not contiguous and parallel to the public right-of-way shall be located in or on areas dedicated as Common Open Space. Off-street utility easements shall be dedicated to pedestrian use by the public in accordance with Article 6.

**4.10.11 PARKS & OPEN SPACE**

**4.10.11.1** Parks and open space included within Village Neighborhood Development shall be categorized as either *active* or *passive* open space and distinguished as such on submitted site plans. All dedicated open spaces must be clearly labeled on concept sketches, site plans, and preliminary plats associated with a proposed Village Neighborhood Development. Dedicated active open space must be delineated and labeled on site plans for *Review Option 2* (see §4.10.2 of this Ordinance) with site renderings of each open space. Prior to the approval and recordation of the final plat, the developer must submit architectural renderings of all proposed active open space to the Department of Community Development for review and approval.

**4.10.11.2** Active open space shall be planned and improved, accessible and usable by persons living nearby. Improved shall mean cleared of underbrush and debris and enhanced with functional elements for residents’ recreation.

**4.10.11.3** No less than 15% of the total area of a development site for a VND shall be set aside for open space. No less than 7.5% of the development site’s total area shall be designated as active open space.

**Table 4-10.4: MINIMUM LAND ALLOCATION FOR OPEN SPACE**

OPEN SPACE TYPE	MINIMUM LAND ALLOCATION
<b>TOTAL OPEN SPACE</b>	15% of total site
<b>PASSIVE OPEN SPACE</b>	No minimum
<b>ACTIVE OPEN SPACE</b>	7.5% of total site

**4.10.11.4** Parks and open space proposed within a Village Neighborhood Development shall be no less than 500 square feet in area.

**4.10.11.5** Open space areas utilized for school bus stops or mail kiosks shall be considered active open space and counted towards the open space minimum land allocation percentages. Areas utilized for school bus stops and mail kiosks may be exempt from the minimum 500 square foot minimum area requirement described in § 4.10.11.2.

**4.10.11.6** All parks and open space within a Village Neighborhood Development shall be located within 1,500 linear feet of at least ninety percent (90%) of all dwelling units, as measured along street rights-of-way. This is intended to encourage the dispersed placement of smaller, more easily accessible active open space areas, commonly known as *pocket parks*, *mini-parks*, or *parkettes*.

**4.10.11.7** Active open space shall have multi-functional or recreational features for residents' use and enjoyment. Each individual area of active open space shall have at least one (1) of the following elements:

- Recreational structure (gazebo, pergola, sheltered picnic tables, etc.)
- Community garden
- Statue or fountain
- Improved walking path
- Demarked and fenced-in athletic field
- Dog park
- Tot lot
- Splash pad
- Swimming pool
- Exercise or playground equipment
- Other amenities or features approved by the Zoning Administrator

**4.10.11.8** In addition at least one active open space element listed in § 4.10.11.5, all designated active open spaces must contain at least one (1) park bench and at least one (1) permanent trash receptacle.

**4.10.11.9** Dedicated active open space within a Village Neighborhood Development must contain at least four (4) separate elements from the list noted in § 4.10.11.5.

#### **4.10.12 LANDSCAPING & BUFFER STANDARDS**

**4.10.12.1** Uses within a Village Neighborhood Development shall comply with the Landscaping Standards of Article 7 of this Ordinance, except as otherwise provided herein.

To provide a continuous pedestrian transition for residential neighborhoods and non-residential areas, Retail, Service, or Civic uses shall not be separated from multi-family or single-family land areas by berms or buffers unless a trail or sidewalk is established which provides a direct connection between the uses.

#### **4.10.13 PRESERVED PERIMETER GREENBELT**

**4.10.13.1** The exterior perimeter of a Village Neighborhood Development's development site shall be screened with a minimum 20-foot-wide Perimeter Greenbelt that preserves existing tree stands, shrubbery, and other vegetation. In cases where there is no or very little existing vegetation at the property line, the developer shall not be required to plant landscaping for the purposes of establishing a

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Perimeter Greenbelt. In such cases, any existing vegetation within the Perimeter Greenbelt shall be left to mature and fill in organically. The perimeter greenbelt is to be demarcated on-site using flags, stakes, silt fences or other sedimentation control measures, and/or other means to denote limits of disturbance during site preparation and during installation of improvements, as well as illustrated on site plans and plats submitted for review.

**4.10.13.2** The Perimeter Greenbelt requirement shall not apply to areas within a VND reserved for commercial development, however Landscaping and Buffering Standards of Article 7 of this Ordinance shall still apply.

**4.10.13.3** The Perimeter Greenbelt shall be incorporated into the Village Neighborhood Development as non-buildable open space, to be preserved and left in a natural and organic state by the established responsible organization (homeowners' association, etc.). Environmentally sensitive areas (floodplains, wetlands, streams, creeks, etc.) located along the perimeter of the project site shall be included within the Perimeter Greenbelt.

**4.10.13.4** The Perimeter Greenbelt shall extend along the entire exterior property line of the VND's development site. The Perimeter Greenbelt shall not be required where stub streets, utility easements, neighborhood entryways, or other design elements are required or proposed by the developer.

**4.10.13.5** The Perimeter Greenbelt may be considered passive open space and the total area shall count towards the minimum open space land allocation requirements of Table 4-10.4.

#### **4.10.14 DISTURBANCE OF THE PRESERVED PERIMETER GREENBELT**

**4.10.14.1** Existing trees, shrubs, and other vegetation are intended to be preserved and undisturbed. If such plantings are damaged during site preparation, or during construction of the development, it shall be the developer's responsibility to replace and replant any displaced or damaged plant species.

**4.10.14.2** Existing trees, shrubs, and other vegetation within the 20-foot-wide perimeter greenbelt may be intentionally disturbed without civil penalties incurred as detailed in §4.10.14.3 in order to complete construction of necessary site design elements (e.g.: retaining walls, retention ponds, etc.) abutting the perimeter buffer, so long as the disturbed or removed shrubs, trees, and other vegetation within the demarcated perimeter buffer are replaced.

**4.10.14.3** A base fine of \$10.00 per square foot of disturbed area, not to exceed \$50,000 in total, shall be incurred by the developer in the event of the Perimeter Greenbelt being disturbed or plantings within the Greenbelt being damaged or removed during site preparation and development.

**4.10.14.4** For every 300 square feet of area within the Perimeter Greenbelt that is disturbed, the following plant species shall be installed:

- One (1) large deciduous tree of at least a 2inch caliper and at least 12-feet in height.
- One (1) large evergreen tree of at least a 2inch caliper and at least 8-feet in height.

- Three (3) medium shrubs of at least 2-feet in height at the time of planting.

#### **4.10.15 PARKING**

**4.10.15.1** Parking requirements for non-residential uses shall be in accordance with the Parking Standards found in Article 8 of this Ordinance, except as provided below in this subsection.

**4.10.15.2** Parking lots for non-residential and civic uses shall be located at the rear or at the side of buildings. Parking lots shall not be permitted along the fronts of buildings. On-street parallel parking spaces are encouraged along the fronts of lots intended for non-residential, civil, or mixed uses.

**4.10.15.3** Loading areas shall adjoin alleys or parking areas at the rear of a structure.

#### **4.10.15 OUTDOOR STORAGE**

A proposed Village Neighborhood Development shall comply with the Outdoor Storage Standards found in § 10.1 of this Ordinance.

#### **4.10.16 ARCHITECTURAL STANDARDS FOR VILLAGE NEIGHBORHOOD DEVELOPMENT**

The following architectural standards shall apply for single-family residential structures associated with Village Neighborhood Development:

- A) For single-family dwellings, at least every third home shall vary in architectural elevation within a residential block. The same front elevation façade shall not be used on lots that are opposite one another on the same street. Where home designs are repeated in a new development, building materials, exterior colors, and detailing shall be varied to distinguish between houses.
- B) Applicants for a VND shall be required to submit colorized architectural elevations of a “sample block” of the proposed development. These renderings shall depict the applicant’s visualization of how a row of homes within the proposed development would appear at the human scale. Colorized renderings of the sample of homes within the proposed development shall be submitted for review by the appropriate jurisdiction’s Planning Board and Governing Board.

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## **4.11 MANUFACTURED HOME OVERLAY DISTRICT**

### **4.11.1 PURPOSE**

The purpose of this overlay zoning district is to provide sufficient land area for the provision of manufactured housing to implement NCGS § 160A-383.1 and to provide affordable housing opportunities for low and moderate- income persons.

### **4.11.2 APPLICABILITY**

**4.11.2.1** The provisions of this § 4.11 shall apply to: (a) a manufactured home park or (b) individual manufactured homes as placed on individual lots, including those within a manufactured home subdivision. Section 4.11.3 sets forth the standards and procedures for Manufactured (Mobile) Home Parks., while Section 4.11.4 sets forth the standards and procedures for individual Manufactured Homes on individual lots.

**4.11.2.2** A manufactured home park is defined as any area, lot, parcel, or tract held in common ownership, and on which individual portions of said area, lot, parcel, or tract are leased for the placement of two or more manufactured homes or mobile homes as a primary residence. Manufactured home parks shall only be permitted within an MH overlay district as defined in this Section (see Table 4.6- 1 for reference). Any existing manufactured home park that is not within an MH overlay district shall be considered nonconforming and subject to the standards for nonconforming uses as set forth in Article 12 of this Ordinance.

### **4.11.3 APPLICATION PROCEDURES FOR A MANUFACTURED (MOBILE) HOME PARK**

**4.11.3.1** An application for a rezoning to a MH overlay district for a manufactured home park shall be accompanied by a master plan and shall be processed in the same manner as a conditional zoning petition as set forth in Section 3.4 of this Ordinance.

**4.11.3.2** The master plan shall show the circulation pattern, manufactured home park spaces, permanent structures and other site design requirements that may be considered essential by the Planning Commission. The plan shall include lot numbers for each lot or rentable space within the manufactured housing park

**4.11.3.3** The master plan shall show how all proposed improvements would meet the standards as set forth in Section 4.11.4, below.

### **4.11.3.4 STANDARDS FOR MANUFACTURED HOMES WITHIN A MANUFACTURED (MOBILE) HOME PARK**

- The minimum land area for the entire site shall be five (5) acres.

- No manufactured home shall be located closer than twenty-five (25) feet from a property line of an adjacent lot or parcel under separate ownership and no closer than thirty (30) feet from a public street right-of-way.
- A Type “A” buffer yard which conforms to the requirements of Article 7 of this Chapter shall be established along any property line adjoining another residential zoning district.
- All driveways within the manufactured home park shall comply with the standards of Article 8 of this Ordinance.
- Streetlights shall be installed and shall conform to any standards prescribed by the respective jurisdiction.
- In lieu of the dimensional and density requirements of § 4.7, Table 4.7-1, spaces for manufactured homes shall comply with the criteria set forth in Tables 4.11-1 and 4.11-2, below. The minimum distance between manufactured homes shall be twenty (20) feet.
- All manufactured home spaces shall abut upon a paved internal street not less than 20 feet in paved width exclusive of parking.
- All manufactured home spaces shall adjoin an all-weather surface sidewalk at least four (4) feet in width. An all-weather surface shall include asphalt, gravel, or concrete.
- Two off-street parking spaces shall be provided for each manufactured home space. The minimum dimensions of each space shall have minimum dimensions of nine (9) feet in width and eighteen (18) feet in length.
- If the manufactured home park contains 100 or more dwelling units, open space shall be required and shall conform to the standards as set forth in Section 6.5 of this Ordinance.
- Manufactured home parks must provide adequate facilities for the storage and disposal of solid waste. Location of proposed refuse collection area(s) shall be shown on the master plan. This requirement is unnecessary if the developer/operator of the park can demonstrate an ability to serve the park tenants by using individual “rollout” containers.
- The corners of all manufactured home lots or spaces shall be clearly marked on the ground.

