

**TOWN OF SILER CITY
ORDINANCE 02-21-2022 UDO RV PARK**

AN ORDINANCE AMENDING ARTICLE II (BASIC DEFINITION AND INTERPRETATIONS), ARTICLE X (PERMISSIBLE USES), ARTICLE XI (SUPPLEMENTARY USE REGULATIONS), ARTICLE XVIII (PARKING AND DRIVEWAYS), AND ARTICLE XIX (SCREENING AND TREES) OF THE TOWN OF SILER CITY UNIFIED DEVELOPMENT ORDINANCE (UDO)

NOW THEREFORE, be it ordained by the Board of Commissioners of the Town of Siler City, in the State of North Carolina, as follows:

SECTION 1: AMENDMENT “18 Definitions” of the Town of Siler City Unified Development Ordinance (UDO) is hereby *amended* as follows:

AMENDMENT

18 Definitions

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this Ordinance.

- (a) **Abandonment.** To cease or discontinue a use or activity without intent to resume, but excluding temporary or short term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.
- (b) **Abutting.** Having a common border with, or being separated from such a common border by a right-of-way, alley or easement.
- (c) **Accessory Structure.** A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.
- (d) **Accessory Use.** A use incidental to, and on the same lot as, a principal use.
- (e) **Administrative decision.** Decisions made in the implementation, administration, or enforcement of development regulations that involves the determination of facts and the application of objective standards set forth in Chapter 160D or Town development regulations. These are sometimes referred to as “ministerial” decisions or “administrative determinations.
- (f) **Administrative hearing.** A proceeding to gather facts needed to make an administrative decision.
- (g) **Alley.** A public or private way permanently reserved as a secondary means of access to abutting property
- (h) **Alteration.** Any change, addition, or modification in construction or occupancy of an

existing structure.

- (i) **Applicant.** See "Developer".
- (j) **Arbor.** A garden feature forming a shaded walkway, passageway or sitting area of vertical posts or pillars that usually support cross-beams and a sturdy open lattice.
- (k) **Aviation Lighted Beacon.**
 - (1) Lighted beacons are used to locate and identify civil airports, military airports, seaplane bases, and heliports.
 - (2) Beacons must appear, at any point throughout 360 degrees in azimuth, as a light source emitting flashes of white and/or colored light at specified rates, colors, and intensities per the latest version of the FAA Advisory Circular 150/5345-12.
 - (3) In order to minimize impact to airspace (Part 77 Transitional Surface, in most cases), it is desirable from a safety standpoint to site beacons as far away from the runway as is practical.
- (l) **Bufferyard.** Open Space setbacks which separate site improvements from adjacent property lines and street right-of-way. These may contain natural materials including but not limited to vegetation, ground cover, much, etc. Fencing, paving, gravel, buildings, dumpsters, storage, curb and gutter, etc. are all prohibited within the bufferyard.
- (m) **Building.**
 - (1) Any structure used or intended for supporting or sheltering any use or occupancy.
 - (2) See "Structure"
- (n) **Building, Principal.** The primary building on a lot or a building that houses a principal use.
- (o) **Building Line.** The line, parallel to the street line, that passes through the point of the principal building nearest the front lot line.
- (p) **Built Upon Area.**
 - (1) For purposes of implementing stormwater programs:
 - a. "built-upon area" means impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil.
 - b. "Built-upon area" does not include a slatted deck; the water area of a swimming pool; a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric; or a trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour) and in accordance with the provisions of G.S. 143-214.7(b2) (S.L. 2015-149)
 - (2) For purposes of implementing watershed protection ordinance:
 - a. 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 (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), etc.

b. Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.

- (q) **Bus Shelter.** A roofed structure for people to wait under at a bus stop.
- (r) **Bus Stop.** A designated place where buses stop for passengers to board or alight from a bus.
- (s) **Cease.** Bring or come to an end.
- (t) **Certify.** Whenever this ordinance requires that some agency certify the existence of some fact or circumstance to the town, the town may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the town may accept certification by telephone from some agency when the circumstances warrant it, or the town may require that the certification be in the form of a letter or other document.
- (u) **Circulation Area.** That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.
- (v) **Close familial relationship.** A spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.
- (w) **Comprehensive plan.** A comprehensive plan that has been officially adopted by the Town board pursuant to G.S. 160D-501.
- (x) **Conditional zoning.** A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.
- (y) **Debris.** The worthless remains that result from the destruction or breaking down of anything, including automobiles.
- (z) **Decision-making board.** A board assigned to make quasi-judicial decisions under Chapter 160D.
- (aa) **Deck (building).** An outdoor floor structure open to the weather, attached/detached to a building, extending horizontal, and made of wood or wood like material.
- (ab) **Determination.** A written, final and binding order, requirement, or determination regarding an administrative decision.
- (ac) **Developer.** A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.
- (ad) **Development.**
 - (1) Any of the following:
 - a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure;
 - b. Excavation, grading, filling, clearing, or alteration of land;
 - c. The subdivision of land as defined in G.S. 160D-802;
 - d. The initiation of substantial change in the use of land or the intensity of the use of land.
 - (2) This definition does not alter the scope of regulatory authority granted by the Articles of Chapter 160D.

- (ae) **Development approval.** An administrative or quasi-judicial approval made pursuant to Chapter 160D that is written and that is required prior to commencing development or undertaking a specific activity, project or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to Chapter 160D, including plat approvals, permits issued, development agreements entered into, and building permits issued.
- (af) **Development regulation.** A unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to Chapter 160D, or a local act or charter that regulates land use or development.
- (ag) **DBH (diameter at breast height of a tree).** Measured at 4.5 feet above ground surface level.
- (ah) **Dimensional Nonconformity.** A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.
- (ai) **Discontinue.**
 - (1) To bring (as an action or operation) to an immediate end.
 - (2) To break the continuity of: cease to operate, administer, use, produce, or take.
 - (3) To abandon or terminate by a legal discontinuance
- (aj) **Driveway.** That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.
- (ak) **Due Diligence.** Research, analysis, and investigation done in preparation for a business transaction, signing of a contract, or an act with a certain standard of care.
- (al) **Dwelling.** Any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that for purposes of Chapter 160D Article 12 (Minimum Housing Codes) it does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose.
- (am) **Dwelling Unit.** A single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- (an) **Easement.** The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.
- (ao) **Eave.**
 - (1) The edges of a roof which overhang the face of building walls.
 - (2) Primary function of an eave is to keep rain water off the walls and to prevent the ingress of water at the junction where the roof meets the wall.

- (3) Eaves may also protect the pathway around the building from the rain, prevent erosion of the footings, and reduce splatter on the wall from rains as it hits the ground.
- (ap) **Evidentiary hearing.** A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation adopted under Chapter 160D.
- (aq) **Expenditure.** A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.
- (ar) **Extraterritorial Planning Area.** That portion of the town's planning jurisdiction that lies outside the corporate limits of the town.
- (as) **Facade.** The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.
- (at) **Family.** One (1) or more persons living together as a single housekeeping unit.
- (au) **Fence.** Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
- (av) **Floor Area, gross.** The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls. The term gross floor area shall include basements; elevator shafts; stairwells at each story; floor space used for mechanical equipment with structural headroom of six feet six inches or more; penthouses; attic space, whether or to a floor has actually been laid, providing structural headroom of six feet, six inches or more; interior balconies; and mezzanines.
- (aw) **Frontage.** The front or frontage is that side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side line of a corner lot.
- (ax) **Garage, private.** A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.
- (ay) **Good Faith.**
- (1) As defined in the NCGS, Honesty in fact and the observation/observance of reasonable commercial standards of fair dealing.
 - (2) A sincere intention to deal fairly with others.
 - (3) In accordance with standards of trust.
- (az) **Governing board.** The city council. The term is interchangeable with the terms "board of aldermen" and "boards of commissioners" and means any governing board without regard to the terminology employed in charters, local acts, other portions of the General Statutes, or local customary usage.
- (ba) **Grade.** The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building.
- (bb) **Guardhouse.** A building accommodating a guard who controls entrance to the grounds of a house, housing development, school, or other facility. Also known as a

watch house, guard building, guard booth, guard shack, security booth, security building, kiosk.

- (bc) **Gutter (rain).** A narrow, shallow trough or duct fixed beneath the edge of a roof for collecting, carrying, and diverting rainwater away from the structure.
- (bd) **Habitable Floor.** Any floor useable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or any combination thereof. A floor used only for storage is not a habitable floor.
- (be) **Handicapped.** As used herein, the term "handicapped" shall mean having:
 - (1) a physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently;
 - (2) a record of having such an impairment; or
 - (3) being regarded as having such an impairment.However, "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals.
- (bf) **Handicap Ramp.** An inclined plane installed in addition to or instead of stairs. Ramps permit wheelchair users, as well as people pushing strollers, carts, or other wheeled objects, to more easily access a building.
- (bg) **Hazardous substances.** Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.
- (bh) **Height, building.** The vertical distance measured from the mean elevation of the finished grade at the front of the building to the highest point of the building.
- (bi) **Homeowners Association.** A formally constituted nonprofit association or corporation made up of the property owners and/or residents of a fixed area; may take permanent responsibility for costs and up keep of semiprivate community facilities.
- (bj) **HUD Label.** The form of certification required by the United States Department of Housing and Urban Development (HUD) to be permanently affixed to each transportable section of each manufactured home manufactured for sale to a purchaser in the United States to indicate that the manufactured home conforms to all applicable federal construction and safety standards.
- (bk) **Industry, heavy.** A use engaged in the basic processing and industrial of materials or products predominately from extracted or raw materials, or use engaged in storage of, or industrial processes using flammable or explosive materials, or storage or industrial processes that potentially involve hazardous or commonly recognized offensive conditions.
- (bl) **Industry, light.** A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.
- (bm) **Junk.** Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

- (bn) **Junked Motor Vehicle.** A vehicle that does not display a current license plate lawfully upon that vehicle and that:
- (1) Is partially dismantled or wrecked; or
 - (2) Cannot be self-propelled or moved in the manner in which it originally was intended to move.
- (bo) **Land development regulation.** Any State statute, rule, or regulation, or local ordinance affecting the development or use of real property, including any of the following:
- (1) Unified development ordinance.
 - (2) Zoning regulation, including zoning maps.
 - (3) Subdivision regulation.
 - (4) Erosion and sedimentation control regulation.
 - (5) Floodplain or flood damage prevention regulation.
 - (6) Mountain ridge protection regulation.
 - (7) Stormwater control regulation.
 - (8) Wireless telecommunication facility regulation.
 - (9) Historic preservation or landmark regulation.
 - (10) Housing code.
- (bp) **Landowner or owner.** The holder of the title in fee simple. Absent evidence to the contrary, the Town may rely on the county tax records to determine who is a landowner. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his or her agent or representative for the purpose of making applications for development approvals.
- (bq) **Legislative decision.** The adoption, amendment, or repeal of a regulation under Chapter 160D or an applicable local act. It also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of Article 10 of Chapter 160D.
- (br) **Legislative hearing.** A hearing to solicit public comment on a proposed legislative decision.
- (bs) **Litter.** Rubbish or refuse scattered about any development.
- (bt) **Loading and Unloading Area.** That portion of the vehicle accommodation area used to satisfy the requirements of §288.
- (bu) **Local act.** As defined in G.S. 160A-1(5).
- (bv) **Lot.** A platted parcel of land intended to be separately owned, developed, and otherwise used as a unit.
- (bw) **Lot Area.** The total area circumscribed by the boundaries of a lot, except that:
- (1) when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and 30 feet from the center of the traveled portion of the street, and
 - (2) in a residential district, when a private road that serves more than three dwelling units is located along any lot boundary, then the lot boundary for purposes of computing the lot area shall be the inside boundary of the traveled

portion of that road.