**Table 4.11-1 Manufactured Home Dimensional Standard (for Manufactured Home Parks)**

Standard	Manufactured Home Type I (or single- wide mobile home)	Manufactured Home Type II (or Double-wide Mobile Home))
Minimum area for manufactured home (square feet)	See Table 4.11-2, below	
Width of Space (feet)	40	50
Depth of Space (feet)	100	100
Front Yard (in feet, measured from pavement edge of internal street to manufactured home)	20	20
Side Yard (in feet, between manufactured homes or permanent buildings)	20	20

**Table 4.11-2 Minimum Area for individual Manufactured Homes (for Manufactured Home Parks)**

Utilities (denoted by asterisk [*])				Minimum Area Outside a Watershed Overlay District	Minimum Area Inside a Watershed Overlay District
Individual well	Individual septic tank	Public or Community Water	Public or Community Sewer		
*	*			30,000	40,000
	*	*		15,000	40,000
*			*	7,500	12,500
		*	*	7,500	12,500

Example: lots with septic tanks and public water supply require a minimum 15,000 square feet outside of the Watershed Overlay District

**4.11.4 APPLICATION PROCEDURES FOR MANUFACTURED HOMES ON INDIVIDUAL LOTS**

**4.11.4.1** An application for a rezoning to a MH overlay district to allow for manufactured homes on individual parcels shall be accompanied by a master plan and shall be processed in the same manner as a conditional zoning petition as set forth in Section 3.4 of this Ordinance.

**4.11.4.2** The master plan shall show the boundaries of the proposed and/or existing parcels, the location of the manufactured home on each lot; other structures and any other site design requirements that may be considered essential by the Planning Commission.

**4.11.4.3** Creation of any new lots shall also require compliance with this Ordinance's standards for subdivision approval and minimum lot design standards for the base zoning district to which the overlay.

**4.11.4.4** A manufactured home on an individual lot shall conform to the appropriate type as permitted in Table 4.6-1 and to the appropriate design standards of Section 10.5 of this Ordinance.

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## 4.12 HISTORIC PRESERVATION OVERLAY DISTRICT

### **4.12.1 PURPOSE**

Sanford's designated historic districts, hereinafter referred to as the "districts," and historic landmarks, hereinafter referred to as "landmarks" are some of the most valued and important assets of the City of Sanford, Town of Broadway, Lee County and the State. They are established for the purpose of protecting and conserving the heritage of the County of Lee, and State; for the purpose of safeguarding the character and heritage of the districts by preserving the districts as a whole and any property therein that embodies important elements of their social, economic, cultural, political, or architectural history; for the purpose of promoting the conservation of such districts or landmarks for the education, pleasure and enrichment of residents of the districts and the City of Sanford, Town of Broadway Lee County and the State as a whole; for the purpose of fostering civic beauty; and for the purpose of stabilizing and enhancing property values throughout the districts as a whole, thus contributing to the improvement of the general health and welfare of the City of Sanford, Town of Broadway, Lee County and the State and the residents of the districts. This section implements the following provisions of the Land Use Plan:

- Maintain the historic character of the Community (Historic Preservation, Goal 1)
- Identify future Historic Districts (Historic Preservation, Goal 2)
- Maintain the integrity of existing Historic Districts, and expand Historic Districts where possible (Historic Preservation, Goal 3)

### **4.12.2 HISTORIC DISTRICT ESTABLISHMENT**

**4.12.2.1** The historic districts are hereby established as districts which overlay existing zoning districts, the extent and boundaries of which are as indicated on the official zoning map for the County of Lee. The boundaries of the districts are as shown on the Official Zoning Map.

**4.12.2.2** Historic districts, as provided for in this section, may from time-to-time be designated, amended, or repealed, provided; however, that no district shall be recommended for designation unless it is deemed to be of special significance in terms of its history, prehistory, architecture, and/or culture and to possess integrity of design, setting, materials, feeling, and/or association. No district shall be designated, amended, or repealed until the following procedure has been carried out:

- (a) An investigation and report describing the significance of the buildings, structures, features, sites, or surroundings included in any such proposed district, and a description of the boundaries of such district has been prepared, and;
- (b) The Department of Cultural Resources, acting through the State Historic Preservation Officer or his or her designee, shall have made an analysis of and recommendations concerning such report and description of proposed boundaries. The districts shall not be established and the authority and the powers established by this Section shall not be implemented until the Department of Cultural Resources has been given an opportunity, in accordance with the provisions of NCGS §

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160D-944, to make recommendations with respect to the establishment of the districts. Failure of the Department to submit its written analysis and recommendations to the appropriate Governing Body within 30 calendar days after a written request for such analysis has been received by the Department of Cultural Resources shall relieve the appropriate Governing Body of any responsibility for awaiting such analysis, and the appropriate Governing Body may at any time thereafter take any necessary action to adopt or amend its Zoning Ordinance.

- (c) The appropriate Governing Body may also, in its discretion, refer the report and the proposed boundaries to any other interested body for its recommendations prior to taking action to amend the Zoning Ordinance.
- (d) With respect to any changes in the boundaries of such district subsequent to its initial establishment, or the creation of additional districts within the jurisdiction, the investigative studies and reports required by subsection (a), above, shall be prepared by the Historic Preservation Commission and shall be referred to the Planning Commission for its review and comment according to the procedures set forth in the Zoning Ordinance. Changes in the boundaries of an initial district or proposal for additional districts shall be submitted to the Department of Cultural Resources in accordance with the provisions of subsection (b), above.
- (e) Upon receipt of these reports and recommendations, the appropriate Governing Body may proceed in the same manner as would otherwise be required for the adoption or amendment of any appropriate zoning provisions.

#### **4.12.3 HISTORIC LANDMARK ESTABLISHMENT**

**4.12.3.1** The Governing Body may adopt, and from time-to-time amend or repeal an ordinance designating one or more historic landmarks. No property shall be recommended for designation as a landmark unless it is deemed and found by the Historic Preservation Commission to be of special significance in terms of its historical, prehistoric, architectural, or cultural importance, and to possess integrity of design, setting, workmanship, materials, feeling, and/or association.

**4.12.3.2** The ordinance may adopt, and from time-to-time amend or repeal an ordinance designating one or more historic landmarks. No property shall be recommended for designation as a landmark unless it is deemed and found by the Historic Preservation Commission to be of special significance in terms of its historical, prehistoric, architectural, or cultural importance, and to possess integrity of design, setting, workmanship, materials, feeling, and/or association.

**4.12.3.3** No property shall be designated as a landmark until the following steps have been taken:

- (a) As a guide for the identification and evaluation of landmarks, the Historic Preservation Commission shall, at the earliest possible time and consistent with the resources available to it, undertake an inventory of properties of historical architectural, prehistoric, and cultural significance within the County of Lee.

- (b) The Historic Preservation Commission shall make or cause to be made an investigation and report on the historic, architectural, prehistoric, educational, or cultural significance of each building, structure, site, area, or object proposed for designation or acquisition. Such report shall be forwarded to the Division of Archives and History, North Carolina Department of Cultural Resources.
- (c) The Department of Cultural Resources shall be given an opportunity to review and comment upon the substance and effect of the designation of any landmark. All comments shall be provided in writing. If the Department does not submit its comments to the Historic Preservation Commission within 30 days following receipt by the Department of the report, the Historic Preservation Commission and the Governing Body shall be relieved of any responsibility to consider such comments.
- (d) The Historic Preservation Commission and the appropriate Governing Body shall hold a joint hearing (or separate hearings) on the proposed ordinance. Reasonable notice of the time and place thereof shall be given.
- (e) Following the hearing(s), the Historic Preservation Commission and the appropriate governing body may adopt the ordinance as proposed, adopt the ordinance with any amendments it deems necessary, or reject the proposed ordinance.
- (f) Upon adoption of the ordinance, the owners and occupants of each landmark shall be given written notification of such designation insofar as reasonable diligence permits. One copy of the ordinance and amendments thereto shall be filed by the Historic Preservation Commission in the office of the Register of Deeds of Lee County. Each landmark shall be indexed according to the name of the owner of the property in the grantor and grantee indexes in the Register of Deeds office and the Historic Preservation Commission shall pay a reasonable fee for filing and indexing. A second copy of the ordinance and all amendments thereto shall be kept on file in the office of the clerk of the City of Sanford, Town of Broadway, or Lee County and shall be made available for public inspection at any reasonable time.
- (g) Upon the adoption of the landmark ordinance or any amendments thereto, it is the duty of the Historic Preservation Commission to give notice thereof to the tax supervisor of Lee County.

#### **4.12.4 PERMITTED USES**

The districts contain several underlying zoning classifications. All uses permitted in any such underlying district, whether by right or as a Special Use, shall be permitted in the historic districts according to the procedures established for such uses.

#### **4.12.5 DIMENSIONAL REGULATIONS**

Structures within the historic districts shall observe the dimensions and other regulations of this Ordinance, except as otherwise provided herein. No structures or part thereof shall be required to be set back further from the front lot line or side lot line than the average distance of the setbacks of the

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nearest principal buildings within 300 feet on each side of such building and fronting on the same side of the street.

Where the Historic Preservation Commission finds that an Authentic Restoration or Reconstruction of a structure meets the requirements of 4.12.6 of this section, such activity shall be exempt from the dimensional regulations of the underlying zoning district.

#### **4.12.6 AUTHENTIC RESTORATION OR RECONSTRUCTION**

**4.12.6.1** Where the Historic Preservation Commission renders a finding as to the following, such activity may be approved by the Historic Preservation Commission:

- (a) that an application for a building permit covers activity constituting an authentic restoration or reconstruction; and
- (b) the activity will occur in the same location as the original location; and
- (c) any modification to the structure will conform to the historic and/or architectural significance of the historic district

**4.12.6.2** The Historic Preservation Commission, in approving such authentic reconstruction or restoration, may attach reasonable and appropriate conditions to the approval, such that the public health, safety and general welfare shall be protected.

**4.12.6.3** The Historic Preservation Commission shall not be authorized, in action undertaken pursuant to this section, to approve a use of property which is not a use permitted by right or as a Special Use within the district in which the property is located.

**4.12.6.4** In addition to any other condition the Historic Preservation Commission may make regarding such authorization, any items restored, reconstructed, or maintained on, over, or within a public sidewalk, public alley area, or other such public way shall be the responsibility of the owner, his heirs and assigns. The owner's restoration, reconstruction, or maintenance of any such item within such area shall constitute the owner's agreement to protect and hold the City of Sanford, Town of Broadway or County of Lee (as applicable) blameless against any and all liability, cost, damage, or expense suffered by the City of Sanford, Town of Broadway or County of Lee (as applicable) as a result of or growing out of the restoration, reconstruction, or maintenance thereof. Such items, so approved, may be lawfully restored, reconstructed, or maintained. Any such item projecting over the vehicular truck way of a street or alley shall be, at its lowest point, 10 feet above the travel way.

#### **4.12.7 OFF-STREET PARKING**

The minimum parking requirements of the Parking Regulations (Article 8) shall not apply within an approved "H" Historic Overlay District, except the following shall apply.

##### **4.12.7.1 OFF-STREET PARKING REQUIREMENTS FOR ROSEMOUNT MCIVER PARK DISTRICT**

This § 4.12.7.1 shall apply to all properties within the Rosemount McIver Park Historic District. For

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purposes of this Sec. 4.12.7, a vehicle shall include motorized and/or towed equipment that is designed to travel upon a street or highway and shall include any automobile, bus, truck, tractor, motor homes/RVs, mopeds, all-terrain vehicles, recreational vehicles, golf carts, go-carts, trailers, campers, or other similar devices.

#### **4.12.7.2 VEHICLE SURFACE AREA**

Vehicle surface areas shall include the driveways and parking areas for vehicles as located on private lots, outside of a street right-of-way. Vehicle surface areas shall conform to the following standards:

- (a) Vehicular surface areas shall be constructed of permanent, non-erodible surface treatment, which may include porous and semi-porous monolithic or paver materials, masonry or concrete pavers, poured concrete and asphalt, or constructed with a minimum depth of 4 inches of crushed stone or crush and run. Parking on grass, dirt or similar erodible surface is prohibited.
- (b) The borders of any vehicular surface area constructed of crushed stone or crush and run shall be delineated with edging materials such as but not limited to: decorative concrete, brick, anchored steel edging, small walls built of brick, stone, etc. such that the vehicular surface area is clearly defined and helps to contain the crushed stone or crush and run. Concrete block, plastic edging, landscape timbers, masts and similar edging materials shall not be allowed.
- (c) Except for circular and semi-circular drives, vehicular surface areas located within the front yard area of a single-unit living in a detached house shall not be located in front of the dwelling's primary entrance.
- (d) No vehicle shall be parked or stored outside of the vehicular surface areas described above within the front yard area with the exception of temporary parking under Sec. 4.12.7.1.8 and/or vehicles actively and continuously being unloaded, loaded, washed or repaired (in a non-commercial manner).
- (e) All vehicular surface areas shall be maintained in good and safe condition and be free of holes, cracks or other failures that may affect the use, safety, appearance or drainage to an adjoining property.
- (f) The minimum width for a residential and commercial driveway is 10 feet and the maximum width is 16 feet.

#### **4.12.7.1.3 RESIDENTIAL STANDARDS FOR SINGLE-FAMILY DWELLINGS**

Vehicular surface areas located within the front yard areas of single-family dwellings shall comply with the following:

- (a) Residential lots for single-family dwellings shall comply with the standards stipulated in Sec. 4.12.7.1.2 Vehicle Surface Area (a-f).
- (b) A circular or semi-circular driveway shall not exceed a width of 12 feet, with no more than two access points on the premises shall be allowed.

#### 4.12.7.1.4 RESIDENTIAL STANDARDS FOR PARKING AREAS WITH MORE THAN ONE DWELLING UNIT

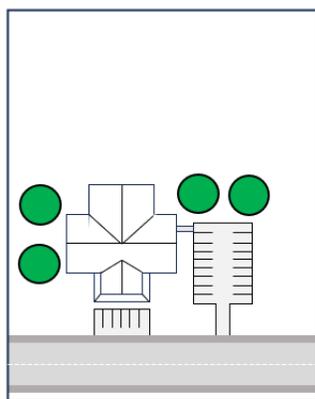
Vehicular surface areas located within the front yard area of residentially developed lots that include two or more dwelling units shall comply with the following:

- (a) Residential lots with two or more dwelling units shall be allowed 40% coverage in front yards.
- (b) Residential lots with two or more dwellings shall be allowed parking pads with a minimum width of 20 feet and a maximum width of 24 feet and a maximum length of 30 feet.
- (c) Large parking areas and lots should be screened when possible. Perimeter planting areas should be created to minimize the impact of the parking areas or lots on surrounding properties as much as practicable.

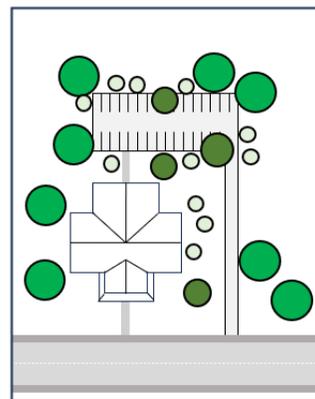
#### 4.12.7.1.5 NON-RESIDENTIAL STANDARDS FOR VEHICLE SURFACE AREAS

Lots developed for non-residential land use shall conform to the following standards:

- (a) No vehicle shall be permitted to be parked or stored on a vehicle surface that does not meet the standards of Sec. 4.12.7.1.2 Vehicle Surface Area.
- (b) Required off-street parking shall be provided on site and shall meet the standards set forth in Article 8 of the Unified Development Ordinance with regard to the number of spaces and the dimensional requirements for parking spaces.
- (c) Non-residential parking areas shall be located in the rear yard if at all possible.
- (d) Parking areas and lots shall be screened with a Type “B” buffer yard as set forth in Article 7 of this UDO. Perimeter planting areas should be created to minimize the impact of the parking areas or lots on surrounding properties as much as practicable.
- (e) Staff shall have the flexibility to work with property owner(s) regarding the dimensional standards of ingress/egress to parking areas as well as width of buffer areas to maintain the historical character of the historic district while creating a safe parking design.



INAPPROPRIATE



APPROPRIATE

#### **4.12.7.1.6 EXISTING NON-CONFORMING VEHICLE SURFACE AREAS**

**4.12.7.1.6.1 Non-Erodible Surface.** Vehicular surface areas existing prior to the adoption of this ordinance which do not conform to the standards of Sec. 4.12.7.1.2, Sec. 4.12.7.1.3, Sec. 4.12.7.1.4 and/or Sec. 4.12.7.1.5, but are constructed of permanent, non-erodible surface treatment are allowed to remain. However, such areas shall not be expanded or altered except to upgrade vehicular surface area to be in greater compliance with this Section. Routine maintenance and /or repair are permitted and encouraged.

**4.12.7.1.6.2 Erodible Surface.** Vehicular surface areas existing prior to the adoption of this ordinance that are not constructed of a permanent, non-erodible surface treatment shall not be continued to be used for vehicular parking unless or until said parking area is brought into compliance with Sec. 4.12.7.1.2, Sec. 4.12.7.1.3, Sec. 4.12.7.1.4 and/or Sec. 4.12.7.1.5, as appropriate.

#### **4.12.7.1.7 NEW CONSTRUCTION OR EXPANSION**

New construction or expansion of parking facilities shall require a Certificate of Appropriateness as set forth in § 4.12.8 of this UDO.

#### **4.12.7.1.8 TEMPORARY EVENT PARKING**

Temporary events shall include family reunions, holiday visitations, weekend residential yard sales and other similar events. As such, temporary event parking shall be allowed under the following conditions:

- (a) During the duration of a temporary event, parking outside of an improved parking surface (temporary event parking) shall be allowed, so long as the area/surface to be used for parking does not create drainage runoff or other environmental impacts that may negatively affect adjoining properties.
- (b) Temporary parking for such events shall not extend beyond a maximum of three (3) consecutive days.
- (c) Temporary event parking shall be limited to a maximum of three (3) occurrences on the same lot within one (1) calendar year.
- (d) Temporary event parking shall occur no more than once within a 30-day period on the same lot.

#### **4.12.8 CERTIFICATE OF APPROPRIATENESS**

##### **4.12.8.1 APPLICABILITY**

- (a) From and after the designation of a landmark or a historic district, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps, and pavement, or other appurtenant features) no above-ground utility structure nor any type of outdoor advertising sign or business identification sign shall be erected, altered, restored, moved, or demolished on such landmark or within the historic district until after an application for a

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Certificate of Appropriateness as to exterior features has been submitted to and approved by the Historic Preservation Commission. The County of Lee shall require such a certificate to be issued by the Historic Preservation Commission prior to the issuance of a compliance permit or building permit granted for the purposes of constructing, altering, moving, or demolishing structures, which certificate may be issued subject to reasonable conditions necessary to carry out the purpose of this part. A Certificate of Appropriateness shall be required whether ~~or not~~ a building permit or compliance permit is required. Any building permit or such other permit not issued in conformity with this section shall be invalid.

- (b) For purposes of this Section, “exterior features” shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. In the case of outdoor advertising signs, “exterior features” shall be construed to mean the style, material, size, and location of all such signs. Such “exterior features” may, in the discretion of the local governing board, include historic signs, color, and significant landscape, archaeological, and natural features of the area.
- (c) Except as provided in subsection (d) below, the Historic Preservation Commission shall have no jurisdiction over interior arrangement and shall take no action under this section except to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features in the district which would be incongruous with the special character of the landmark or district.
- (d) Notwithstanding subsection (c) of this section, jurisdiction of the Historic Preservation Commission over interior spaces shall be limited to specific interior features of architectural, artistic or historical significance in publicly owned landmarks; and of privately owned historic landmarks for which consent for interior review has been given by the owner. Said consent of an owner for interior review shall bind future owners and/or successors in title, provided such consent has been filed in the office of the register of deeds of Lee County and indexed according to the name of the owner of the property in the grantee and grantor indexes. The landmark designation shall specify the interior features to be reviewed and the specific nature of the Historic Preservation Commission’s jurisdiction over the interior.
- (e) The County of Lee and all public utility companies shall be required to notify the Historic Preservation Administrator prior to initiating any changes in the character of street paving, sidewalks, trees, utility installations, lighting, walls, fences, structures and buildings on property, easements, or streets owned or franchised by the County of Lee or public utility companies. Such entity shall replace any changes described above with similar types of materials.

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**4.12.8.2 PROCEDURES**

- (a) An application for a Certificate of Appropriateness shall be obtained from and, when completed, filed with the Department of Community Development Historic Preservation Administrator. Applications for Certificates of Appropriateness shall be considered by the Historic Preservation Commission at its next regular meeting, provided they have been filed, complete in form and content, at least twenty- one (21) days prior to the regularly scheduled meeting of the Historic Preservation Commission; otherwise, consideration shall be deferred until the following meeting.
- Historic Preservation Commission staff may review and approve applications for a Certificate of Appropriateness for Minor Works, as amended by the Historic Preservation Commission. No application for a Certificate of Appropriateness may be denied without formal action by the Historic Preservation Commission.
- (b) The Historic Preservation Commission shall, by uniform rule in its Rules of Procedure, require data as are reasonably necessary to determine the nature of the application. An application for a Certificate of Appropriateness shall not be considered complete until all required data have been submitted. Nothing shall prevent the applicant from filing with the application additional relevant information bearing on the application.
- (c) Upon receipt of an application, the Historic Preservation Administrator shall notify the Historic Preservation Commission at least seven calendar days before its regularly scheduled meeting.
- (d) Prior to issuance or denial of a Certificate of Appropriateness, the Historic Preservation Commission shall conduct a public hearing in accordance with § 3.1.5.3.3 of this Ordinance. The Department of Community Development shall notify the affected parties per § 3.1.5.3.4 of this Ordinance.
- (e) The Historic Preservation Commission shall take action on the application and in doing so shall apply the standards prescribed in § 4.12.9, below.
- (f) The Historic Preservation Commission’s action on the application shall be approval, approval with conditions, or disapproval.
- (g) Prior to final action on an application, the Historic Preservation Commission, using the standards in § 4.12.9, below, shall make findings of fact indicating the extent to which the application is or is not congruous with the historic aspects of the district.
- (h) The Historic Preservation Commission shall cause to be entered into the minutes of its meeting the reasons for its action, whether it be approval, approval with conditions, or denial.
- (i) If the Historic Preservation Commission fails to take final action upon any application within 60 days after the complete application is submitted to the Department of Community Development Historic Preservation Commission, the application shall be deemed to be approved.

- (j) If the Historic Preservation Commission determines that a Certificate of Appropriateness should not be issued, a new application affecting the same property may be submitted only if substantial change is made in plans for the proposed construction, reconstruction, alteration, restoration or moving.
- (k) As part of its review procedure, the Historic Preservation Commission may view the premises and seek the advice of the Department of Cultural Resources or such other expert advice as it may deem necessary under the circumstances.

#### **4.12.9 REVIEW CRITERIA**

##### **4.12.9.1 GENERALLY**

- (a) It is the intention of these regulations to insure, insofar as possible, that Exterior Features including construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features in the district or of landmarks shall be harmonious with the special character of the district or landmark. However, it is not the intention of these regulations to require the reconstruction or restoration of individual or original buildings or to impose architectural styles from particular historic periods. In considering new construction, the Historic Preservation Commission shall encourage contemporary design which is harmonious with the character of the district.
- (b) In granting a Certificate of Appropriateness, the Historic Preservation Commission shall take into account the historic or architectural significance of the structure under consideration and the exterior form and appearance of any proposed additions or modifications to that structure as well as the effect of such change or additions upon other structures in the vicinity. In applying these standards, the Historic Preservation Commission shall consider the Secretary of Interiors Standards for Treatment of Historic Properties, 1995, as amended, which document is hereby incorporated by this reference.
- (c) The Historic Preservation Commission shall take no action under this ordinance except to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant features, outdoor advertising signs, or other significant features which would be incongruous with the special character of the historic district or landmark.