- (bx) **Lot, corner.** A lot abutting on and at the intersection of two or more streets.
- (by) **Lot depth.** The average horizontal distance between the front and rear lot lines.
- (bz) **Lot, flag.** Lots or parcels that the town has approved with less frontage on a public street than is normally required. The panhandle is an access corridor to lots or parcels located behind lots or parcels with normally required street frontage.
- (ca) **Lot line.** A line dividing one lot from another lot or from a street or alley.
- (cb) **Lot substandard.** A lot or parcel of land that has less than the required minimum area or width as established by the zone in which it is located and provide that such lot or parcel was of record as a legally created lot on the effective date of this ordinance.
- (cc) **Manager.** See "Operator"
- (cd) **Manufactured Home Skirting.** The enclosure of the perimeter of a manufactured home.
- (ce) **Manufactured Home Space.** A plot of land within a manufactured home park rental community designed for the accommodation of a single manufactured home.
- (cf) **Manufactured Home Stand.** That portion of the manufactured home space designed for and used as the area occupied by the manufactured home.
- (cg) **Masonry.** The building of structures from individual units, which are often laid in and bound together by mortar; the term masonry can also refer to the units themselves. The common materials of masonry construction are brick, building stone such as marble, granite, travertine, and limestone, cast stone, concrete block, glass block, and adobe. Masonry is generally a highly durable form of construction. However, the materials used, the quality of the mortar and workmanship, and the pattern in which the units are assembled can substantially affect the durability of the overall masonry construction. A person who constructs masonry is called a mason or bricklayer.
- (ch) **Mobile Home Skirting.** The enclosure of the perimeter of a mobile home.
- (ci) **Mobile Home Space.** A plot of land within a mobile home park rental community designed for the accommodation of a single mobile home.
- (cj) **Mobile Home Stand.** That portion of the mobile home space designed for and used as the area occupied by the mobile home.
- (ck) **Motor Vehicle or Vehicle.** All machines designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle. This term includes but is not limited to: automobiles, motorcycles, scooters, trucks, tractor trailers, dump trucks, farm tractor, utility trailers, boat trailers, and recreational vehicles.
- (cl) **Multi-phased development.** A development containing twenty-five (25) acres or more that is both of the following:
 - (1) Submitted for development permit approval to occur in more than one (1) phase.
 - (2) Subject to a master development plan with committed elements showing the type and intensity of use of each phase.
- (cm) **Operator/Manager.** The individual that is responsible for the daily operations of a use.
- (cn) **Parcel.** A continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons.
- (co) **Parking Area Aisles.** A Portion of the vehicle accommodation area consisting of

- lanes providing access to parking spaces.
- (cp) **Parking Space.** A portion of the vehicle accommodation area set aside for the parking of one vehicle.
 - (cq) **Perennial waterbody.** A natural or man-made basin that stores surface water permanently at depths sufficient to preclude growth of rooted plants, including lakes, ponds, sounds, non-stream estuaries and ocean. For the purpose of the States riparian buffer protection program, the waterbody must be part of a natural drainageway (i.e., connected by surface flow to a stream).
 - (cr) **Pergola.** A garden feature forming a shaded walkway, passageway or sitting area of vertical posts or pillars that usually support cross-beams and a sturdy open lattice. Also give climbing plants a structure on which to grow or woody vines are trained.
 - (cs) **Person.** An individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity.
 - (ct) **Planning and development regulation jurisdiction.** The geographic area defined in Chapter 160D within which the Town may undertake planning and apply the development regulations authorized by Chapter 160D.
 - (cu) **Principal building.** A building in which the primary use of the lot on which the building is located is conducted.
 - (cv) **Principle use.** The main use of land or structures, as distinguished from a secondary or accessory use.
 - (cw) **Property.** All real property subject to land-use regulation by the Town and includes any improvements or structures customarily regarded as a part of real property.
 - (cx) **Public Water Supply System.** Any water supply system furnishing portable water to ten (10) or more dwelling units or businesses or any combination thereof.
 - (cy) **Quasi-judicial decision.** A decision involving the finding of facts regarding a specific application of development regulation and that requires the exercise of discretion when applying the standards of the regulation. Quasi-judicial decisions include but are not limited to decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.
 - (cz) **Recreational Vehicle. A vehicle, which is:**
 - (1) Built on a single chassis;
 - (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
 - (3) Designed to be self-propelled or permanently towable by a light duty truck;
 - (4) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use, and

- (5) Is fully licensed and ready for highway use. For the purpose of this ordinance, “Tiny Homes/Houses” and Park Models that do not meet the items listed above are not considered Recreational Vehicles and should meet the standards of and be permitted as Residential Structures.
- (da) Recreational Vehicle (RV) Site. A designated space for parking a recreational vehicle inside of a recreational vehicle park.
- (db) **Residence.** A person’s home. The place where someone lives.
- (dc) **Residential.** Designed for people to live in.
- (dd) **Road, public.** All public property reserved or dedicated for street traffic.
- (de) **Road, private.** All private ways used to provide motor vehicle access to:
- (1) two or more lots; or
 - (2) two or more distinct areas or buildings in unsubdivided developments.
- (df) **Roof.** The structure forming the upper covering of a building or shelter which provides protection from animals and weather.
- (dg) **Short Term.** Occuring over or involving a relatively short period of time [less than one hundred eighty (180) days].
- (dh) **Sign.** Any device that:
- (1) is sufficiently visible to persons not located on the lot where such device is located to accomplish either of the objectives set forth in subdivision (2) of this definition; and
 - (2) is designed to attract the attention of such persons or to communicate information to them.
- (di) **Site plan.** A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include, but is not limited to, site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities, that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.
- (dj) **Sleeping Unit.** A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.
- (dk) **Special use permit.** A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. This definition includes permits previously referred to as “conditional use permits” or “special exceptions.”
- (dl) **Stairs.** A construction designed to bridge a large vertical distance by dividing it into smaller vertical distances, called steps.

- (dm) **Stoop.** A small staircase ending in a platform and leading to the entrance of a house or other building. Also known as a small porch with steps.
- (dn) **Stream.** A body of concentrated flowing water in a natural low area or natural channel on the land surface.
- (do) **Stream, Ephemeral.** A feature that carries only stormwater in direct response to precipitation with water flowing only during and shortly after large precipitation events. An ephemeral stream may or may not have a well-defined channel, the aquatic bed is always above the water table, and stormwater runoff is the primary source of water. An ephemeral stream typically lacks the biological, hydrological, and physical characteristics commonly associated with the continuous or intermittent conveyance of water.
- (dp) **Stream, Intermittent.** A well-defined channel that contains water for only part of the year, typically during winter and spring when the aquatic bed is below the perched or seasonal high-water table. The flow may be supplemented by stormwater runoff. An intermittent stream often lacks the biological and hydrological characteristics commonly associated with the continuous conveyance of water.
- (dq) **Stream, Perennial.** A well-defined channel that contains water year-round during a year of normal rainfall with the aquatic bed located below the perched or seasonal high-water table for most of the year. Groundwater is the primary source of water for a perennial stream, but it also carries stormwater runoff. A perennial stream exhibits the typical biological, hydrological, and physical characteristics commonly associated with the continuous conveyance of water.
- (dr) **Streets.** The roadway or roadways that provide access to vehicles and pedestrians.
- (ds) **Structure.**
 - (1) Anything constructed or erected, including but not limited to buildings, which requires location on the land or attachment to something having permanent location on the land.
 - (2) A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.
- (dt) **Structure, Completely/Fully Enclosed.** A building or structure that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors.
- (du) **Structure, Substantially Enclosed.** A structure that has a ceiling or roof but there is an opening or aggregate area of openings in the walls which is less than half of the total area of the walls, including other structures that serve the purpose of walls and constitute the perimeter of the premise. When determining the area of an opening, no account can be taken of openings in which doors, windows or other fittings can be open or shut. A roof includes any fixed or moveable structure or device, such as a retractable canvas awning, capable of covering all or part of the premises. The definition includes temporary structures such as tents and marquees.
- (dv) **Subdivision.** The division of land for the purpose of sale or development as specified in G.S. 160D802.
- (dw) **Subdivision regulation.** A subdivision regulation authorized by Article 8 of Chapter

160D.

- (dx) **Substantial Clearing, Grading, or Excavation.** One (1) contiguous acre or more of land:
- (1) Cleared and/or grubbed of timber, brush, roots, stumps, trees, and/or other vegetation;
 - (2) Graded, made level, and/or sloped; and/or
 - (3) Excavated, dug out, and/or removed.
- (dy) **Substantially Opaque.** Seventy-five percent (75%) or more not able to be seen through; Seventy-five percent (75%) or more not transparent.
- (dz) **Surface Water.** All waters of the state as defined in G.S. 143-212 except underground waters.
- (ea) **Temporary.** Lasting only a limited period of time; not permanent.
- (eb) **Tract.** A lot. The term tract is used interchangeably with the term lot. Particularly in the context of subdivisions, where one "tract" is subdivided into several "lots".
- (ec) (1)
 (2)
- Trash.** Any accumulation of waste materials no longer in use, including but not limited to paper, bottles, grass and shrubbery cuttings, leaf raking and the like.
- (ed) **Trellis.** An architectural structure usually made from interwoven pieces of wood, bamboo or metal that is often made to support climbing plants.
- (ee) **Vacant.**
- (1) (of premises) having no occupant, or inhabitants; empty; void; unoccupied.
 - (2) Not in use.
 - (3) Free from work, business, activity, etc.
- (ef) **Variance.** A grant of permission by the board of adjustment that authorizes the recipient to do that which, according to the strict letter of this ordinance, he could not otherwise legally do.
- (eg) **Vegetative Buffer.** A vegetated area that is undisturbed, not to be developed, and left in its natural state.
- (1) For intermittent and perennial streams, shall begin at the most landward limit of the top of bank or the rooted herbaceous vegetation and extend landward on all sides of the surface water, measured horizontally on a line perpendicular to the surface water.
 - (2) For ponds, lakes and reservoirs located within a natural drainage way, shall begin at the most landward limit of the normal water level or the rooted herbaceous vegetation and extend landward, measured horizontally on a line perpendicular to the surface water.
- (eh) **Vehicle.** See "Motor Vehicle"
- (ei) **Vehicle Accommodation Area.** That portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas.
- (ej) **Vehicle Storage.** Trucks, trailers, cars, etc. that:
- (1) are stored on site for more than seven (7) consecutive days ;
 - (2) are stored in an unordered fashion;
 - (3) do not display a current license plate;