##### **4.12.9.2 EXTERIOR FORM AND APPEARANCE**

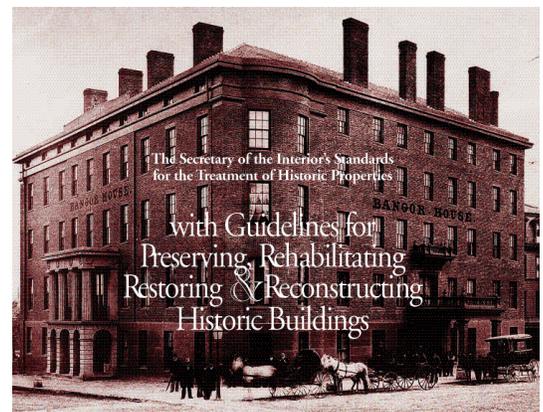
The following criteria shall be considered, when relevant, by the Historic Preservation Commission in reviewing applications for a Certificate of Appropriateness. All applications for Certificates of Appropriateness shall be subject to review based upon the Design Guidelines then in effect for the particular Historic district. These guidelines shall be established in a document prepared and adopted by the Historic Preservation Commission and shall be adopted and incorporated by reference in the ordinance designating the Historic overlay district or any amendment thereto. When adopted, the

guidelines shall become incorporated by reference as a part of this ordinance as if set forth in their entirety herein. The guidelines may address the following:

- lot coverage, defined as the percentage of lot area covered by primary structures; setback, defined as the distance from the lot lines to the building(s);
- building height;
- spacing of buildings, defined as the distance between adjacent buildings;
- exterior building materials; proportion, shape, positioning, location, pattern and sizes of any elements of fenestration;
- surface textures; roof shapes, forms and materials;
- use of local or regional architectural traditions; general form and proportions of buildings and structures, and relationship of any additions to the main structure;
- expression of architectural detailing, such as lintels, cornices, brick bond, and foundation materials;
- orientation of the building to the street;
- scale, determined by the size of the units of construction and architectural details in relation to the size of man and also by the relationship of the building mass to adjoining open space and nearby buildings and structures;
- proportion of width to height of the total building facade;
- archaeological sites and resources associated with standing structures;
- appurtenant fixtures and other features such as lighting;
- structural condition and soundness; walls-- physical ingredients, such as brick, stone or wood walls, wrought iron fences, evergreen landscape masses, building facades, or combination of these;
- ground cover or paving; maintenance of pedestrian scale and orientation as well as provision for safe pedestrian movement;
- color;
- effect of trees and other landscape elements; and
- style, material, size, and location of all outdoor signs.

(a) The Secretary of the Interior's "Standards for the Treatment of Historic Properties," 1995, as amended, shall be the sole principles and guidelines used in reviewing applications of the State of North Carolina for Certificates of Appropriateness.

(b) Interior arrangement or design shall be exempt from review by the Historic Preservation Commission. Interior construction and/or reconstruction shall not require a Certificate of Appropriateness.



**4.12.10 CERTAIN CHANGES NOT PROHIBITED**

Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the historic district which does not involve a substantial change in design, material, or outer appearance thereof, nor to prevent the construction, alteration, restoration, or demolition of any such feature which the Building Inspector, Zoning Enforcement Officer or similar official shall certify in writing to the Historic Preservation Commission is required by the public safety because of an unsafe or dangerous condition. Nothing herein shall be construed to prevent (a) the maintenance, or (b) in the event of an emergency, the immediate restoration, of any existing above-ground utility structure with approval by the Historic Preservation Commission.

**4.12.11 DELAY IN DEMOLITION**

**4.12.11.1** An application for a Certificate of Appropriateness authorizing the demolition, removal, or destruction of a designated landmark or a building structure or site within a historic district may not be denied. However, the effective date of such a certificate may be delayed for a period of up to 365 days from the date of approval. The period of delay shall be reduced by the Historic Preservation Commission if it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return from such property by virtue of the delay. During the delay period the Historic Preservation Commission shall negotiate with the owner in an effort to find a means of preserving the building, structure, or site. If the Historic Preservation Commission finds that a building, structure, or site has no special significance or value toward maintaining the character of a district, it shall waive all or part of such period of delay and authorize earlier demolition or removal.

**4.12.11.2** In the case of action initiated by the appropriate Governing Body, the application for such a certificate will first be reviewed by the Historic Preservation Commission and then by the appropriate Governing Body for a final order of demolition or removal. The Historic Preservation Commission shall consider the Code Enforcement Officer's inspections and recommendations for demolition or removal of the building or structure.

If the Historic Preservation Commission has voted to recommend the designation of a landmark or the designation of an area as a historic district and the final designation has not been made by the appropriate Governing Body, the demolition or destruction of any building, structure, or site in the proposed district or on the property of the designated landmark may be delayed by the Historic Preservation Commission for up to 180 days or until the appropriate Governing Body takes final action on the designation, whichever occurs first.

**4.12.12 APPEAL OF DECISION**

**4.12.12.1** In any action granting or denying a Certificate of Appropriateness, an appeal by an aggrieved party may be taken to the Board of Adjustment.

**4.12.12.2** Written notice of the intent to appeal must be sent to the Historic Preservation Commission, postmarked within 30 days following the decision of the board. The Historic Preservation Board's

decision shall be considered a final decision upon filing of the board's order in the clerk to the board's office. Appeals shall be in the nature of certiorari. Appeals of the decisions of the Board of Adjustment shall be heard by the Superior Court of Lee County and subject to the standards as set forth in Section 3.7 of this Ordinance.

**4.12.12.3** The State of North Carolina shall have a right of appeal to the North Carolina Historical Commission, which shall render its decision with 30 days from the date that a notice of appeal by the state is received by the Historical Commission. The decision of the Historical Commission shall be final and binding upon both the State and the Historic Preservation Commission.

**4.12.13 COMPLIANCE**

**4.12.13.1** Compliance with the terms of the Certificate of Appropriateness shall be enforced by the Historic Preservation Administrator. Failure to comply with a Certificate of Appropriateness shall be a violation of the Zoning Ordinance. The discontinuance of work or the lack of progress toward achieving compliance with a Certificate of Appropriateness for a period of one year shall be considered as a failure to comply with a Certificate of Appropriateness.

Nothing contained in this Ordinance shall prohibit, impair, or limit in any way the power of the County of Lee to prevent the construction, reconstruction, alteration, restoration, or removal of buildings, structures, appurtenant fixtures, or outdoor signs in the Historic Districts in violation of the provisions of this Ordinance. The enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws. (See NCGS §§ 153A-123, 160A-175, and 160D-404; - 1123).

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## 4.13 AIRPORT OVERLAY DISTRICT

### **4.13.1 PURPOSE**

This district is established to prevent the creation or establishment of obstructions or land uses that are hazards to air navigation, thereby protecting the lives and property of the users of the Sanford-Lee County Regional Airport, the property and occupants of land in the vicinity and the public investment in the airport. This district is further intended to provide for the safe landing, take-off, and maneuvering of aircraft in accordance with Federal Aviation Administration (FAA) standards. The provisions of this section are authorized by NCGS §§ 63-30 to 63-37.1.

### **4.13.2 LOCATION**

An Airport Overlay District is located in the area immediately around the Sanford-Lee County Regional Airport's runway off of Rod Sullivan Road in northern Lee County. The boundary of this district is established as shown on the "Sanford/Lee County Airport Noise Contour and Land Use Plan" map which is incorporated in and made a part of this ordinance. This map was prepared by Hobbs, Upchurch, and Associates, P.A., Consulting Engineers, and is dated October 25, 1993. This overlay district may be expanded by adding additional land area from time to time by an amendment to this Ordinance.

### **4.13.3 PRINCIPAL AND ACCESSORY USES**

Permitted principal uses, Special Uses and accessory uses shall be as set forth in Table 4.13-1, provided that no use shall be made of land or water within any zone established by these regulations in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, attract birds or other concentrations of wildlife or otherwise in any way create a hazard or endanger the landing, take-off or maneuvering of aircraft intending to use the airport.

### **4.13.4 AREA REGULATIONS**

Dimensional requirements such as lot size and building depth shall be governed by the underlying zoning districts. In no event shall the height of any structure exceed the maximum height permitted by the underlying zoning district.

### **4.13.5 NONCONFORMING USES**

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

**4.13.5.2** No Zoning Clearance Permit shall be granted that would allow the expansion of a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of these regulations when the application for a permit is made.

**4.13.5.3** Whenever the Sanford-Lee County Regional Airport Authority determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no Zoning Clearance Permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

**4.13.5.4** Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Sanford-Lee County Regional Airport Authority to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the Sanford-Lee County Regional Airport Authority.

#### **4.13.6 PERMITS**

**4.13.6.1** No material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a Zoning Clearance Permit therefore shall have been applied for and granted.

**4.13.6.2** Each application for a Zoning Clearance Permit shall indicate the purpose of which the permit is desired with sufficient particulars to determine whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

**4.13.6.3** No Zoning Clearance Permit shall be granted that would allow the establishment or creation of an airport hazard when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

**4.13.6.4** Any Zoning Clearance Permit granted may, if such action is deemed advisable to effectuate the purpose of these regulations and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

#### **4.13.7 VARIANCES**

**4.13.7.1** Any persons desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Ordinance, may apply to the Board of Adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the

regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of the Ordinance. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Aviation Department for advice as to the aeronautical effects of the variance. If the Aviation Department does not respond to the application within 30 days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

**4.13.7.2** Any variance granted may, if such action is deemed advisable to effectuate the purpose of these regulations and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the Sanford/Lee County Regional Airport, at the owner's expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

#### **4.13.8 ENFORCEMENT**

It shall be the duty of the Sanford-Lee County Regional Airport Authority to administer and enforce the regulations prescribed herein. Applications for approval shall be made to the Airport Authority upon a form furnished by the Department of Community Development of Community Development. Applications required by these regulations to be submitted to the Airport Authority shall be promptly considered and granted or denied by him. In instances where Zoning Clearance Permits are required, approval shall be secured from the Airport Authority prior to issuance of a Zoning Clearance Permits. Applications for variances shall be filed with the Department of Community Development in accordance with § 3.7 of this Ordinance.

#### **4.13.9 APPEALS**

Any person aggrieved or any taxpayer affected by any decision of the Airport Authority made in his administration of these regulations may appeal to the Board of Adjustment in accordance with § 3.7 of this Ordinance and NCGS § 63-33.

#### **4.13.10 PENALTIES**

The Department of Community Development is hereby authorized to commence and proceed to prevent, restrain, correct, or abate any violation of this Section pursuant to § 1.6 of this Ordinance.

**Notes to Table 4.13-1 (see following page):** Y – Land use and related structures are compatible; N – Land use and related structures are not compatible. 25 - Land use and related structures are generally compatible; measures to achieve noise level reduction of 25 decibels should be incorporated into the design and construction of structures; 30 – Land use and related structures are generally compatible; measures to achieve noise level reduction of 30 decibels should be incorporated into the design and construction of structures.

TABLE 4.13-1

<b>YEARLY DAY-NIGHT AVERAGE SOUND LEVEL (Ldn) IN DECIBELS</b>						
<b>LAND USE</b>	<b>BELOW</b>					<b>OVER</b>
	65	65-70	70-75	75-80	80-85	85
<b>RESIDENTIAL</b>						
Residential, other than mobile homes and transient lodgings	Y	N	N	N	N	N
Mobile home parks	Y	N	N	N	N	N
Transient lodgings	Y	N	N	N	N	N
<b>PUBLIC USE</b>						
Schools	Y	N	N	N	N	N
Hospitals and nursing homes	Y	25	30	N	N	N
Churches, auditoriums, and concert halls	Y	25	30	N	N	N
Governmental services	Y	Y	25	30	N	N
Transportation	Y	Y	Y	Y	Y	Y
Parking	Y	Y	Y	Y	Y	Y
<b>COMMERCIAL USE</b>						
Offices, business and professional	Y	Y	25	30	N	N
Wholesale and retail-building materials, hardware and farm equipment	Y	Y	Y	Y	Y	N
Retail trade-general	Y	Y	25	30	N	N
Utilities	Y	Y	Y	Y	Y	N
Communications	Y	Y	25	30	N	N
<b>MANUFACTURING &amp; PRODUCTION</b>						
Manufacturing, general	Y	Y	Y	Y	Y	N
Photographic and optical	Y	Y	25	30	N	N
Agriculture (except livestock) & forestry	Y	Y	Y	Y	Y	Y
Mining & fishing, resource production & extraction	Y	Y	Y	Y	Y	Y
<b>RECREATIONAL</b>						
Outdoor sports arenas and spectator sports	Y	Y	Y	N	N	N
Outdoor music shells, amphitheaters	Y	N	N	N	N	N
Nature exhibits and zoos	Y	N	N	N	N	N
Amusement or theme park, Resort, Active Open Space (includes Parks, Athletic Fields, and Golf Courses), Outdoor Commercial Amusement, and Campgrounds, Therapeutic Camps, Children's Camps, and related establishments.	Y	Y	Y	N	N	N
Golf courses, riding stables and water recreation	Y	Y	25	30	N	N

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## 4.14 WATERSHED CONSERVATION OVERLAY DISTRICT

The purpose of these overlay districts is to implement the Water Supply Watershed Protection Act (the Act) (NCGS §§ 143-214.5). The Water Supply Watershed Protection Rules adopted by the North Carolina Environmental Management Commission (the “EMC”) requires that all local governments having land use jurisdiction within water supply watersheds adopt and implement water supply watershed protection ordinances, and maps. It is the intent of this Section to continue these restrictions. While the restrictions previously codified separately in the zoning ordinances of Sanford, Broadway and Lee County are combined herein and rewritten for clarity, it is the intent of this Ordinance to carry forth these regulations which previously existed, and which have been approved by the EMC. This Section implements the following provisions of the Land Use Plan:

- Create buffering along all creeks, rivers, and floodplains in the community (Environmentally Sensitive Areas, Goal 4).

### **4.14.1 AUTHORITY AND GENERAL PROVISIONS**

#### **4.14.1.1 AUTHORITY; REENACTMENT**

The Legislature of the State of North Carolina has, in Chapter 153A, Article 6, Section 121 (General Ordinance Authority – Counties) and § 140 (Abatement of Public Health Nuisances – Counties); Chapter 160A, Article 8, § 160A-174 (General Ordinance Authority – Cities); and § 160A-193 (Abatement of Public Nuisances – Cities); and in Chapter 143, Article 21, Watershed Protection Rules, delegated the responsibility or directed local government units to adopt regulations designated to promote the public health, safety and general welfare of its citizenry. The County of Lee does hereby ordain and enact into law the following articles as the Watershed Protection Ordinance of Lee County.

The rewriting of this Ordinance in part carries forth by reenactment some of the provisions of the existing Watershed Ordinances of Lee County, and it is not intended to repeal, but rather to reenact and continue in force, such existing provisions so that all rights and liabilities that have been accrued are preserved and may be enforced. All suits at law or in equity and/or all pending in any of the courts of this State of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance, but shall be prosecuted to their finality the same as if this Ordinance had not been adopted; and any and all violations of the existing Ordinance, prosecutions for which have not been instituted, may be filed and prosecuted; and nothing in this Ordinance shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending and/or which may have been instituted or prosecuted.

#### **4.14.1.2 APPLICATION AND JURISDICTION**

The provisions of this Ordinance shall apply to development as defined herein within the areas designated as a Public Water Supply Watershed by the North Carolina Environmental Management Commission (EMC), as defined and established on the most recent officially adopted map entitled, “Watershed Protection Map of Lee County, North Carolina” (“the Watershed Map”), which is

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incorporated by reference. The jurisdiction of this Ordinance shall apply within the jurisdiction of the City of Sanford, Town of Broadway, pursuant to interlocal agreement. The Watershed Map and all explanatory matter contained thereon accompanies and is hereby made a part of this Ordinance. This Ordinance shall be permanently kept on file in the Office of the County Clerk. Copies may be reproduced for administration purposes.

#### **4.14.1.3 INTERPRETATION AND ENFORCEMENT**

In their interpretation and enforcement, it is the intent of the County of Lee, in adopting the provisions of this Ordinance, that such provisions be considered the minimum standards in carrying out the rules and requirements of the Surface Water Supply Protection Rules adopted by the EMC pursuant to the Water Supply Watershed Protection Act.

#### **4.14.1.4 EXCEPTIONS TO APPLICABILITY**

- (a) Nothing contained herein shall repeal, modify, or amend any Federal or State law or regulation, or any Lee County ordinance or regulation pertaining thereto; nor shall any provision of this Ordinance amend, modify, or restrict any provisions of the Code of Ordinances of Lee County, the City of Sanford, or the Town of Broadway; however, the adoption of this Ordinance shall and does amend any and all ordinances, resolutions, and regulations in effect in Lee County at the time of the adoption of this Ordinance that may be construed to impair or reduce the effectiveness of this Ordinance or to conflict with any of its provisions. It is intended that the Watershed Protection Ordinance combine with Articles 4 and 6 in such a way that the provisions are complimentary and that in all cases the most restrictive shall apply.
- (b) It is not intended that these regulations interfere with any easement, covenants or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.
- (c) Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a building permit has been granted by the Building Inspector prior to the time of passage of this Ordinance or any amendment thereto; provided, however, that where construction is not begun under such outstanding permit within a period of one hundred eighty (180) days subsequent to the passage of this Ordinance or any amendment thereto, or where it has not been prosecuted to completion within eighteen (18) months subsequent to passage of this Ordinance or any amendment thereto, any further construction or use shall be in conformity with the provisions of this Ordinance or any amendment thereto. Likewise, no change is required in any project that has obtained a vested right under North Carolina law so long as the vested right remains in effect.

#### **4.14.1.5 SEVERABILITY**

Should any Section or provision of this Ordinance be declared invalid or unconstitutional by any court of

competent jurisdiction, the declaration shall not affect the validity of this Ordinance as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional.

**4.14.1.6 EFFECTIVE DATE**

This Ordinance shall take effect and be in force from and after \_\_\_\_\_, the date of its adoption by the appropriate governing boards.

**4.14.2 DEVELOPMENT REGULATIONS**

**4.14.2.1 ESTABLISHMENT OF WATERSHED AREA**

The watershed overlay zones listed in this subsection have been established by the County of Lee. Said overlay zoning districts are also established and continued in effect by this Ordinance. The watershed protection districts, the watershed classification, and the jurisdiction within which the watershed districts is are established, are as listed in Table 4.14-1 (next page).

**TABLE 4.14-1: WATERSHED OVERLAY DISTRICTS, WATERSHED CLASSIFICATION JURISDICTION**

WATERSHED	CLASSIFICATION	JURISDICTION
Little River (Intake #2)	WS-III-BW	Lee County (LR12-WS-III-BW)
Cape Fear River	WS-IV-CA	City of Sanford (CFS-WS-IV-CA)
Cape Fear River	WS-IV-PA	Lee County and City of Sanford (CFS-WS-IV-PA)
Deep River (Lee County)	WS-IV-CA	Lee County and City of Sanford (DRLC-WS-IV-CA)
Deep River (Lee County)	WS-IV-PA	Lee County (DRLC-WS-IV-PA)
Deep River (Gulf-Goldston)	WS-IV-CA	Lee County (DRGG-WS-IV-CA)
Deep River (Gulf-Goldston)	WS-IV-PA	Lee County (DRGG-WS-IV-PA)

Notes to Table 4.14-1: “CA” denotes “Critical Area”; “PA” denotes “Protected Area”; “BW” Balance of Watershed”

**4.14.2.2 GENERAL PROVISIONS APPLICABLE TO ALL WATER SUPPLY WATERSHED**

The following general provisions apply to all Watershed Overlay Districts. These provisions and the provisions contained in the Individual Watershed Overlay Districts are designed to protect the water quality of the Water Supply Watersheds that lie within the jurisdiction of this Ordinance and to implement the rules adopted by the North Carolina Environmental Management Commission for the classified watersheds pursuant to NCGS § 143-214.5.

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- (a) The construction of new roads and bridges and non-residential development should minimize built-upon area, divert storm water away from surface water supply waters as much as possible, and employ best management practices (BMPs) to minimize water quality impacts. To the extent practicable, the construction of new roads in the Critical Area should be avoided. The N.C. Department of Transportation BMPs as outlined in their document entitled “Best Management Practices for the Protection of Surface Waters” shall be used in all road and bridge construction projects in the Watershed Overlay Districts.
- (b) All development activities within Watershed Overlay Districts, in addition to those activities specifically regulated by these provisions, are subject to the standards, usage conditions and other regulations contained in the Rules and Requirements of the Surface Water Supply Protection Rules adopted by the North Carolina Environmental Management Commission.
- (c) A minimum 30-foot vegetative buffer for development activities is required along all perennial waters, including streams, rivers, and impoundments, indicated on the most recent officially adopted versions of United States Geodetic Survey (USGS) 1:24,000 scale topographic maps, which are incorporated by reference; provided, that nothing in this Subsection shall prevent artificial stream bank or shoreline stabilization. No new development is allowed in the buffer, except that water dependent structures, or other structures such as flagpoles, signs, and security lights, which result in only de minimus increase in impervious area and public works projects such as road crossings and greenways may be allowed where no practical alternative exists. These activities shall minimize built-upon surface area, direct runoff away from the surface water, and maximize the utilization of BMPs.
- (d) Where otherwise permitted in the underlying Primary Zoning District, Cluster Subdivision is allowed on a project-by-project basis as follows:
- The overall density of the project meets the density requirements of this Ordinance;
  - The appropriate vegetative buffer in subsection (c), above, is provided;
  - Built upon areas are designed and located to minimize storm water runoff impact to the receiving waters, minimize concentrated storm water flow, and to maximize the flow length through vegetated areas;
  - Areas of concentrated development are located in upland areas and away, to the maximum extent practicable, from surface waters and drainage ways;
  - Remainder of tract to remain in vegetated or natural state;
  - The area in the vegetated or natural state may be conveyed to a property owners association; a local government for preservation as a park or greenway; a conservation organization; or placed in a permanent conservation or farmland preservation easement. A maintenance agreement shall be filed with the property deeds and;
  - Cluster Subdivision shall transport storm water runoff from the development by vegetated conveyances to the maximum extent practicable.

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- (e) All development in Watershed Overlay Districts, shall, to the maximum extent practical, minimize built-upon surface area, direct storm water runoff away from surface waters and incorporate best management practices to minimize water quality impacts.
- (f) Existing development, as defined in this Ordinance, is not subject to the requirements of the overlay provisions. Expansions to structures classified as existing development must meet the requirements of these provisions, provided however, the built-upon area of the existing development is not required to be included in the density calculations. In determining expansions to existing development, the maximum permitted additional built-upon area is derived by multiplying the area of the portion of the property that is not built-upon by the appropriate percent built-upon limitation for the Overlay District in which the property is located.
- (g) A pre-existing lot created prior to the effective date of this Ordinance, regardless of whether or not a vested right has been established, may be developed or redeveloped for single-family residential purposes without being subject to the restrictions of these overlay provisions.
- (h) Any existing building or built-upon area not in conformance with the limitations of these provisions that has been damaged or removed for any reason may be repaired and/or reconstructed, provided:
- Repair or reconstruction is initiated within twelve (12) months and completed within two (2) years of such damage or removal.
  - The total amount of space devoted to built-upon area may not be increased.
  - The repair or reconstruction is otherwise permitted under the provisions of this Ordinance.
- (i) No activity, situation, structure, or land use shall be permitted or allowed to operate within a watershed which poses a threat to water quality and the public health, safety, and welfare. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash, or other refuse within a buffer area; the absence or improper implementation of a spill containment plan for toxic and hazardous materials; the improper management of storm water runoff; or any other situation found to pose a threat to water quality.
- (j) Existing lots which do not meet the minimum lot size standards of this Ordinance shall not be required to recombine to meet such minimum standards. However, such lots may be required to be recombined to meet the standards of other Ordinances.