- (4) are not operable;
 - (5) cannot be self-propelled or moved in the manner in which it was intended to move;
 - (6) under repair;
 - (7) missing parts;
 - (8) partially dismantled;
 - (9) junked; and/or
 - (10) wrecked.
- (ek) **Water Meter Building.** A building that contains required utility appurtenances such as large water meters, reduced pressure zone (RPZ) devices, sprinkler system RPZ, sprinkler system fire department connection (FDC), and double check valve assembly. The building may have lights and heat.
- (el) **Wooded Area.** An area of contiguous wooded vegetation where trees are at a density of at least one six-inch or greater caliper tree per 325 square feet of land and where the branches and leaves form a contiguous canopy.
- (em) **Yard.** An area within a lot that lies between the principal structure(s) on the lot and the nearest lot lines. Yards are further classified as front yard, side yards, and rear yards.
- (en) **Yard, Front.** The yard between the front façade of the principal structure(s) on a lot and the front lot line and extending the full width of the lot.
- (eo) **Yard, Rear.** The yard between the rear façade of the principal structure(s) on a lot and the rear lot line and extending the full width of the lot.
- (ep) **Yard, Side.** The yard between the side façade of the principal structure(s) on a lot and the nearest side lot line and extending between the front yard and rear yard of the lot.
- (eq) **Zoning map amendment or rezoning.** An amendment to a zoning regulation to change the zoning district that is applied to a specified property or properties. It does not include the initial adoption of a zoning map by the Town or the repeal of a zoning map and readoption of a new zoning map for the entire planning and development regulation jurisdiction. It does not include updating the zoning map to incorporate amendments to the names of zoning districts made by zoning text amendments where there are no changes in the boundaries of the zoning district or land uses permitted in the district. It does include the initial application of zoning when land is added to the territorial jurisdiction of the Town that has previously adopted zoning regulations. It does include the application of an overlay zoning district or a conditional zoning district.
- (er) **Zoning Permit.** A permit issued by the land-use administrator that authorizes the recipient to make use of property in accordance with the requirements of this ordinance.
- (es) **Zoning regulation.** A zoning regulation authorized by Article 7 of Chapter 160D.

Amended March 21, 2016, June 19, 2017, August 21, 2017, December 4, 2017, April 16, 2018, May 21, 2018, October 15, 2018, March 18, 2019, January 21, 2020, January 21, 2021

SECTION 2: AMENDMENT "136 Uses Defined" of the Town of Siler City Unified Development Ordinance (UDO) is hereby *amended* as follows:

AMENDMENT

136 Uses Defined

- (a) **Agricultural Use.** The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided however, that the operation of such accessory uses shall be secondary to that of normal agricultural activities.
- (b) **Airplane Hangar.** A building used for storage of aircraft, the location of which is either on municipal airport property or property adjoining a municipal airport. This use shall be permitted in accordance with the Table of permissible Uses provided an "Agreement Regarding Airport Access", allowing access to Town property, runways and taxiways, has been fully executed.
- (c) **Antenna.** Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building.
- (d) **Automobile Graveyard.** Any establishment or place of business which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. Any establishment or place of business upon which six (6) or more unlicensed, used motor vehicles which cannot be operated under their own power are kept or stored for a period of fifteen (15) days or more.
- (e) **Bar (Night Clubs).** A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing is permitted.
- (f) **Beauty salon.** An establishment dealing with cosmetic treatments (hair, skin, health, feet, nails, etc.) for men and women.
- (g) **Billiard & Pool Halls.**
 - (1) An establishment that has three (3) or more billiard tables on site available for use by patrons of said establishment, or occupying more than fifty (50) percent of the gross floor area of an establishment.
 - (2) Any use meeting this definition shall be considered a primary use regardless of association or location in conjunction with other permissible primary uses.
- (h) **Boarding House.** A residential use consisting of at least one dwelling unit together with more than two rooms that are rented or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A

rooming house or boarding house is distinguished from a tourist home in that the former is designed to be occupied by longer term residents (at least month-to-month tenants) as opposed to overnight or weekly guest.

- (i) **Bona Fide Farm Purposes.** Agricultural activities as set forth in G.S. 160D-903.
- (j) **Child Care Homes.** A Home for not more than nine orphaned, abandoned, dependent, abused, or neglected children, together with not more than two adults who supervise such children, all of whom live together as a single housekeeping unit.
- (k) **Child Care Institution.** An institutional facility housing more than nine orphaned, abandoned, dependent, abused, or neglected children.
- (l) **Church, Synagogue, or Temple.** Buildings used for religious and spiritual activities, particularly for worship services and prayer and include rooms for study, fellowship, and offices.
- (m) **Consignment store.** An establishment that receives goods, merchandise, and equipment to be placed on sale from persons. The ownership of these goods may remain with the sender. The agent sells the goods on behalf of the sender according to an agreement. The sender of goods is known as the "consignor" and the agent entrusted with the custody and care of the goods is known as the "consignee".
- (n) **Convenience Store.** A one-story, retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages and other household supplies to customers who purchase only a relatively few items. It is designed to attract and depends upon a large volume of stop-and-go traffic. Illustrative examples of convenience stores are this operated by the "Pantry", "Fast Fare", and "7-11" chains.
- (o) **Cottage Industry.** A small scale industry where the owner/artisan (craftsman) works directly with the employees. An artisan is a skilled manual worker who makes items that may be functional or strictly decorative. The products and services created are handmade, unique and distinctive given the fact that they are not mass-produced. Labor is intensive and production uses traditional equipment and techniques. Custom products include wood working, furniture, sculpture, clothing, household items, tools, ceramics, jewelry, metal working, leather, fiber, crafts, bakery, value added food and beverage, etc.
- (p) **Crematorium.** A furnace or establishment for the incineration of corpses.
- (q) **Day Care Center.** Any child care arrangement that provides day care on a regular basis for more than four hours per day for more than five children of preschool age.
- (r) **Emergency Management Operation.** A facility established in an effort to protect the citizens during emergencies and disasters. Emergency management is the creation of plans through which communities reduce vulnerability to hazards and cope with disasters.
- (s) **Event Center Limited.** A venue to allow for various public or private gatherings/events, including, but not limited to, weddings, receptions, arts and craft shows, meetings, outdoor movies, etc. on a smaller scale (less than five hundred (500) people) and which can be indoor or outdoor or a combination thereof.
- (t) **Family Care Home.** As defined in NCGS 160D-907.
- (u) **Food Commissary.** Any commercial kitchen where mobile food vendors and other food service providers prepare and store food including parking, storage, and

maintenance of vehicles and equipment.

(v) **Gaming Establishment, Adult.**

- (1) Any establishment deemed legal by state law, featuring six (6) or more stand-alone electronic or conventional gaming units, skill-based or otherwise, or serving six (6) or more patrons in such a capacity at any one time, or occupying more than fifty (50) percent of the gross floor area of an establishment, which also rewards patrons with cash or other monetary payments, goods or certificates for services which are redeemable for cash or other monetary payment on or off premise and including on-line redemptions, as well as any rewards which cannot be legally obtained, consumed, or otherwise used by minors.
- (2) Any use meeting this definition shall be considered a primary use regardless of association or location in conjunction with other permissible primary uses.
- (3) State of North Carolina sanctioned lottery functions shall not be considered as adult gaming establishments for the purposes of this ordinance.

(w) **Gaming Establishment, General.**

- (1) Any establishment deemed legal by state law, excluding billiards halls, adult gaming establishments and any others similarly defined in this chapter, whose primary use is to provide entertainment services to the general public in the form of electronic or conventional gaming units which provide either no reward to patrons or rewards of limited value such as children's toys, games, and novelties when all of said rewards can be legally obtained and used by all ages and are not redeemable for cash or any other kind of compensation or services on or off premises, including on-line redemptions.
- (2) Examples include traditional video game arcades and children's and family game centers, whether stand-alone or in conjunction with a restaurant or other permissible uses.
- (3) This shall be considered a primary use when occupying more than fifty (50) percent of the gross floor area of an establishment.

(x) **Halfway House.** A home for not more than nine persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct, together with not more than two persons providing supervision and other services to such persons, eleven of whom live together as a single house keeping unit.

(y) **Handicapped or Infirm Institution.** An institutional facility housing and providing care or assistance for more than nine persons who are physically or mentally handicapped or infirm. Persons residing in such homes, including the aged or disabled, principally need residential care rather than medical treatment.

(z) **High-Volume Traffic Generation.** All uses in the 2.0 classification other than low-volume traffic generation uses.

(aa)

(ab) **Home Occupation.** An accessory use of a dwelling unit for gainful employment which:

- (1) is clearly incidental and subordinate to the use of the dwelling unit as a residence;
- (2) is carried on only within the main dwelling;

- (3) occupies no more than 33% of the gross floor area of the dwelling;
 - (4) does not use accessory structures (except for unheated storage);
 - (5) does not alter or change the exterior character of appearances of the dwelling;
 - (6) no display of goods, products or services shall be visible on site;
 - (7) traffic and parking generated and associated with the use shall not be:
 - a. detrimental to the neighborhood or create congestion on the street where the home occupation is located; and
 - b. in greater volumes than would normally be expected in a residential neighborhood.
 - (8) vehicles used primarily as passenger vehicles shall be permitted in connection with the home occupation;
 - (9) only two commercially licensed vehicles shall be allowed;
 - (10) no equipment or process shall be used in connection with the home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference that is detectable off-site;
 - (11) is created and operated by the residents on the premises;
 - (12) has no more than one (1) employee who is not resident on the premises;
 - (13) child day care (no more than eight (8) total and no more than five (5) preschool age)
 - (14) hours for visits shall be between 8:00 am and 8:00 pm; and
 - (15) includes customary uses such as accounting, appraisals, architect, art studio (no mass production), baking, bookkeeping, computer systems design and training, cooking, craft making, dentist, dressmaking engineering, hair dressing, financial planning, florist, information and data processing, insurance sales, interior decoration (no studio permitted), law office, mail order (order taking only, no stock in trade), manufacture and assembly of goods and products, merchandising and sale of goods and products at retail, millinery, musical instruction or repair, photography, physician, real estate, surgeon, tailoring, tax services, teaching, tutoring.
 - (16) Occupations that have no non-resident employees, no signs, no on-site retail sales, or no visits from the general public do not require a zoning permit for a home occupation.
- (ac) **Home Occupation, Rural.** An accessory use of a nonfarm household located in a rural area intended for creating gross income, as defined in IRC 61, 26 U.S.C §61, from the sale of goods and services that is conducted either from within the dwelling or accessory buildings occupied by the family conducting the home occupation. The following requirements shall apply to home occupation, rural:
- (1) is clearly incidental and subordinate to the use of the dwelling unit as a residence;
 - (2) occupies no more than thirty-three percent (33%) of the gross floor area of the dwelling;
 - (3) occupies up to one hundred percent (100%) of the gross floor area of accessory buildings;
 - (4) does not alter or change the exterior character of appearances of the dwelling;

- (5) display of goods, products or services shall be at least one hundred (100) feet from any property line;
 - (6) traffic and parking associated with the use shall not be detrimental to the neighborhood or create congestion on the street where the home occupation is located;
 - (7) vehicles used primarily as passenger vehicles shall be permitted in connection with the home occupation;
 - (8) is created and operated by the residents on the premises;
 - (9) has no more than five (5) employees who are not residences on the premises.
 - (10) no equipment or process shall be used in connection with the home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference that is detectable off-site; and
 - (11) in addition to the above subsections, home occupation activities including motor vehicle (repair, maintenance, body work, painting), welding and fabricating service, machining, lawn mower repair, cabinet making, sawmill, veterinarian service, kennel, pet grooming, and any other such use that would not otherwise comply with subsection (10) above shall:
 - a. contain at least four (4) contiguous acres; and
 - b. accessory buildings shall be located in the rear yard (behind the rear building line of the dwelling) and at least thirty-five (35) feet from side and rear property lines.
- (ad) **Inert Debris Beneficial Fill.** Operation that does not require North Carolina Division of Waste Management permits, that only fills valley, holes, etc. for purpose of leveling up land for future construction The fill material shall be solid waste that consists solely of material that is virtually inert (non-reactive under normal conditions), that is likely to retain its physical and chemical structure under expected conditions of disposal including but not limited to brick, concrete, cement, cinderblock, asphalt, gravel, rock soil, and similar materials that are not painted, treated, contaminated by petroleum products, nor biodegradable.
- (ae) **Intermediate Care Home.** A facility maintained for the purposed of providing accommodations for not more than seven occupants needing medical care and supervision at a lower level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.
- (af) **Intermediate Care Facility.** An institutional facility maintained for the purpose of providing accommodations for more than seven persons needing medical care and supervision at a lower level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.
- (ag) **Itinerant Merchant.** A person, other than a merchant with an established retail store in the county, who transports an inventory of goods to a building, vacant lot, or other location in a county and who, at that location, displays the goods for sale and sells the goods at retail or offers the goods for sale at retail.
- (ah) **Junkyard.** An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills. An establishment or place of business which stores or keeps for a period of fifteen (15)

days or more.

- (ai) **Kennel.** A commercial operation that: i) provides food and shelter and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian), or ii) engages in the breeding of animals for sale.
- (aj) **Low-Volume Traffic Generation.** Uses such as furniture stores, carpet stores, major appliance stores, etc. that sell items that are large and bulky, that need a relatively large amount of storage or display area for each unit offered for sale, and that therefore generate less customer traffic per square foot of floor space than stores selling smaller items.
- (ak) **Manufactured Home, as defined in NCGS §143-145(7).**
 - (1) A structure, transportable in one (1) or more sections, which in the traveling mode is eight (8) body feet or more in width, or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein.
 - (2) "Manufactured home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development (HUD) and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974.
 - (3) For manufactured homes built before June 15, 1976, "manufactured home" means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semipermanent foundation having a measurement of over thirty-two (32) feet in length and over eight (8) feet in width.
 - (4) "Manufactured home" also means a double-wide manufactured home, which is two (2) or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semipermanent foundation having a measurement of over thirty-two (32) feet in length and over eight (8) feet in width.
- (al) **Manufactured Home, Class A.** A manufactured home that meets or exceeds the construction and safety standards promulgated by the U.S. Department of Housing and Urban Development (HUD) that were in effect at the time of construction and affixed with a HUD label.
- (am) **Manufactured Home, Class B.** A manufactured home that does not meet the construction and safety standards promulgated by the U.S. Department of Housing and Urban Development (HUD) and is not affixed with a HUD label.
- (an) **Manufactured Home, Double Wide.** A Class A manufactured home that is greater than sixteen (16) feet wide and is composed of more than one (1) component.
- (ao) **Manufactured Home Park.** A parcel (or continuous parcels) of land that contains two (2) or more manufactured homes.

- (ap) **Manufactured Home Park Rental Community** – Any site or tract of land where land rental and specified services (water and sewer) are provided for manufactured homes.
- (aq) **Manufactured Home, Single Wide.** A Class A manufactured home that is sixteen (16) feet wide or less.
- (ar) **Mobile Food Unit.** A motor vehicle, pushcart or any mobile apparatus in which, out of which, or from which food and beverage preparation is conducted, stored, sold, and consumed.
- (as) **Mobile Vending Unit (MVU), Temporary Use.** Locations in which licensed motor vehicles, pushcart or any mobile apparatus are parked on a lot as a structure in which, out of which, or from which any goods and merchandise are sold or stored, any services are performed, or other business is conducted including prepare and/or offer for sell and/or consumption of food and beverage. This definition shall include, but is not limited to, itinerant merchants, mobile food units, mobile vending vehicle, peddlers, and transient vendors. This definition also includes, but is not limited to:
 - (1) sale of items by a nonprofit charitable, educational, religious, scientific, or civic organization; and
 - (2) sale of farm products, nursery products, crafts, goods, printed material, wood for fuel, ice, seafood, meat, poultry, livestock, eggs, dairy products, bread, cake, pies, or own household property by an itinerant merchant, peddler, or transient vendor.

A MVU shall not:

 - (1) Be connected to on site water, sewer, gas, electrical, phone, or cable hookups; or
 - (2) locate structures, buildings, or tables on site for more than one day.
- (at) **Mobile Vending Vehicle.** Shall include, but not limited to, any motor vehicle, truck, car, trailer, cart, wagon, conveyance, table, or structure not permanently fixed to a permanent foundation and which may be moved under its own power, pushed, or pulled by hand, towed by a motor vehicle, wheelchair, motorcycle, bicycle, or other mobile device, or carried upon or in a motor vehicle or trailer.
- (au) **Modular Home.** A dwelling unit constructed in accordance with the standards set forth in the North Carolina State building code applicable to site-built homes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two (2) sections transported to the site in a manner similar to a manufactured home (except that the modular home meets the North Carolina State Building Code applicable to site-built homes), or a series of panels or room sections transported on a truck and erected or joined together on the site.
- (av) **Motel.** A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or a tourist court with more than one unit or a motor lodge shall be deemed a motel.
- (aw) **Motor Vehicle Towing with Temporary Vehicle Storage, Accessory Use.** The storage area for an establishment or place of business that is maintained, used, or

operated for storing, parking, sales, repair, and/or processing of inoperative, wrecked, towed, and/or damaged vehicles located outside of an enclosed structure for less than ninety (90) days.

- (1) The use shall be customarily associated with but not limited too; motor vehicle sales or rental, installation of motor vehicle parts or accessories, motor vehicle repair and maintenance, motor vehicle painting and body work, commercial garages, and automobile service stations.
 - (2) Vehicles may include but not limited too; motor vehicles, automobiles, trailers, trucks, tractor-trailer, boats, recreational vehicles, and motorcycles.
 - (3) This definition does not include junkyard, automobile savage yard or automobiles graveyard operation.
 - (4) Staking, dismantling, and/or disassembling vehicles in order to sale the parts is not permitted under this definition.
- (ax) **Night Club.** See "Bar"
- (ay) **Nursing Care Home.** A facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to not more than nine persons.
- (az) **Nursing Care Institution.** An institutional facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to more than nine persons.
- (ba) **Office.** A building or portion of a building wherein services are performed involving predominantly administrative professional, or clerical operations.
- (bb) **Open Air Market.** A public marketplace where food, beverage, goods, and merchandise are sold. Including but not limited to: farmer's market, craft market, flea market, produce market, specialty market, and mobile vending market. An open air market is further defined as a site in which one of the following may occur:
- (1) On site water, sewer, gas, electrical, phone, or cable hookups are available to merchants, mobile vending units, peddlers, vendors, etc.; or
 - (2) Structures, buildings, or tables are placed on property and remain for more than one day.
- (bc) **Park.** Any public or private land available for recreational, educational, cultural, or aesthetic use.
- (bd) **Peddler.** A person who travels from place to place with an inventory of goods, who sells the goods at retail or offers the goods for sale at retail, and who delivers the identical goods.
- (be) **Place of Worship.** A structure or space where people congregate to perform acts of devotion or religious study including, but not limited to, church, synagogue, or temple.
- (bf) **Planned Residential Development (PRD).** A development constructed on a tract of at least three (3) acres under single ownership, planned and developed as an integral unit, and consisting of single-family detached residences combined with either two-family residences or multi-family residences, or both, all developed in accordance with §148.
- (bg) **Planned Unit Development (PUD).** A development constructed on a tract of at least three (3) acres under single ownership, planned and developed as an integral unit, and

- consisting of a combination of residential and nonresidential uses on land within a PUD district (see §128) in accordance with §149.
- (bh) **Pool Hall.** See “Billiard Hall”.
 - (bi) Recreational Vehicle (RV) Park. A plot of land that is established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational, camping, travel, or seasonal purposes.
 - (bj) **Rendering Plant.** An operation that converts animal products including animal waste, fatty tissue, bones, and entire carcasses into stable, value added materials such as purified fats like lard and protein meal. Raw materials come from slaughterhouses, restaurant grease, butcher shops, and expired meat from grocery stores.
 - (bk) **Residence, Duplex.** A two-family residential use in which the dwelling units share a common wall and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.
 - (bl) **Residence, Multi-Family.** A residential use consisting of a building containing three or more dwelling units. For purposes of this definition, a building includes all dwelling units that are enclosed within that building or attached to it by a common floor or wall.
 - (bm) **Residence, Multi-Family Apartments.** A multi-family residential use other than a multi-family conversion or multi-family townhouse.
 - (bn) **Residence, Multi-Family Conversion.** A multi-family residence containing not more than four dwelling units and results from the conversion of a single building containing at least 2,000 square feet of gross floor area that was in existence on the effective date of this provision and that was originally designed, constructed and occupied as a single-family residence.
 - (bo) **Residence, Multi-Family Downtown Apartments.** Multiple dwelling units located within the central business district intended for renter occupancy only and that share means of egress and other essential facilities.
 - (bp) **Residence, Multi-Family Downtown Condominiums.** Multiple dwelling units located within the central business district intended for owner occupancy, with the interior space is individually owned but the land beneath each unit and all common areas are owned proportionately by each unit owner in the development. Walls between units are constructed in accordance with state building code requirements.
 - (bq) **Residence, Multi-Family Townhouses.** A multi-family resident use in which each dwelling unit shares a common wall with at least one other dwelling unit and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.
 - (br) **Residence, Primary with Accessory Apartment.** A residential use having the external appearance of a single-family residence but in which there is located a second dwelling unit that comprises not more than fifty (50) percent of the gross floor area of the building nor more than a total of one thousand (1,000) square feet.
 - (bs) **Residence, Single-Family Detached, More Than One Dwelling Per Lot.** A residential use consisting of two or more single-family detached dwelling units on a single lot.
 - (bt) **Residence, Single-Family Detached, One Dwelling Unit Per Lot.** A residential use consisting of a single detached building containing one dwelling unit and located on a lot containing no other dwelling units.