#### **4.14.2.3 SCHEDULE OF WATERSHED AREA STANDARDS**

**(a) Little River (Intake #2) Balance of Watershed (LR12-WS-III).** The purpose of the Little River (Intake #2) Balance of Watershed is to provide for protection of the Little River Water Supply consistent with the WS-III Balance of Watershed management rules as adopted by the EMC.

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(1) General Development Standards

- A. No National Pollutant Discharge Elimination System (NPDES) permits shall be issued for landfills that discharge treated leachate.

(2) Density/Built-Upon Limitations

- A. Residential development activities shall not exceed one (1) dwelling unit per 20,000 square feet or, optionally, twenty-four percent (24%) built-upon area, on a project-by-project basis.
- B. Non-residential development activities shall not exceed twenty-four percent (24%) built-upon area, on a project-by-project basis.

(3) Notwithstanding the limitations of (b)(1), (2)A and (2)B above, 10% of the LRI2- WS-III-BW area may be developed with new development projects of up to seventy percent (70%) built-upon area as Special Intensity Allocations (SIAs). SIAs shall be allocated and developed in accordance with the following rules:

- A. SIAs shall be allocated by the Watershed Administrator through the Watershed Permit process. The Watershed Administrator shall maintain a record of the total acreage in the LRI2-WS-III-BW area eligible for SIAs, the acreage that has been allocated and the acreage that has been used as of the latest date. In no case shall allocated acreage exceed the acreage eligible for allocation. For the purposes of this subsection, the total area that can be allocated for SIAs in the LRI2-WS-III-BW is 863.70 acres.
- B. SIAs shall be allocated on a “first come, first served” basis upon the approval and issuance of the appropriate permit.
- C. The right to develop a SIA shall terminate with the loss of the right to develop due to the expiration of any permit issued for development. In such a case, the allocated acreage, or unused allocated acreage, shall be returned to the unallocated total acreage eligible for allocation.

**(b) Cape Fear River (Sanford) Critical Area (CFS-WS-IV-CA).** The purpose of the Cape Fear River (Sanford) Critical Area is to provide protection of the Cape Fear River water supply consistent with the WS-IV Critical Area management rules as adopted by the EMC for such classified areas.

(1) General Development Standards

- A. No new sites for land application of residual or petroleum contaminated soils are allowed.
- B. No new landfills are allowed.

(2) Density/Built-Upon Limitations

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- A. Residential development activities which require a Sedimentation and Erosion Control Permit shall not exceed one (1) dwelling unit per 20,000 square feet or, optionally, twenty-four percent (24%) built- upon area, on a project-by-project basis.
  - B. Non-residential development activities which require a Sedimentation and Erosion Control Permit shall not exceed twenty- four percent (24%) built-upon area, on a project-by-project basis.

**(c) Cape Fear River (Sanford) WS-IV Protected Area (CFS-WS-IV-PA).** The purpose of the Cape Fear River (Sanford) Protected Area is to provide for protection of the Cape Fear River water supply consistent with the WS-IV Protected Area management rules as adopted by the EMC for such classified areas.

(1) (Reserved)

(2) Density/Built-Upon Limitations

- A. Residential development activities which require a Sedimentation and Erosion Control Permit shall not exceed one (1) dwelling unit per 20,000 square feet or, optionally, twenty-four percent (24%) built- upon area, on a project-by-project basis.
- B. Non-residential development activities which require a Sedimentation and Erosion Control Permit shall not exceed twenty- four percent (24%) built-upon area, on a project-by-project basis.
- C. Residential development activities which require a Sedimentation and Erosion Control Permit and which are not required to use a curb and gutter street system shall not exceed three (3) dwelling units per acre or, optionally, thirty-six percent (36%) built-upon area, on a project-by-project basis.
- D. Non-residential development activities which require a Sedimentation and Erosion Control Permit and which are not required to use a curb and gutter system, shall not exceed thirty-six percent (36%) built-upon area, on a project-by-project basis.
- E. Notwithstanding the limitations of (2)A through (2)D, above, 10% of the CFS- WS-IV-PA area may be developed with new development projects of up to seventy percent (70%) built-upon area as Special Intensity Allocations (SIAs). SIAs shall be allocated and developed in accordance with the following rules:
  - i. SIAs shall be allocated by the Watershed Administrator through the Watershed Permit process. The Watershed Administrator shall maintain a record of the total acreage in the CFS-WS-IV-PA area eligible for SIAs, the acreage that has been allocated and the acreage that has been used as of the latest date. In no case shall allocated acreage exceed the acreage eligible for allocation. For the purpose of

this subsection, the total area that can be allocated for SIAs in the CFS-WS-IV-PA is 4,016.40 acres.

- ii. SIAs shall be allocated on a “first come, first served” basis upon the approval and issuance of the appropriate permit.
- iii. The right to develop a SIA shall terminate with the loss of the right to develop due to the expiration of any Permit issued for development. In such a case, the allocated acreage, or unused allocated acreage, shall be returned to the unallocated total acreage eligible for allocation.

**(d) Deep River (Lee County) WS-IV Critical Area (DRLC-WS-IV-CA).** The purpose of the Deep River (Lee County) Critical Area is to provide for protection of the Deep River water supply consistent with the WS-IV Critical Area management rules as adopted by the EMC for such classified areas.

(1) General Development Standards

- A. No new sites for land application of residual or petroleum contaminated soils are allowed.
- B. No new landfills are allowed.

(2) Density/Built-Upon Limitations

- A. Residential development activities which require a Sedimentation and Erosion Control Permit shall not exceed one (1) dwelling unit per 20,000 square feet or, optionally, twenty-four percent (24%) built- upon Area, on a project-by-project basis.
- B. Non-residential development activities which require a Sedimentation and Erosion Control Permit shall not exceed twenty- four percent (24%) built-upon area, on project-by-project basis.

**(e) Deep River (Lee County) WS-IV Protected Area (DRLC-WS-IV-PA).** The purpose of the Deep River (Lee County) Protected Area is to provide for protection of the Deep River water supply consistent with the WS-IV Protected Area management rules as adopted by the EMC for such classified areas.

(1) (Reserved)

(2) Density/Built-Upon Limitations

- A. Residential activities which require a Sedimentation and Erosion Control Permit shall not exceed one (1) dwelling unit per 20,000 square feet or, optionally, twenty-four percent (24%) built- upon area, on a project-by-project basis.
- B. Non-residential development activities which require a Sedimentation and Erosion Control Permit shall not exceed twenty- four percent (24%) built-upon area, on a project-by-project basis.

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- C. Residential development activities which require a Sedimentation and Erosion Control Permit and which are not required to use a curb and gutter street system shall not exceed three (3) dwelling units per acre or, optionally, thirty-six percent (36%) built-upon area, on a project-by-project basis.
  - D. Non-residential development activities which require a Sedimentation and Erosion Control Permit and which are not required to use a curb and gutter system, shall not exceed thirty-six percent (36%) built-upon area, on a project-by-project basis.
  - E. Notwithstanding the limitations of (2)A through (2)D, above, 10% of the DRWS- L-PA area may be developed with new development projects of up to seventy percent (70%) built-upon area as Special Intensity Allocations (SIAs). SIAs shall be allocated and developed in accordance with the following rules:
    - i. SIAs shall be allocated by the Watershed Administrator through the Watershed Permit process. The Watershed Administrator shall maintain a record of the total acreage in the DRLC-WS-IV-PA area eligible for SIAs, the acreage that has been allocated and the acreage that has been used as of the latest date. In no case shall allocated acreage exceed the acreage eligible for allocation. For the purpose of this subsection, the total area that can be allocated for SIAs in the DRLC-WS-IV-PA is 1,037.80 acres.
    - ii. SIAs shall be allocated on a “first come, first served” basis upon the approval and issuance of the appropriate permit.
    - iii. The right to develop a SIA shall terminate with the loss of the right to develop due to the expiration of any Permit issued for development. In such a case, the allocated acreage, or unused allocated acreage, shall be returned to the unallocated total acreage eligible for allocation.

**(f) Deep River (Gulf-Goldston) WS-IV Critical Area (DRGG-WS-III-CA).** The purpose of the Deep River (Gulf-Goldston) Critical Area is to provide for protection of the Deep River water supply consistent with the WS-IV Critical Area management rules as adopted by the EMC for such classified areas.

1. General Development Standards

- A. No new sites for land application of residual or petroleum contaminated soils are allowed.
- B. No new landfills are allowed.

2. Density/Built-Upon Limitations

- A. Residential development activities which require a Sedimentation and Erosion Control Permit shall not exceed one (1) dwelling unit per 20,000 square feet or, optionally, twenty-four percent (24%) built-upon area, on a project-by-project basis.

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- B. Non-residential development activities which require a Sedimentation and Erosion Control Permit shall not exceed twenty- four percent (24%) built-upon area, on a project-by-project basis.

**(g) Deep River (Gulf-Goldston) WS-IV Protected Area (DRGG-WS-III-PA).** The purpose of the Deep River (Gulf-Goldston) Protected Area is to provide for protection of the Deep River water supply consistent with the WS-IV Protected Area management rules as adopted by the EMC for such classified areas.

1. (Reserved)

2. Density/Built-Upon Limitations

- A. Residential development activities which require a Sedimentation and Erosion Control Permit shall not exceed one (1) dwelling unit per 20,000 square feet or, optionally, twenty-four percent (24%) built- upon area, on a project-by-project basis.
- B. Non-residential development activities which require a Sedimentation and Erosion Control Permit shall not exceed twenty- four percent (24%) built-upon area, on a project-by-project basis.
- C. Residential development activities which require a Sedimentation and Erosion Control Permit and which are not required to use a curb and gutter street system shall not exceed three (3) dwelling units per acre or, optionally, thirty-six percent (36%) built-upon area, on a project-by-project basis.
- D. Non-residential development activities which require a Sedimentation and Erosion Control Permit and which are not required to use a curb and gutter system, shall not exceed thirty-six percent (36%) built-upon area, on a project-by-project basis.
- E. Notwithstanding the limitations of (2)A through (2)D, above, 10% of the DRGG- WS-IV-PA area may be developed with new development projects of up to seventy percent (70%) built-upon area as Special Intensity Allocations (SIAs). SIAs shall be allocated and developed in accordance with the following rules:
  - i. SIAs shall be allocated by the Watershed Administrator through the Watershed Permit process. The Watershed Administrator shall maintain a record of the total acreage in the DRGG-WS-IV-PA area eligible for SIAs, the acreage that has been allocated and the acreage that has been used as of the latest date. In no case shall allocated acreage exceed the acreage eligible for allocation. For the purpose of this subsection, the total area that can be allocated for SIAs in the DRGG-WS-IV-PA is 653.5 acres.
  - ii. SIAs shall be allocated on a “first come, first served” basis upon the approval and

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issuance of the appropriate permit.

- iii. The right to develop a SIA shall terminate with the loss of the right to develop due to the expiration of any Permit issued for development. In such a case, the allocated acreage, or unused allocated acreage, shall be returned to the unallocated total acreage eligible for allocation.