- (bu) **Residence, Two-Family.** A residential use consisting of a building containing two dwelling units. If two dwelling units share a common wall, even the wall of an attached garage or porch, the dwelling units shall be considered to be located in one building.
- (bv) **Residence, Two-Family Apartment.** A two-family residential use other than a duplex, two-family conversion, or primary residence with accessory apartment.
- (bw) **Residence, Two-Family Conversion.** A two-family residence resulting from the conversion of a single building containing at least 2,000 square feet of gross area that was in existence on the effective date of this Ordinance.
- (bx) **Restaurant.** An establishment that serves food and beverages primarily to persons seated within the building. This includes cafes, tea rooms, and outdoor cafes.
- (by) **Salvage Yard.** A business or a person who possesses five (5) or more derelict vehicles, regularly engages in buying and selling used vehicle parts.
- (bz) **Shelter House.** Short term housing for not more than twelve (12) women and children and up to six (6) bedrooms in need of safe and secure dwelling for victims of domestic abuse, and sexual assault with no more than two (2) on site managers. Residents are responsible for the care of their children. This is not to be considered a treatment facility nor housing because of transiency, deinstitutionalization, chronic unemployment, alcoholism, or drug abuse and shall be permitted in accordance with the Table of Permissible uses provided there is not a similar facility on the same lot.
- (ca) **Slaughterhouse.** A facility where animals are killed for consumption as food products. Animals slaughtered include cattle, bison, sheep, hogs, goats, chickens, turkeys, and ducks.
- (cb) **Special Events.** Circuses, fairs, carnivals, festivals, or other types of special events that:
 - (1) run for longer than one day but not longer than two weeks (fourteen (14) days);
 - (2) are intended to or likely to attract substantial crowds;
 - (3) are unlike the customary or usual activities generally associated with the property where the special event is to be located; and
 - (4) may reoccur up to four (4) times a year (see § 151 for additional requirements).
- (cc) **Specialty Market.** A location, other than a permanent retail store, where space is rented to others for the purpose of selling goods at retail or offering goods for sale at retail.
- (cd) **Specialty Market Operator.** A person, other than the State or a unit of local government, who rents space, at a location other than a permanent retail store, to others for the purpose of selling goods at retail or offering goods for sale at retail.
- (ce) **Specialty Market Vendor.** A person, other than a merchant with an established retail store in the county, who transports an inventory of goods to a specialty market and, at that location, displays the goods for sale and sells the goods at retail or offers the goods for sale at retail.
- (cf) **Solar Collector, Accessory.**
 - (1) A device or structure for which the primary purpose is to convert solar radiant

energy into another source for direct power consumption and interconnection with the power grid to offset energy consumption of a principal use.

(2) Solar panels and related equipment may be ground-mounted, roof-mounted or integrated into the building design.

(3) Is as an accessory use and is incidental to the principal use on a property.

(cg) **Solar Farm.**

(1) A device or structure which transforms solar radiant energy into other forms of energy, which may take the form of a series of photovoltaic cells or an array of panels aimed to directly collect the sun's rays, along with necessary lines, wires, pumps, batteries, mounting brackets, framing, and other related equipment to support the placement of the solar energy receiving elements and to assist in the delivery or transformation of the received energy.

(2) Interconnection with a utility power grid for primarily off-site energy consumption.

(3) An entire tract or portion of a tract that contains a collection of ground-mounted solar panels, components, and related equipment and structures.

(4) The size of a solar farm may vary from a few acres to hundreds of acres.

(5) May also be referred to as a solar energy generation facility, solar power plant, solar collector installation, or solar photovoltaic farm.

(ch) **Stockyard/livestock auction sale with sale of agriculture related goods/equipment and restaurant as accessory/incidental uses.** A gathering point for livestock to be bought and sold by offering up for bid, taking bids, and then selling to the highest bidder.

(ci) **Synagogue.** See "Church".

(cj) **Temple.** See "Church".

(ck) **Temporary Emergency, Reconstruction, or Repair Residence.** A residence (which may be a single wide manufactured home or travel trailer) that is located on the same lot as an existing previously occupied single family residence made uninhabitable:

(1) by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster; or

(2) that is undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when the work is completed.

(cl) **Temporary home for homeless.**

(1) A home owned or operated by a non-profit agency for not more than fifteen (15) persons who satisfy the following criteria and who are in need of temporary housing, together with not more than two resident managers. All residents of such home, other than the manager shall:

a. be accepted only upon referral from an established agency within the community in collaboration with the Siler City Police Department.

b. need housing and intend to reside within the home for at least twenty-four (24) hours not to exceed thirty (30) days while looking for more permanent accommodations within the community, and

c. be in need of temporary shelter because of some temporary emergency or exigency (e.g., pregnant teenagers, victims of domestic

abuse or sexual assault, newly unemployed persons evicted from their homes) and not because of transiency, de-institutionalization, chronic unemployment, alcoholism, drug abuse, or criminal conduct.

- (2) Temporary homes for the homeless shall be subject to the following:
 - a. There shall be on-site supervision at all times by persons employed by or volunteers trained by the non-profit agency operating the shelter.
 - b. Rules of conduct shall be established and enforced by the agency operating the shelter. These rules shall prohibit the use or possession of drugs, alcohol or weapons as well as disorderly conduct.
 - c. Residents living within the Town of Siler City Corporate Limits or Town of Siler City ETJ shall be given priority for staying in the subject temporary housing.

(cm) **Tourist homes and other temporary residences.**

- (1) A residential use consisting of at least one dwelling unit together with more than two rooms that are rented or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units.
- (2) A tourist home is distinguished from a boarding or rooming house in that the former is designed to be occupied by overnight or weekly guest as opposed to longer term residents (at least month-to-month tenants).
- (3) May also be referred to as a bed and breakfast.

(cn) **Tower.** Any structure whose principal function is to support an antenna.

(co) **Transient Vendor.** Any person who does not maintain a residence or place of business in town, but brings property into the town to sell to consumers.

~~(ep) **Travel Trailer.** A structure that:~~

- ~~(1) is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle) and~~
- ~~(2) is designed for temporary use as sleeping quarters but that does not satisfy one (1) or more of the definition criteria of a manufactured home.~~

(cq) **Use.** The activity or function that actually takes place or is intended to take place on a lot.

(cr) **Utility Facilities.** Any above-ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility for any purpose by {the appropriate provision of state law} and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals. Except from this definition are utility lines and supporting structures listed in Subsection 141(b).

(cs) **Utility Facilities, Community or Regional.** All utility facilities other than neighborhood facilities.

(ct) **Utility Facilities, Neighborhood.** Utility facilities that are designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, be located in or near the neighborhood and that must,

for reasons associated with the purpose of the utility in question, be located in or near the neighborhood where such facilities are proposed to be located.

- (cu) **Wholesale Sales.** On-premises sales of goods primarily to customers engaged in the business of reselling the goods.
- (cv) **Yard Sale.** A display and sale from a residence or residential property of personal property which has been owned or previously used. The term "yard sale" or "garage sale" does not include the mere incidental sale of one (1) or two (2) items of personal property when such sale is not part of a general sale of a number of items of personal property.

Amended November 18, 1998, January 2, 2001, March 1, 2004, May 3, 2004, June 7, 2004, December 15, 2008, October 15, 2012, June 17, 2013, August 18, 2014, September 15, 2014, December 21, 2015, February 15, 2016, June 20, 2016, August 15, 2016, September 19, 2016, October 17, 2016, January 17, 2017, June 19, 2017, August 21, 2017, October 2, 2017, April May 21, 2018, February 4, 2019, March 18, 2019, January 21, 2020, January 21, 2021

SECTION 3: AMENDMENT "139 Permissible Uses And Specific Exclusions" of the Town of Siler City Unified Development Ordinance (UDO) is hereby *amended* as follows:

AMENDMENT

139 Permissible Uses And Specific Exclusions

- (a) The presumption established by this ordinance is that all legitimate uses of land are permissible within at least one (1) zoning district in the Town's planning jurisdiction. Therefore, because the list of permissible uses set forth in the Table of Permissible Uses cannot be all inclusive, those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed uses.
- (b) Notwithstanding §139(a), all uses that are not listed in the Table of Permissible Uses, even given the liberal interpretation mandated by §139(a), are prohibited. Nor shall the Table of Permissible Uses be interpreted to allow a use in one (1) zoning district when the use in question is more closely related to another specified use that is permissible in other zoning districts.
- (c) Without limiting the generality of the foregoing provisions, the following uses are specifically prohibited in all districts:
 - (1) Any use that involves the manufacture, handling, sale, distribution, or storage

of any highly combustible or explosive materials in violation of the town's fire prevention code.

- (2) Use of a ~~travel trailer~~ recreational vehicle as a temporary or permanent residence except for:
 - a. temporary emergency, reconstruction, or repair residence as defined in §136 and regulated in §150; and
 - b. within an approved recreational vehicle park as defined in §136 and regulated in §158.
- (3) Manufactured home, Class B.

Amended June 17, 2013, December 21, 2015, February 15, 2016, January 17, 2017, June 19, 2017, April 16, 2018, February 4, 2019

SECTION 4: AMENDMENT “147 Table Of Permissible Uses” of the Town of Siler City Unified Development Ordinance (UDO) is hereby *amended* as follows:

AMENDMENT

147 Table Of Permissible Uses

	Zoning Districts	A-R	R-20	R-10	R-6	R-3	R-MH	C-C	B-1	O-I	G-C	H-C	L-I	H-I	L-F-1
1.0	RESIDENTIAL														
1.1	Single Family Residence (see §148)														
1.1 1	Single Family detached, one dwelling per unit per lot (see §148)														
1.1 11	Site-built & modular (see §148)	P	P	P	P	P	P	P	P						
1.1 12	Manufactured Home, Double Wide (see §136, §148)	P			S		P								
1.1 13	Manufactured Home, Class B (see §136)														
1.1 14	Manufactured Home, Single Wide (see §136, §148)	P					P								
1.1	Single family detached, more than one dwelling unit per lot (see §148)														

2																	
1.1 21	Site built and modular (see §146, §148)	P															
1.1 22	Manufactured Home Park (see §148)						C										
1.2	Two Family Residences (see §148)																
1.2 1	Primary residence with accessory apartment (see §148)	P	P	P	P	P		P	P	P							
1.2 2	Duplex (see §148)			P	P	P		P	P	P							
1.2 3	Two family apartment (see §148)			P	P	P		P	P	P							
1.2 4	Two family conversion (see §148)			P	P	P		P	P	P							
1.3	Multi-Family Residences																
1.3 1	Multifamily conversions			PC	PC	PC			P C	PC	PC						
1.3 2	Multifamily Town Homes			PC	PC	PC			P C	PC	PC						
1.3 4	Multifamily Apartments			PC	PC	PC			P C	PC	PC						
1.3 5	Multifamily Downtown Apartments (see §148)							PC									
	Zoning Districts	A- R	R- 20	R- 10	R- 6	R- 3	R- M H	C- C	B- I	O- I	G- C	H- C	L-I	H- I	LF -1		
1.4	Homes Emphasizing Special Services, Treatment, or Supervision (see §148)																
1.4 1	Family Care Homes(see §148)	P	P	P	P	P	P	P	P	P							
1.4 2	Nursing care, intermediate care homes (see §148)			S	S	S	S		S	S							
1.4 3	Child care homes (see §148)			P	P	P	P		P	P							

1.4 4	Halfway Houses (see §148)									S	S						
1.4 5	Shelter House (see §148)			P	P						P						
1.4 6	Temporary Home For Homeless										S						
1.5	Miscellaneous, Rooms For Rent Situations																
1.5 1	Rooming Houses, Boarding Houses				S	S		S	S	S							
1.5 2	Tourist Homes and Other Temporary Residences renting by the day or week	P			P	P		P	P	P	P						
1.5 3	Hotels, Motels & Similar Businesses or institutions providing overnight accommodations								C	C	C	C	C				
<u>1.54</u>	<u>Recreational Vehicle Park (see §158)</u>	<u>C</u>															
1.6	Temporary Emergency, Construction or Repair Residences (see §148)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
1.7	Home Occupation																
1.7 1	Home Occupation (see §136)	P	P	P	P	P	P	P	P	P	P						
1.7 2	Home Occupation, rural (see §136)	P															
1.8	Planned Residential Developments (see §148)			C	C												
	Zoning Districts	A-R	R-20	R-10	R-6	R-3	R-MH	C-C	B-1	O-I	G-C	H-C	L-I	H-I	L-F-1		
2.0	SALES AND RENTAL OF GOODS, MERCHANDISE AND EQUIPMENT																

2.1	No Storage Or Display Of Goods Outside Fully Enclosed Building														
2.1 1	High volume traffic generation														
2.1 11	Miscellaneous							PC	P C			PC	PC		
2.1 12	Convenience stores							PC	S			PC	PC		
2.1 2	Low volume traffic generation							PC	P C			PC	PC		
2.1 3	Wholesale sales											PC	PC		
2.2	Storage And Display Of Goods Outside Fully Enclosed Building														
2.2 1	High volume traffic generation							PC				PC	PC	PC	PC
2.2 2	Low volume traffic generation							PC				PC	PC	PC	PC
2.2 3	Wholesale sales											PC	PC	PC	PC
	Zoning Districts	A- R	R- 20	R- 10	R- 6	R- 3	R- M H	C- C	B- 1	O- I	G- C	H- C	L-I	H- I	L F- 1
3.0	MANUFACTURING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING ASSEMBLING OF GOODS, MERCHANDISE, AND EQUIPMENT (see §161-164)														
3.1	All operations conducted entirely within an enclosed building														
3.1 1	Majority of dollar volume of business done with walk-in trade							P	S			P	P	P	P
3.1 2	Majority of dollar volume of business not done with walk-in trade											P	P	P	P
3.1 3	Cottage Industry (see §136)														
3.1	Ten (10) or less							P	S			P	P	P	P

31	employees																
3.1	More than ten (10)																
32	employees							S			P	P	P	P			
3.2	Operations conducted within or outside of a fully enclosed building												S	P			
3.3	Slaughterhouse (see §136)															P	
3.4	Rendering Plant (see §136)															C	
3.5	Salvage yard, junkyard, automobile graveyard (see §136)											C	C	C			
	Zoning Districts	A-R	R-20	R-10	R-6	R-3	R-MH	C-C	B-1	O-I	G-C	H-C	L-I	H-I	L-F-1		
4.0	EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL, FRATERNAL USE																
4.1	Schools																
4.1	Elementary & secondary schools	C		C	C	C		C	C								
4.1	Trade or vocational								S	S	S	S	S	S			
4.1	Colleges, Universities, Community Colleges	C		C	C	C		P	C	C	C			P	P		
4.2	Churches, synagogues and temples	P	P	P	P	P		P	P	P	P	P	P				
4.3	Libraries, Museums, Art Galleries, Art Centers, and Similar Uses (including associated educational and instructional activities)																
4.3	Located within a building designed and previously occupied as a residence or within a building having a gross floor area not exceeding	S		S	S	S		P	P	P	P	P	P				

	3,500 square feet															
4.3 2	Located within any permissible structure							P	P	P	P	P	P			
4.4	Social, fraternal club & lodges, union halls, and similar uses								P	P	P	P	P			
	Zoning Districts	A-R	R-20	R-10	R-6	R-3	R-MH	C-C	B-1	O-I	G-C	H-C	L-I	H-I	L-F-1	
5.0	RECREATION, AMUSEMENT, ENTERTAINMENT															
5.1	Activity Conducted Entirely Within Building Or Substantial Structure															
5.1 1	Bowling alleys, skating rinks, indoor tennis and squash courts, indoor athletic & exercise facilities and similar uses							P	P	P	P	P	P			
5.1 2	Billiard & pool halls							C			C	C				
5.1 3	Movie theaters							P	P	P	P	P	P			
5.1 4	Coliseums, stadiums & all other facilities listed in the 5.1 classification designed to accommodate or seat +500 people							C			C	C	C	C		
5.1 5	Gaming Establishment, Adult (see §150)							C				C				
5.1 6	Gaming Establishment, General							C			C	C				
5.2	Activity Conducted Primarily Outside Enclosed Structure															
	Privately owned outdoor recreational facilities such as golf															

5.2 1	& country clubs, tennis & swimming clubs, etc. not constructed in conjunction with a residential development	S		S	S	S	S											
5.2 2	Publicly owned outdoor recreation uses (other than Town of Siler City operations) not constructed pursuant to a permit authorizing school construction	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
5.2 3	Golf driving range not accessory to golf courses, skateboard parks, water slides, and similar uses	S										S	S					
5.2 4	Horseback riding; stables	P																
5.2 5	Automobile & motorcycle racing track												S	S				
5.2 6	Drive In Movie theaters											S	S	S				
5.2 7	Shooting range (indoor or outdoor)	S										S	S	S				
5.2 8	Miniature golf courses							P				P						
5.2 9	Event Center Limited on lot less than five (5) acres	S						P	P	P	P	P						
5.3 0	Event Center Limited on lot five (5) acres or greater	P						P	P	P	P	P						
	Zoning Districts	A-	R-	R-	R-	R-	R-	R-	M	C-	B-	O-	G-	H-	L-I	H-	L	F-

		R	20	10	6	3	H	C	1	I	C	C		I	1
6.0	INSTITUTIONAL RESIDENCE OR CARE OR CONFINEMENT FACILITIES														
6.1	Hospitals, Clinics, Other Medical Treatment Facilities In Excess Of 10,000 Sq. Ft. Floor Area										C	C	C		
6.2	Nursing Care; Intermediate Care; Handicapped Or Infirmity Or Child Care Institutions										C	C	C		
6.3	Institution Where Mentally Ill Persons Are Confined (Other Than Halfway Houses)										C		C		
6.4	Penal and Correctional Facility													C	C
	Zoning Districts	A- R	R- 20	R- 10	R- 6	R- 3	R- M H	C- C	B- 1	O- I	G- C	H- C	L-I	H- I	L F- 1
7.0	RESTAURANTS, BARS, NIGHT CLUBS														
7.1	No substantial carry out or delivery service, no drive in service, no service or consumption outside fully enclosed structure								P	P	P	P	P		
7.2	No substantial carry- out or delivery service, no drive-in service, service or consumption outside fully enclosed structure allowed								P	P		P	P		
	Carry out and delivery														

7.3	service, consumption outside fully enclosed structure allowed							P	P		P	P				
7.4	Carry out delivery service, drive-in service, service or consumption outside fully enclosed structure allowed							P				P				
	Zoning Districts	A-R	R-20	R-10	R-6	R-3	R-MH	C-C	B-1	O-I	G-C	H-C	L-I	H-I	L-F-1	
8.0	MOTOR VEHICLE RELATED SALES AND SERVICE OPERATIONS															
8.1	Motor vehicle sales or rental; Mobile home sales							P			P	P	P			
8.2	Sales with installation of motor vehicle parts or accessories (tires, mufflers, etc.)							P	S		P	P				
8.3	Motor vehicle repair and maintenance, not including substantial body work															
8.3 1	All vehicle storage within completely enclosed structure							P	S		P	P	P	P		
8.3 2	Vehicle storage inside or outside completely enclosed structure											P	P	P		
8.4	Motor vehicle painting & body work											P	P	P		
8.5	Gas Sales							P	P	P	P	P				
8.6	Car Wash							P	P	P	P	P	P			
8.7	Motor vehicle towing with temporary vehicle storage, accessory use (see §150)											P	P			
	Zoning Districts	A-R	R-20	R-10	R-6	R-3	R-M	C-C	B-1	O-I	G-C	H-C	L-I	H-I	L-F-	

2	Services (other than Town of Siler City operations)	C	C	C	C	C	C	P	C	C	P	P	P	P	P
12.0	AGRICULTURAL, MINING, QUARRY OPERATIONS														
12.1	Agricultural operations, farming (see §152)														
12.11	Excluding livestock	P	P	P	P	P	P	P	P	P	P	P	P		
12.12	Including livestock	P													
12.2	Mining or Quarry operations including on-site sales of products												S	S	
12.3	Insert Debris Beneficial Fill (see §154)	P	P	P	P	P	P	P	P	P	P	P	P	P	
12.4	Stockyard/Livestock auction sale with sale of agriculture related goods/equipment and restaurant as accessory/incidental uses (see §136)	P												P	
	Zoning Districts	A-R	R-20	R-10	R-6	R-3	R-MH	C-C	B-1	O-I	G-C	H-C	L-I	H-I	L-F-I
13.0	MISCELLANEOUS PUBLIC (see §156) AND SEMI-PRIVATE FACILITIES														
13.1	Post Office							P		P	P	P			
13.2	Airport	C											C	C	
13.4	Military Reserve, National Guard	P												P	
13.	Town of Siler City														