#### **4.14.3 GENERAL PROVISIONS**

##### **4.14.3.1 RULES GOVERNING THE INTERPRETATION OF WATERSHED AREA BOUNDARIES**

- (a) Where an area boundary is shown to approximately follow a street or highway boundary, the boundary shall be the centerline of such street or highway.
- (b) Where an area boundary is shown to approximately follow a political or jurisdictional boundary, the boundary shall be such political or jurisdictional boundary.
- (c) Where an area boundary is shown to approximately follow topographic lines of watershed divides, the boundary shall be the actual watershed divide.
- (d) When an area boundary is shown on the Watershed Map to be a specific measured distance, the boundary shall be at such specific measured distance.
- (e) In determining the application of the Watershed regulations to Watershed Areas, the “best available” information shall be used.
- (f) Where the boundary line of an area divides a lot or where physical improvements or cultures existing on the ground are at variance with those shown on the Watershed Map or in other circumstances not covered by this section, the Watershed Review Board shall interpret the area boundaries.

##### **4.14.3.2 WATERSHED PERMITS**

- (a) No development as defined herein shall take place within a Watershed Area without a Watershed Permit and no Watershed Permit shall be issued except in conformity with this Ordinance.
- (b) Watershed Permit applications shall be filed with the Watershed Administrator. The Watershed Administrator may require such information on Watershed Permit applications, including density/built-upon calculations, as he may deem necessary to determine compliance with this Ordinance.
- (c) The Water shed Administrator may, prior to the issuance of any permit in the Watershed Area, require evidence of a valid Sedimentation and Erosion Control Permit issued by the State of North Carolina or evidence satisfactory to the Administrator that no permit is required.

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- (d) A Watershed Permit shall be a requirement for obtaining a Zoning Clearance Permit or Permit where necessary. A Watershed Permit shall expire after one year if the development for which it is issued is not commenced. Provided, however, no Watershed Permit shall expire while a valid Zoning Clearance Permit is in force.

#### **4.14.4 ADMINISTRATION, APPEALS, AND AMENDMENTS**

##### **4.14.4.1 WATERSHED ADMINISTRATION CREATED; NAMED ENFORCMEENT OFFICER**

This Ordinance shall be administered by the Director of Community Development or his/her designee and shall also be known as the

Watershed Administrator. If the Watershed Administrator shall find that any of the provisions of this Ordinance are being violated, he shall notify the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal development; removal of illegal development; alteration or charges thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violations of its provisions.

In addition, the Watershed Administrator shall:

- (a) Issue Watershed Permits and SIAs as provided for herein. A record of all permits and SIAs shall be kept on file and be available for public inspection during regular office hours of the Administrator.
- (b) Serve as clerk to the Watershed Review Board.
- (c) Maintain records of the administration of the Watershed Regulations and shall submit any modifications of the Regulations and/or Maps to Division of Water Quality, Division of modifications of Environmental Health and Division of Community Assistance. He shall also maintain a record of variances issued and shall submit an annual report of each project receiving a variance and the reason for the variance to the Division of Water Quality. The annual report shall contain the record of each variance granted by the Watershed Review Board during the previous calendar year and shall be submitted on or before January 1 of the following year.

The Watershed Administrator may require such information on applications and plans, including density/built-upon area calculations, as he may deem necessary to determine compliance with Watershed provisions. Preliminary and Final Subdivision Plat approval and other such plan approvals may be required to note density/built-upon limitations of the plat. For example, plats may be required to show such information as total area of the development, the amount and percent of impervious area in streets and sidewalks, the amount and percent of impervious area in other public improvements, and the amount and percent of impervious area that is allocated to the various lots for future development. Such information shall be displayed in such a manner that the Watershed Administrator can readily determine compliance with these provisions on a project-by-project basis.

**4.14.4.2 APPEAL FROM THE WATERSHED ADMINISTRATOR**

Any order, requirement, decision, or determination made by the Watershed Administrator may be appealed to and decided by the Watershed Review Board.

An appeal from the decision of the Watershed Administrator must be submitted to the Watershed Review Board within thirty (30) days from the date the decision was made. All appeals must be made in writing stating the reasons for appeal. Following submission of an appeal, the Watershed Administrator shall transmit to the Board all papers constituting the record upon which the action appealed was taken.

An appeal stay all proceedings in furtherance of the action appealed, unless the officer from whom the appeal is taken certifies to the Board after the notice of appeal has been filed with him, that by reasons of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application of notice of the officer from whom the appeal is taken and upon due cause shown.

The Board shall fix a reasonable time for hearing the appeal and give notice thereof to the parties and shall decide the same within a reasonable time. At the hearing, any party may appear in person, by agent or by attorney. The Watershed Review Board shall hear and decide any appeal filed with it in compliance with all of the procedures and the process applicable to a Board of Adjustment in making quasi-judicial decisions.

**4.14.4.3 ESTABLISHMENT OF WATERSHED REVIEW BOARD**

There shall be and hereby is created the Watershed Review Board which shall consist of the Lee County Board of Adjustment as created by Lee County Zoning Ordinance. Acting as the Watershed Review Board, the Board shall be governed by its existing organizational and other rules of procedure except as may be modified by the rules contained herein.

**4.14.4.4 POWERS AND DUTIES OF THE WATERSHED REVIEW BOARD**

- (a) Administrative Review. The Watershed Review Board shall hear and decide appeals from any decision or determination made by the Watershed Administrator in the enforcement of this Ordinance.
- (b) Variances from watershed requirements. The Board may authorize variance from the specific requirements of the Watershed provisions in the same manner and subject to the same procedures and requirements of the Lee County Zoning Ordinance for authorizing other variances, provided that:
- (c) The required notice shall also be mailed by first class mail to all other local governments having watershed regulation jurisdiction within the particular watershed where the variance is requested and to each entity using that water supply for consumption; and

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- (d) If the variance request is for a major variance as defined herein the following procedure shall apply. If the Board decides in favor of granting the major variance, the Board shall then prepare a preliminary record of the hearing and submit it to the EMC for review and action. If the Board does not decide in favor of granting the major variance such unfavorable action shall constitute denial.

In the event of a favorable action by the Board on a major variance, the Board shall cause the record of their hearing to be promptly submitted to the EMC. The record of the hearing shall include but not be limited to:

- The variance application;
- The hearing notices;
- The evidence presented;
- Motions, offers of proof, objections to evidence and rulings on them;
- Findings and exceptions;
- The action of the Board including any conditions proposed.

If the EMC approves the major variance or approves with conditions or stipulations added, the EMC shall prepare a decision which authorizes the Board to issue a final decision which would include any conditions or stipulations added by the EMC. If the EMC denies the major variance, then the EMC shall prepare a decision and transmit it to the Board. The Board shall then prepare a final decision denying the major variance.

- (e) Adjusting Watershed Area Boundaries. The Watershed Review Board, in addition to its authority contained in Section 404(A) in Administrative Review, shall have the power to make adjustments to the exterior boundary of Watershed Areas by removing all or part of a piece of property from a Watershed Area where it finds that all or part of such property actually lies outside the drainage area of such Watershed. In any case, where there is a dispute as to whether a property or any part of a property that is shown on the Watershed Map is being in a Watershed Area actually drains to that Watershed, the Board shall, upon appeal by the owner, make a determination as to the facts of the matter as it affects the subject property.

In determining whether a property or part of a property drains to the Watershed as indicated on the Map, the Board shall base its determination on actual field conditions of the property as determined by topographical conditions. In making its determination, the Board may require the appellant to produce relevant expert testimony and exhibits.

After hearing such appeal, the Board shall find that the subject property (all or part) is either in the designated Watershed or out of the designated Watershed. If the Board shall find that the subject property is out of the designated Watershed, the Board shall order the Map to be adjusted to show the subject property to be outside the designated Watershed. In making such order, the Board shall designate the Watershed in which the subject property is located. If such

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designation causes the subject property to be located in another Watershed Area, the order shall cause the Map to be adjusted to show the same.

- (f) Adjusting Critical Area Boundaries. The Watershed Review Board may, upon the request of a property owner or owners, adjust the boundaries of a Watershed Critical Area to fit existing or proposed streets, lot lines or other features, provided that such adjustments are agreed to by the property owner(s) involved and provided that any such adjustment is made with no loss in total area in that Watershed Critical Area. Such adjustment may be made by simple majority vote of the Board without public notice.
- (g) Appeals from Decision of the Watershed Review Board. Any decision of the Watershed Review Board is subject to review by the Superior Court by proceedings in the nature of certiorari. Any petition for review in the Superior Court shall be filed with the Clerk of Superior Court within thirty (30) days after the decision of the Board is filed in the office of the clerk, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the Secretary or Chairman of the Board at the time of its hearing of the case, whichever is later. The decision of the Board may be delivered to the aggrieved parties either by personal delivery, electronic mail, or by first class mail.
- (h) Changes and Amendments to the Watershed Protection Ordinance. The appropriate Governing Body may amend, supplement, change or modify the Watershed regulations and restrictions as set forth herein in the manner prescribed by law for adopting ordinances under its general ordinance-making authority. Provided, however, in any case where an amendment to this Ordinance imposes water supply watershed management requirements that are more stringent than those adopted by the EMC, the procedure must comply with the provisions of NCGS § 160D-601.

Under no circumstances shall the Governing Body adopt such amendments, supplements or changes that would cause this ordinance to violate the watershed protection rules as adopted by the EMC. All amendments must be filed with the Division of Water Quality, Division of Environmental Health, and the Division of Community Assistance.

#### **4.14.5 PENALTIES & REMEDIES**

##### **4.14.5.1 GENERAL PENALTY; ENFORCEMENT; CONTINUING VIOLATIONS**

- (a) Except as otherwise provided herein, each violation of this Ordinance shall constitute a misdemeanor, except as otherwise provided by statute, and violations of such provisions of this Ordinance shall be punished by fine or imprisonment as provided by law.
- (b) Violations of this Ordinance shall constitute either a misdemeanor or, at the election of the County, shall subject the offender to a civil penalty upon the issuance of a citation for said violation as hereinafter provided. The civil penalty, if not paid to Lee County within fifteen days

of the issuance of a citation, may be recovered by the County in a civil action in the nature of debt. Said civil penalties shall be in the amount of \$100 for each violation and each day any single violation continues shall be a separate violation.

- (c) In addition to the civil penalties set out above, any provision of this Ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the County for equitable relief that there is an adequate remedy at law.
- (d) In addition to the civil penalties set out above, any provision of this Ordinance that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement by the General Court of Justice. When a violation of such a provision occurs, the County of Lee may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and/or order of abatement commanding the defendant to correct the unlawful condition upon or cause the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 76 in particular.
- (e) An order of abatement may direct that buildings or other structures on the property be closed, demolished or removed; that fixtures, furniture or other movable property be removed from buildings on the property; that improvements or repair be made; or that any other action be taken that is necessary to bring the property into compliance with this Ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the County may execute the order of abatement. The County shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.
- (f) The provision of the Ordinance may be enforced by one, all or a combination of the remedies authorized and prescribed by this section.
- (g) Upon determination of a violation of any section of this Ordinance, the penalty for which is a civil penalty, the appropriate Watershed Administrator of Lee County shall cause a warning citation to be issued to the violator. Such citation shall set out the nature of the violation, the section violated, the date of the violation, and shall contain an order to immediately cease the violation. If the violation is in the nature of an infraction for which an order of abatement would be

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appropriate in a civil proceeding, a reasonable period of time must be stated in which the violation must be abated. Where the Watershed Administrator determines that the period of time stated in the original warning citation is not sufficient for abatement based upon the work required, The Watershed Administrator may amend the warning citation to provide for additional time. The warning citation shall specify that a second citation shall incur a civil penalty, together with costs, and attorney fees.