5	facilities, operations, and uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
14.0	DRY CLEANER, LAUNDRY MAT								P	P	P	P	P			
15.0	UTILITY FACILITIES															
15.1	Neighborhood	S	S	S	S	S	S	S	S	S	S	S	S	P	P	
15.2	Community or regional	C												P	P	
15.3	Solar Collector, Accessory (see §136 & 157)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
15.4	Solar Farm (see §136 & 157)	S												P	P	
16.0	TOWERS & RELATED STRUCTURES															
16.1	Towers less than 50 feet	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
16.2	Towers greater than 50 feet	S												P	P	
	Zoning Districts	A-R	R-20	R-10	R-6	R-3	R-MH	C-C	B-1	O-I	G-C	H-C	L-I	H-I	L-F-I	
17.0	OPEN AIR MARKETS HORTICULTURE SALES															
17.1	Open air markets (farms & craft markets, flea markets, produce markets) (see §150)	P							P			P	P			
17.2	Horticulture sales with outdoor display	P							P			P	P			
18.0	OFFICE CLERICAL, RESEARCH AND SERVICES NOT PRIMARILY ASSOCIATED WITH GOODS OR MERCHANDISE															
18.1	All operations conducted entirely within fully enclosed structure															

	principal use															
18. 23	Banks with drive-in windows							P	P	P	P	P				
	Zoning Districts	A-R	R-20	R-10	R-6	R-3	R-MH	C-C	B-1	O-I	G-C	H-C	L-I	H-I	L-F-I	
19. 0	CEMETERY, CREMATORIUM, FUNERAL HOME															
19. 1	Cemetery	S														
19. 2	Crematorium												S	S		
19. 3	Funeral Home							S	P	P	P	P				
19. 4	Funeral Home with a crematorium as accessory use											S	S			
20. 0	NURSERY SCHOOLS; DAY CARE CENTERS	P	S	S	S	S	S		P	P	P	P				
21. 0	BUS STATION, TRAIN STATION							C			C	C				
22. 0	TEMPORARY USES (see §151)															
22. 1	Mobile Vending Unit (see §151)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
22. 3	Special Events (see §151)	S	S	S	S	S	S	P	S	S	P	P	P	P		
23. 0	SUBDIVISIONS (see §64)															
23. 1	Major (Preliminary Plat)	C	C	C	C	C	C	C	C	C	C	C	C	C		
23. 2	Minor	P	P	P	P	P	P	P	P	P	P	P	P	P		
24.	SEXUALLY ORIENTED															C

0	BUSINESSES (see §150)															
25.0	LANDFILLS (see §155)															
25.11	Inert Debris Landfill															C
25.12	Land Clearing Debris Landfill															C
25.13	Construction and Demolition Debris Landfill															C
26.0	COMBINATION USES (see §144)	PC	PC	PC	PC	PC	PC	PC	P C	PC	PC	PC	PC	PC	PC	PC
27.0	PLANNED UNIT DEVELOPMENTS (PUD) (see §149)	Permissible only in PUD districts with conditional zoning approval														

Amended March 17, 2000, June 5, 2000, January 2, 2001, August 19, 2002, March 1, 2004, May 3, 2004, June 7, 2004, June 21, 2004, December 15, 2008, March 5, 2012, October 15, 2012, February 18, 2013, June 17, 2013, April 21, 2014, August 18, 2014, September 15, 2014, April 20, 2015, July 20, 2015, December 21, 2015, February 15, 2016, June 20, 2016, December 19, 2016, January 17, 2017, March 20, 2017, June 19, 2017, October 2, 2017, January 16, 2018, April 16, 2018, May 21, 2018, July 16, 2018, February 4, 2019, March 18, 2019, March 16, 2020, December 7, 2020, January 21, 2021

SECTION 5: AMENDMENT “158 (Reserved)” of the Town of Siler City Unified Development Ordinance (UDO) is hereby *amended* as follows:

AMENDMENT

158 ~~(Reserved)~~ Recreational Vehicle (RV) Park

- (a) Limited to temporary sleeping quarters only. not permanent dwellings.
 - (1) All RVs placed in an RV park shall be fully licensed and ready for highway use. A RV is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.
 - (2) Any action toward removal of wheels of a RV, except for the temporary

purposes of repair or toward attachment of vehicles or trailers to the ground for stabilizing purposes shall be prohibited.

- (3) No permanent structures or additions shall be attached to RVs.
- (4) Occupancy extending beyond ninety (90) total days in any twelve (12) month period shall be presumed to be permanent occupancy and is prohibited in a RV park.
- (5) Exception. Up to twenty (20) percent (rounded down) of total RV sites may be occupied up to one hundred eighty (180) days in any twelve (12) month period by an out of town worker if the work being performed is located within the Siler City ETJ.

(b) RV Site.

- (1) Maximum number of RV sites per acre within a single RV park shall be twenty (20).
- (2) Minimum RV site width shall be twenty (20) feet.
- (3) Minimum RV site depth shall be fifty (50) feet.
- (4) Each RV site shall consist of at least one thousand (1,000) square feet.
- (5) Each RV site shall contain a maximum of one (1) RV at any time.
- (6) Each RV site shall have an address posted thereon to distinguish it from other sites on the property.

(c) Setbacks.

- (1) RVs shall be meet the minimum building setbacks for the zoning district in which the RV park is located within.
- (2) RV shall be separated from other RVs by at least ten (10) feet. Attached RV awnings shall be considered to be part of the RV.

(d) Access and Drives.

- (1) No RV site shall have direct access to a public road.
- (2) All RV sites shall be accessible only from interior drives.
- (3) Interior drives shall meet the minimum width requirements of roads, driveways, and drive aisles found in Article XIV Streets and XVIII Parking.
- (4) No vehicles shall park within the travel way of a road, driveway, or drive aisle.
- (5) Interior drives shall be surfaced with an all-weather driving surface capable of supporting emergency vehicles.
- (6) Dead end drives shall have a fire truck turn around.
- (7) A travel trailer exhibit shall be provided that verifies turn radius for the proposed travel trailers in the RV park.

(e) General Requirements.

- (1) No manufactured home(s) may be parked or stored in a RV park.
- (2) Tent(s) are not allowed within a RV park.
- (3) Recreational Facilities and Open Space.
 - a. All RV parks with thirteen (13) or more RV sites shall provide three hundred forty nine (349) square feet of recreational area per RV site.
 - b. All RV parks with thirteen (13) or more RV sites shall be developed so that at least five (5) percent of the total area of the RV park remains

as usable open space.

c. Such recreational areas shall be provided in addition to the open space requirements.

d. Such recreational areas and open space shall be consistent with the requirements and standards found in Article XVIII.

(4) At least one (1) on site supervisor shall be on duty at all times. The supervisor shall keep an accurate register containing a list and description of all RVs and owners located in the park.

(5) Water supply and sewage disposal shall be in compliance with Town, County, and/or State standards.

(6) Applicant for a RV Park shall provide a copy of the RV Park's proposed rules, covenants, and/or regulations.

(7) Accessory Uses. A RV Park may have centralized service buildings that contain management offices, retail sales, laundry, toilet and bathing facilities, and other uses and structures incidental to the operation of a RV Park. Such uses and facilities shall be restricted in their use to the occupants of the park only.

Amended September 16, 2013, January 21, 2020

SECTION 6: AMENDMENT “279 Parking Requirement” of the Town of Siler City Unified Development Ordinance (UDO) is hereby *amended* as follows:

A M E N D M E N T

279 Parking Requirement

Use	Parking Requirement
1.11/1.12 Single family residence detached	Two (2) spaces per dwelling unit-plus one (1) space per room rented out (see Accessory Uses, Section 140)
1.2 Two family residence	Two (2) spaces for each dwelling unit, except that one (1) bedroom units require only one (1) space.
1.3 Multi-family residences	• One and one-half (1.5) spaces for each one (1) bedroom unit and two (2) spaces for each unit with two (2) or more bedrooms. • Multi-family units limited to persons of low or moderate-income or the elderly require only one (1) space per unit.

1.4 Home emphasizing special treatment, supervision, or care	Three (3) spaces for every five (5) beds except for use exclusively serving children under sixteen (16), in which case one (1) space for every three (3) beds shall be required.
1.51 Rooming/boarding	One (1) space for each bedroom
1.52/1.53 Tourist/temporary residences, hotels, motels	One (1) space for each room to be rented plus additional space (in accordance with other sections of this table) for restaurants or other facilities.
<u>1.54 Recreational Vehicle Park</u>	<u>One (1) parking space per recreational vehicle site.</u>
1.7 Home occupations	• Four (4) spaces for offices of physicians or dentists. • Two (2) spaces for attorneys. • One (1) space for all others.
2.111/2.21 Sales high volume traffic	• One (1) space per two hundred fifty (250) square feet of gross floor area (excluding storage, stairways, closets, elevator shafts). • Consignment store – One (1) space per three hundred thirty three (333) square feet of gross floor area (excluding storage, stairways, closets, elevator shafts).
2.12/2.22 Sales low volume traffic	• One (1) space per six hundred (600) square feet of gross floor area (excluding storage, stairways, closets, elevator shafts). • No customers – One (1) space per two (2) employees on the maximum shift, plus one (1) space per vehicle used in the operation
2.112 Convenience stores	One (1) space per one hundred fifty (150) square feet of gross floor area (excluding storage, stairways, closets, elevator shafts).
2.13/2.23 Wholesale sales	• One (1) space per four hundred (400) square feet of gross floor area (excluding storage, stairways, closets, elevator shafts). • No customers – One (1) space per two (2) employees on the maximum shift, plus one (1) space per vehicle used in the operation
3.0 Manufacturing, processing, creating, repairing,	One (1) space for every two (2) employees on the maximum shift except that, if permissible in the commercial districts, such uses may provide one (1) space per two hundred (200) square feet of gross floor area (excluding storage,

renovating, painting, cleaning, and assembling	stairways, closets, elevator shafts).
4.11 Elementary & secondary schools	<ul style="list-style-type: none"> • One (1) space per classroom, plus one (1) space per employee, plus sufficient spaces to accommodate buses and safe and convenient loading and unloading of students in elementary schools. • One (1) space per classroom, plus one (1) space per employee, plus one (1) space per four (4) students, plus sufficient spaces to accommodate buses and safe and convenient loading and unloading of students in secondary (high) schools.
4.12/4.13 Trade or vocational school, college, universities	One (1) space per classroom, plus one (1) space per employee, plus one (1) space per four (4) students.
4.2 Churches, synagogues and temples	One (1) space for every four (4) seats in the portions of the church building to be used for services (assembly areas such as sanctuary, auditorium, and congregation).
4.3 Libraries, museums, art galleries/centers	One (1) space per three hundred (300) square feet of gross floor area (excluding storage, stairways, closets, elevator shafts).
4.4 Social, fraternal club & lodges, union halls	One (1) space per three hundred (300) square feet of gross floor area (excluding storage, stairways, closets, elevator shafts).
5.11/5.12 Bowling alleys, skating rinks, indoor tennis and squash courts, indoor athletic & exercise facilities, billiard/pool halls	One (1) space for every four (4) persons that the facilities are designed to accommodate when fully utilized (if they can be measured in such a fashion - example, tennis courts or bowling alleys) plus one (1) space per six hundred (600) square feet of gross floor area (excluding storage, stairways, closets, elevator shafts) used in a manner not susceptible to such calculation.
5.13/5.14 Movie	

theaters, coliseums, stadiums	One (1) space for every four (4) seats.
5.15 Gaming Establishment, Adult	One (1) space for every two (2) persons that the facility is designed to accommodate when fully utilized.
5.16 Gaming Establishment, General	One (1) space for every four (4) persons that the facilities are designed to accommodate when fully utilized (if they can be measured in such a fashion) plus one (1) space per six hundred (600) square feet of gross floor area (excluding storage, stairways, closets, elevator shafts) used in a manner not susceptible to such calculation.
5.21/5.22 Privately/ publicly owned outdoor recreational uses/ facilities	One (1) space per two hundred (200) square feet of area within enclosed buildings, plus one (1) space for every three (3) persons that the outdoor facilities are designed to accommodate when used to the maximum capacity.
5.23 Golf driving range	<ul style="list-style-type: none"> • Miniature golf course, skateboard park, water slide, and similar uses – one (1) space per three hundred (300) square feet of area plus one (1) space per two hundred (200) square feet of building gross floor area (excluding storage, stairways, closets, elevator shafts); • Driving range – One (1) space per tee plus one (1) space per two hundred (200) square feet in building gross floor area (excluding storage, stairways, closets, elevator shafts); • Par Three (3) Course – two (2) spaces per golf hole plus one (1) space per two hundred (200) square feet of building gross floor area (excluding storage, stairways, closets, elevator shafts).
5.24 Horseback riding: stables	One (1) space per horse that could be kept at the stable when occupied to maximum capacity.
5.25 Automobile & motorcycle racing track	One (1) space for every three (3) seats.
5.26 Drive in movie theater	One (1) space per speaker outlet.
6.1 Hospital, clinics, medical facilities	Two (2) spaces per inpatient/outpatient room plus one (1) parking space per employee on the maximum shift.

6.2 Nursing/ intermediate/ handicapped/ infirmary or child care institutions	<ul style="list-style-type: none"> • Three (3) spaces for every five (5) beds. • Multi-family units developed or sponsored by a public or nonprofit agency for limited income families or the elderly require only one (1) space per unit.
6.3/6.4 Institution where mentally ill persons are confined, penal/ correctional facility	One (1) space for every two (2) employees on maximum shift.
7.1/7.2/7.3/7.4 Restaurants, Bars, Nightclubs	One (1) space per four (4) seats at a table, plus one (1) space per two (2) seats at counter, bar, or lobby, plus one (1) space per two (2) employees on the maximum shift, plus reservoir lane/staking capacity equal to five (5) spaces per drive in order station, plus four (4) staking spaces from order stations to pick-up window. Areas that are not designated as dining, ordering, kitchen, restrooms, etc. (example: dance floor or audience standing area for live performances) shall require an additional one (1) space per one hundred (100) square feet of floor area designated for such activity.
8.1 Motor vehicle sales or rental; manufactured home sales	Two (2) spaces per salesperson on the maximum shift plus one (1) per other employee on the maximum shift.
8.2 Sales with installation of motor vehicle parts and accessories	One (1) space per two hundred (200) square feet of gross floor area (excluding storage, stairways, closets, elevator shafts).
8.3/8.4 Motor vehicle repair & maintenance; painting & body work	One (1) space per two (2) employees on the maximum shift, plus three (3) spaces (or storage spaces) per service bay (the service bays may count as spaces).
	One (1) space per two hundred (200) square feet of gross floor area (excluding

8.5 Gas sales	storage, stairways, closets, elevator shafts) of building devoted primarily to gas sales operation, plus sufficient parking area to accommodate vehicles at pumps without interfering with other parking spaces.
8.6 Car wash	<ul style="list-style-type: none"> • Conveyer type – one (1) space for every three (3) employees on the maximum shift plus reservoir capacity equal to five (5) times the capacity of the washing operation. • Self-service type – two (2) spaces for drying and cleaning purposes per stall plus two (2) reservoir spaces in front of each stall.
9.0 Storage and parking	One (1) space for every two (2) employees on the maximum shift but not less than one (1) space per five thousand (5,000) square feet of area devoted to storage (whether inside or outside).
10.0 Service related to animals	One (1) space per two hundred (200) square feet of gross floor area (excluding storage, stairways, closets, elevator shafts).
11.0 Emergency services	One (1) per employee on the maximum shift plus one (1) per facility vehicle
12.0 Agricultural, mining quarry operation	One (1) space for every two (2) employees on maximum shift.
13.0 Misc. public and semi-private facilities	One (1) space per two hundred (200) square feet of gross floor area (excluding storage, stairways, closets, elevator shafts).
14.0 Dry cleaner, laundry mat	One (1) space per 200 square feet of gross floor area (excluding storage, stairways, closets, elevator shafts).
17.0 Open air markets horticulture sales	One (1) space per one thousand (1,000) square feet of lot area used for storage, display, or sales
18.11/18.21 Office operation designed to attract and serve customers on the premises	<ul style="list-style-type: none"> • One (1) space per two hundred (200) square feet of gross floor area (excluding storage, stairways, closets, elevator shafts). • Beauty salon – Three (3) spaces per operator of chair, station, or booth

18.12/18.22 Office operation designed to attract little or no customers	<ul style="list-style-type: none"> • One (1) space per four hundred (400) square feet of gross floor area (excluding storage, stairways, closets, elevator shafts). • No customers – One (1) space per two (2) employees on the maximum shift, plus one (1) space per vehicle used in the operation
18.13 Office or clinics of physicians or dentists	One (1) space per one hundred fifty (150) square feet of gross floor area (excluding storage, stairways, closets, elevator shafts).
18.23 Banks with drive-in windows	One (1) space per two hundred (200) square feet of area within main building plus reservoir lane capacity equal to five (5) spaces per window [ten (10) spaces if window serves two (2) stations].
19.1 Funeral Home	One (1) space per four (4) seats in chapel/parlor/assembly room, plus one (1) space per funeral vehicle in the operation.
19.2 Crematorium	One (1) per employee on the maximum shift, plus one (1) space per vehicle used in the operation.
20.0 Nursery schools; day care centers	One (1) space per two (2) employees, plus one (1) space per ten (10) children based upon maximum capacity, plus one (1) space per facility vehicle (bus, van, etc.). Sufficient/adequate stacking spaces to accommodate for drop-off and pick-up of children shall be provided. Spaces calculated by number of children are for loading and unloading of children and shall be located on site. Spaces calculated by number of employees may be located in a satellite parking lot.
21.0 Bus/train station	One (1) space per two hundred (200) square feet of gross floor area (excluding storage, stairways, closets, elevator shafts).
24.0 Sexually oriented businesses	One (1) space per one hundred (100) square feet of gross floor area (excluding storage, stairways, closets, elevator shafts).
25.0 Landfills	One (1) space for every employee on maximum shift, plus one (1) space for each vehicle and/ or trailer stored or parked on site.

Amended May 3, 2004, November 21, 2005, March 15, 2010, November 17, 2014, March 16, 2015, June 1, 2015, September 21, 2015, December 21, 2015, June 20, 2016, October 17, 2016, October 2, 2017, May 20, 2019

SECTION 7: AMENDMENT “299 Table Of Screening Requirements And Land Use Classification Table” of the Town of Siler City Unified Development Ordinance (UDO) is hereby *amended* as follows:

AMENDMENT

299 Table Of Screening Requirements And Land Use Classification Table

These tables are necessary to determine the screening type and subsequent requirements for proposed land use development.

(a) Table of Screening Requirements

Land Use Classification	Class 1 Adjoining Existing	Class 2 Adjoining Existing	Class 3 Adjoining Existing	Class 4 Adjoining Existing	Class 5 Adjoining Existing	Street
Class 1 Proposed	N/A	N/A	N/A	N/A	N/A	N/A
Class 2 Proposed	C	N/A	N/A	N/A	N/A	C
Class 3 Proposed	C	C	N/A	N/A	N/A	C
Class 4 Proposed	B	B	B	N/A	N/A	B
Class 5 Proposed	A	A	A	A	N/A	A

(b) Land Use Classification Table

(1) Land Use Class General Descriptions

- a. Class 1 – single/two-family residential and agriculture
- b. Class 2 – residential other than Class 1
- c. Class 3 – office, institutional, civic, neighborhood business
- d. Class 4 – retail/wholesale trade, highway commercial
- e. Class 5 – manufacturing, industrial, utility
- f. Street – public/private roads

(2) See Land Use Classification Table

Class 1	Class 2	Class 3	Class 4	Class 5
Agricultural				Automobile &

operations farming	Cemetery	Billiard & pool halls	Bus/train station	motorcycle racing track
Home Occupations	Mobile home park	Bowling alleys, skating rinks, indoor tennis and squash courts, indoor athletic & exercise facilities	Coliseums, stadiums	Landfills
Homes emphasizing special treatment, supervision, or care	Multi-Family Residences	Churches, synagogues and temples	Convenience stores	Manufacturing (operation conducted outside of a fully enclosed building)
Horseback riding; stables	Planned residential developments	Dry cleaner, laundry mat	Crematorium	Mining or quarry operations
Inert debris beneficial fill	Rooming/Boarding Houses	Emergency services	Drive In Movie theaters	Rendering Plant
Shelter House	Subdivisions	Funeral Home including crematorium	Gaming Establishment, Adult	Salvage yard, junkyard, automobile graveyard
Single family detached, more than one dwelling unit per lot	Tourist/temporary residences	Gaming Establishment, General	Golf driving range, skateboard parks, water slides	Slaughterhouse
Single				

Family Residence detached, one dwelling per unit per lot		Hospitals, Clinics	Hotels, Motels & Similar Business	Towers and related structures
Special events		Institution Where Mentally Ill Persons Are Confined	Manufacturing (all operations conducted entirely within an enclosed building)	Utility facilities
Temporary Emergency Construction & Repair Residences		Libraries, Museums, Art Galleries, Art Centers	Miniature golf courses	
Two Family Residences		Miscellaneous public and semi-private facilities	Motor vehicle related sales and service operations	
		Nursery school; day care center	Movie theaters	
		Nursing, intermediate, handicapped or infirmary, child care institutions	Office and services (operations conducted outside of fully enclosed structure)	
		Office and services (all operations conducted entirely within fully enclosed structure)	Penal and Correctional Facility	
		Open air markets, horticulture sales	Privately owned outdoor recreational facilities	

		Planning Unit Development	Restaurants, bar, nightclubs <u>Recreational Vehicle Park</u>	
		Publicly owned outdoor recreation uses	Sales and rental (storage outside fully enclosed building) <u>Restaurants, bar, nightclubs</u>	
		Sales and rental (no storage outside fully enclosed building)	Services related to animals <u>Sales and rental (storage outside fully enclosed building)</u>	
		Schools (college, community college, elementary, secondary, trade, university, vocational)	Sexually oriented businesses <u>Services related to animals</u>	
		Social, fraternal club & lodges, union halls	Shooting range <u>Sexually oriented businesses</u>	
			Stockyard/Livestock auction sale <u>Shooting range</u>	
			<u>Stockyard/Livestock auction sale</u> Storage and parking	
			<u>Storage and parking</u>	

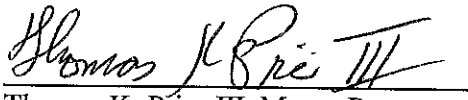
Amended November 21, 2016, October 15, 2018

REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

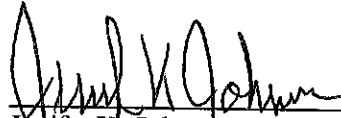
PASSED AND ADOPTED BY THE TOWN OF SILER CITY BOARD OF COMMISSIONERS FEBRUARY 21, 2022.

Presiding Officer



Thomas K. Price III, Mayor Pro Tempore, Town of Siler City

Attest



Jennifer K. Johnson, Town Clerk Town of Siler City