- (h) An appeal from a warning citation shall be taken within ten (10) days from the date of said warning citation to the Watershed Review Board. Except in any case where the Ordinance specifically grants to the Board other powers in considering appeals and such appeal is applied for, the Board in considering appeals of warning citation shall have power only in the manner of administrative review and interpretation where it is alleged that the Watershed Administrator has made an error in the application of the Ordinance, in the factual situation as it relates to the application of the Ordinance, or both.
- (i) Upon failure of the violator to obey the warning citation a civil citation shall be issued by the Watershed Administrator and either served directly on the violator, his duly designated agent, or registered agent if a corporation, either in person or posted in the United States mail services by first class mail addressed to the last known address of the violator as contained in the records of the County or obtained from the violator at the time of issuance of the warning citation. The violator shall be deemed to have been served upon the mailing of said citation. The citation shall direct the violator to pay the citation in person within fifteen days of the date of the citation, or alternatively to pay the citation by mail. The violation for which the citation is issued must have been corrected by the time the citation is paid; otherwise, further citations may be issued. Citations may be issued for each day the offense continues until the prohibited activity is ceased or abated.
- (j) If the violator fails to respond to a citation within fifteen days of its issuance, and pay the penalty prescribed therein, Lee County may institute a civil action in the nature of debt in the appropriate division of the North Carolina General Court of Justice for the collection of the penalty, costs, attorney fees, and such other relief as permitted by law.

#### **4.14.5.2 ALTERNATIVE REMEDIES**

Nothing in this Ordinance nor any of its provisions shall be construed to impair or limit in any way the power of the County to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise, nor shall enforcement of one remedy provided therein prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

In addition to the penalties and remedies provided for herein, the North Carolina Environmental Management Commission may assess civil penalties in accordance with NCGS § 143-215.6(a).

**4.14.6 DEFINITIONS**

The words, terms and phrases used in this § 4.14 shall have the meanings assigned below and in Appendix A to this Ordinance provided, however, that the meanings assigned in this section shall prevail over inconsistent definitions established in Appendix A.

**4.14.6.1 Balance of Watershed (BW).** The remainder of a watershed outside the critical area.

**4.14.6.2 Best Management Practices (BMP).** A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

**4.14.6.3 Buffer.** An area of natural or planted vegetation through which storm water runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

**4.14.6.4 Built-upon Area.** Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel areas, recreation facilities (e.g., tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

**4.14.6.5 Critical Area.** The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

**4.14.6.6 Development.** Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

**4.14.6.7 Existing Development.** Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of these provisions based on at least one of the following criteria:

- (a) substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or
- (b) having an outstanding valid building permit as authorized by the General Statutes (NCGS § 160D-108), or

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(c) having an approved site specific or phased development plan as authorized by the General Statutes (NCGS § 160D-108).

**4.14.6.8 Existing Lot.** (Lot of Record). A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this ordinance, or a lot described by metes

and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

**4.14.6.9 Major Variance.** A variance from the minimum statewide watershed protection rules that results in the relaxation, by a factor greater than five percent of any buffer, density or built-upon area requirement under high density option; any variation in the design, maintenance or operation requirements of a wet detention pond or other approved storm water management system; or relaxation by a factor greater than 10 percent, of any management requirement under the low-density option. Where this Ordinance is more stringent than the State's minimum water supply protection rules, a variance to this Ordinance is not a major variance as long as the result of the variance is not less stringent than the State's minimum requirements.

**4.14.6.10 Minor Variance.** A variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor of up to five percent of any buffer, density or built-upon area requirement under the high- density option; or that results in a relaxation by a factor up to 10 percent, of any management requirement under the low-density option.

**4.14.6.11 Non-residential Development.** All development other than residential development, agriculture and silviculture.

**4.14.6.12 Protected Area.** The area adjoining and upstream of the critical area of WS-IV standards. The boundaries of the protected area are defined as within five miles of and draining to the normal pool elevation of the reservoir or to the ridgeline of the watershed; or within 10 miles upstream and draining to the intake located directly in the stream or river or to the ridgeline of the watershed.

**4.14.6.13 Residential Development.** Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, mobile homes, etc. and their associated outbuildings such as garages, swimming pools, storage buildings, gazebos, etc.

**4.14.6.14 Sedimentation and Erosion Control Permit.** A permission granted by the State of North Carolina for a person to conduct a land disturbing activity pursuant to the Sedimentation Pollution Control Act of 1973, as amended.

**4.14.6.15 Storm water Collection System.** Means any conduit, pipe, channel, curb or gutter for the primary purpose of transporting (not treating) runoff. A storm water collection system does not include vegetated swales, swales stabilized with armoring or alternative methods where natural topography prevents the use of vegetated swales (subject to case-by-case review), curb outlet systems or pipes used

to carry drainage underneath built-upon surfaces that are associated with development controlled by the provision of 15A NCAC 2H.1003(c)(1).

**4.14.6.16 Variance.** A permission to develop or use property granted by the Watershed Review Board relaxing or waiving a water supply watershed management requirement that is incorporated into this Ordinance.

**4.14.6.17 Water Dependent Structure.** Any structure for which the use requires access to or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boathouses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.

**4.14.6.18 Watershed.** The entire land area contributing surface drainage to a specific point (e.g., the water supply intake).

4.15 RESERVED

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## 4.16 MINING SPECIAL OVERLAY DISTRICT (MSUOD) (CITY OF SANFORD ONLY, INCLUDING ETJ)

### **4.1.6.1 PURPOSE**

Mining and quarrying are industries which may play an important part in the county's economy. Mining and quarrying are peculiar land uses in that the location of mineral, stone and other deposits will, in part, be determined only after exploration and discovery in the future. Consequently, the precise location of zoning districts wherein mining may take place cannot always be predetermined. In addition, mineral extraction involves several methods— quarrying, open-pit, drilling, tunneling, etc.— each of which would affect the surrounding environment differently. Therefore, the governing board of Lee County concludes that the fundamental purposes and procedures of zoning would be served best by adopting a Mining Special Use Overlay District, which can be applied to certain underlying districts if approved by the respective governing board, and that the Board of Adjustment should consider each location proposed to be mined to determine whether, and under what conditions or safeguards, they should authorize mining and quarrying by the issuance of a Special Use Permit.

### **4.16.2 APPLICABILITY**

**4.16.2.1 Establishment.** The Mining Special Use Overlay Districts (MSUOD) is hereby established as a district which may be overlaid on the following underlying zoning districts to permit mining and quarrying in the MSUOD.

- RA Residential Agricultural
- LI Light Industrial
- HI Heavy Industrial

**4.16.2.2 Special Use Permit Required.** If a MSUOD is approved, no mining or quarrying may commence until a Special Use Permit is also approved. The Special Use Permit shall conform to the specific standards of Section 5.23 as well as the general development standards of this UDO.

**4.16.2.3 Definition.** For the purposes of this Ordinance, "Mining and Quarrying" shall include any operation or land activity as defined under the category Mining and Quarrying in Appendix A of this Ordinance.

### **4.16.3 DEFINITIONS**

The following additional definitions apply to this Section 4.16:

**"Affected land"** means the surface area of land that is mined or quarried, the surface area of land associated with a mining activity so that soil is exposed to accelerated erosion, the surface area of land on which overburden and waste is deposited, and the surface area of land used for processing or treatment plant, stockpiles, nonpublic roads, and settling ponds.

**"Land"** shall include submerged lands underlying any river, stream, lake, sound, or other body of water.

**“Minerals”** means soil, clay, coal, stone, gravel, sand, phosphate, rock, metallic ore, and any other solid material or substance of commercial value found in natural deposits on or in the earth.

**“Overburden”** means the earth, rock, and other materials that lie above the natural deposit of minerals.

**“Reclamation plan”** shall mean that plan required by the state as part of an application for a mining permit and defined in N.C. Gen. Stat. § 74-49.

**“Refuse”** means all waste soil, rock, mineral, scrap, tailings, slimes, and other material directly connected with the mining, cleaning, and preparation of substances mined and shall include all waste materials deposited on or in the permit area from other sources.

**“Site”** means the affected land and any buffer yards.

#### **4.16.4 APPROVAL PROCEDURES**

**4.16.4.1** An application for a MSUOD shall be considered an Initiation of a Zoning Map Amendment and shall be processed in accordance with Sections 3.3.2 through 3.3.4 of this Ordinance.

**4.16.4.2** The exterior perimeter of the proposed MSUOD may not be located within:

- One-half (1/2) mile of an existing school, library, day care facility, healthcare facility, park, and/or religious institution; or
- One thousand (1,000) feet of an existing dwelling unit (located in a residential zoning district and not located on the same property as the use).

#### **4.16.5 SPECIAL USE PERMIT**

**4.16.5.1** As noted in Section 4.16.2.2, a Special Use Permit is also required upon successful rezoning and application of a MSUOD. As such, application for the Special Use Permit shall be in accordance with Section 3.5 of this Ordinance.

**4.16.5.2** To aid in the interpretation of the word “harmony” in Section 3.5.3.4 as applied to an application for Special Use Permit for mining and quarrying, the following guidelines may be used:

- The operation will not constitute a substantial physical hazard to a neighboring residence, school, church, hospital, commercial, or industrial building, public road, or public property;
- The operation will not have a significantly adverse effect on the purposes of a publicly owned park, forest, or recreation area;
- The operation will not have an adverse effect on public, community, or private water supplies, surface or ground waters, including but not limited to water supply watershed areas as designated in the Watershed Protection Map of Lee County, North Carolina.

**4.16.5.3** A special use approval granted by the Board of Adjustment will not become effective until a mining permit, if required by the North Carolina Department of Environmental Quality, and all other state and federal permits required for mining are issued.

**4.16.5.4** If the applicant makes a material and substantial change to the Site Plan or any of the other components submitted to the Board of Adjustment, a new special use permit application shall be submitted to the Board of Adjustment.

**4.16.5.5** A special use permit will automatically expire if, at any time after it is approved by the Board of Adjustment, the state mining permit is revoked or terminated and may be reactivated upon reissuance of the state mining permit unless there is a material and substantial change requiring a new special use permit application according to Section 4.16.5.4 above.

**4.16.5.6 APPLICATION REQUIREMENTS**

**4.16.5.6.1** The special use permit application shall also include two (2) copies of all other applications for federal and state permits required for mining. Such copies shall be complete and include all required supporting documentation as required for said permits.

**4.16.5.6.2** The special use permit application shall include complete copies of any required land disturbing permits as required by State and Federal agencies (such as Sedimentation and Erosion Control, Wetlands, etc.). Such copies shall be complete and include all required supporting documentation as required for said permits.

**4.16.5.6.3** The special use permit application shall include complete copies of NCDOT driveway permits and/or other permits related to roadway access and construction. Such copies shall be complete and include all required supporting documentation as required for said permits.

**4.16.5.6.4** The special use permit application shall also include a traffic impact study by a qualified consultant that will enable the Board of Adjustment to assess the impact of the proposed land use on the highway system when that system is at or near capacity or a safety problem exists. Its purpose is to ensure that the proposed land use does not adversely affect the highway network and to identify any traffic problems associated with access from the proposed site to the existing transportation network. The study shall also identify improvements to resolve traffic problems and present solutions that may be incorporated in the Site Plan. The study shall also include information sufficient to demonstrate compliance with the Road and Traffic Standards in this section.

**4.16.5.6.5** If the proposed affected land is greater than ten (10) contiguous acres, the special use permit application shall include a Phase I Environmental Site Assessment of the proposed affected land completed not earlier than 12 months before the special use permit application date and prepared in accordance with the American Society for Testing and Materials.

**4.16.5.6.6** The special use permit application shall include a major site plan as set forth in Appendix B-5 of this Ordinance. In addition to the site plan, the application shall also include an Operations Plan that includes:

- Details on how the mine will operate (where will initial excavation begin, where will overburden be placed, etc.)

- Hours of operation
- Number of employees, including details on shifts if applicable
- Details on the function of each proposed structure or piece of equipment
- Location of permanent roads (those to be used in excess of one year) and non-permanents roads

**4.16.5.6.7** The special use permit application shall include a copy of the mining reclamation bond as required by NCGS 74-51 and 74-54 and as submitted to the NC Department of Environmental Quality (NCDEQ).

**4.16.6 PERMITTED USES (UNDERLYING ZONING DISTRICTS)**

A Mining Special Use Overlay District will be an overlay on an underlying zoning district required specifically for mining and quarrying. All other uses permitted in any such underlying district, whether by right or as a Special Use, shall be permitted in the MSUOD according to the procedures established for such uses.