

CHAPTER 3: ZONING DISTRICTS

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Section 3.1 Purpose Statement and Interpretation

Section 3.1.1 Purpose Statement

In accordance with the requirement of NCGS 160A-382 that zoning regulation be by districts, the Town, as shown on the Zoning Map accompanying this Ordinance, is hereby divided into the following districts which shall be governed by all of the uniform use and dimensional requirements of this Ordinance.

The purposes of establishing the following zoning districts are:

- To implement adopted plans;
- To promote public health, safety, and general welfare;
- To provide for orderly growth and development;
- To provide for the efficient use of resources;
- To facilitate the adequate provision of services.

Section 3.1.2 Interpretation

Each zoning district has uses permitted by right, uses permitted with special requirements, and conditional uses. Tables are shown for each district placing uses under one of the three categories. In addition to the individual district tables, is a detailed permitted uses table showing the uses allowed in each district. The following describes the processes of each of the three categories that the uses are subject to:

- **Permitted by Right:** Administrative review and approval subject to district provisions and other applicable requirements only.
- **Permitted with Special Requirements:** Administrative review and approval subject to district provisions, other applicable requirements, and special requirements outlined in Chapter 4.
- **Conditional Uses:** Administrative review and recommendation, Planning Board review and recommendation, Town Council review and approval of Conditional Use Permit subject to district provisions, other applicable requirements, and conditions of approval. Some Conditional Uses may also be subject to special requirements outlined in Chapter 4.

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Section 3.2 R-P Rural Preservation District

3.2.1 Intent

The R-P Rural Preservation is provided to accommodate very low density residential development and agricultural uses and to protect natural vistas and landscape features that define rural areas.

3.2.2 Uses

The chart below indicates the uses generally permitted in the R-P zoning district. For a detailed table of specified permitted uses see **Section 3.14**:

PERMITTED BY RIGHT	SPECIAL REQUIREMENTS (see Chapter 4)	CONDITIONAL USES
<p><u>Residential</u> Single-Family Detached</p> <p><u>Commercial</u> None</p> <p><u>Other</u> Essential Utility Services Class 1 & 2 Private Swimming Pools (principal use) Public Parks Public Recreation Facilities</p>	<p><u>Residential</u> Accessory Dwellings Family Care Homes Home Occupations Manufactured Homes (on individual lots) Rural Family Occupations</p> <p><u>Commercial</u> Produce Stands</p> <p><u>Other</u> Agricultural Uses (with associated accessory uses/outdoor storage) Cemeteries Temporary Uses</p>	<p><u>Residential</u> None</p> <p><u>Commercial</u> Animal Services (no outdoor kennels) Bed and Breakfast Inns Family Campgrounds Farmers Markets Nurseries</p> <p><u>Other</u> Civic Uses Private Recreational Facilities</p>

Exclusions: Automotive/Boat/Heavy Equipment/Manufactured Home Sales and Service, Outdoor Kennels, and other uses not enumerated

3.2.3 Dimensional Requirements

Residential Uses	Density & Lot Size			Minimum Yard Requirements			Max. Height
	Max. Density (units per acre)	Min. Width (ft.)	Min. Street Frontage (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height
	0.5 (1 per 2 acres)	100	35	30	15	50	3 stories
Other Uses (Except Essential Services)	Minimum Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size (sq. ft.)	Width (ft.)	Street Frontage (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	21,780 (1/2 acre)	100	35	30	15	50	45

Infill Lots: Front and side setbacks for infill lot development shall be an average for similar uses and structures on the same side of the street within the same zoning district within 300 to either side of the lot.

3.2.4 Location of Accessory Buildings and Structures

No accessory building shall be erected in any front yard unless the accessory structure is set back at least 150 feet from the street right-of-way. See Section 4.3 for additional accessory structure requirements.

Minimum Setbacks for Accessory Structures are as follows:

Side (interior): 15 feet

Side (corner): 20 feet for garages, 15 feet for other accessory structures

Rear: 15 feet

3.2.5 Other Requirements

- A. See Chapter 5 for building design requirements.
- B. See Chapter 6 for open space requirements.
- C. See Chapter 7 for landscaping and buffering requirements.
- C. See Chapter 8 for off-street parking and loading requirements.
- D. See Chapter 11 for sign requirements.

Section 3.3 R-S Suburban Residential District

3.3.1 Intent

The R-S Suburban Residential District is established for new development on the edges of Town in which the principal use of land is low density single-family residences along with their customary accessory uses.

3.3.2 Uses

The chart below indicates the uses generally permitted in the R-S zoning district. For a detailed table of specified permitted uses see **Section 3.14**:

PERMITTED BY RIGHT	SPECIAL REQUIREMENTS (see Chapter 4)	CONDITIONAL USES
<p><u>Residential</u> Single-Family Detached</p> <p><u>Commercial</u> None</p> <p><u>Other</u> Essential Services Class 1 & 2 Private Swimming Pools (principal use) Public Parks</p>	<p><u>Residential</u> Accessory Dwellings Family Care Homes Home Occupations Rural Family Occupations</p> <p><u>Commercial</u> None</p> <p><u>Other</u> Cemeteries (accessory use)</p>	<p><u>Residential</u> None</p> <p><u>Commercial</u> None</p> <p><u>Other</u> Agricultural Uses (with associated accessory uses/outdoor storage) Civic Uses Private Recreational Facilities Public Recreation Facilities</p>

Exclusions: Outdoor Storage (non-residential or agricultural), and other uses not enumerated.

3.3.3 Dimensional Requirements

Residential Uses	Density & Lot Size			Minimum Yard Requirements			Max. Height
	Max. Density (units per acre)	Min. Width (ft.)	Min. Street Frontage (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height
	3	70	35	30	10	35	3 stories
Other Uses (Except Essential Services)	Minimum Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size (sq. ft.)	Width (ft.)	Street Frontage (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	21,780 (1/2 acre)	70	35	30	10	35	45

Infill Lots: Front and side setbacks for infill lot development shall be an average for similar uses and structures on the same side of the street within the same zoning district within 300 to either side of the lot.

3.3.4 Location of Accessory Buildings and Structures

No accessory building shall be erected in any front yard. See Section 4.3 for additional accessory structure requirements.

Minimum Setbacks for Accessory Structures are as follows:

Side (interior): 10 feet

Side (corner): 20 feet for garages, 10 feet for other accessory structures

Rear: 10 feet

3.3.5 Other Requirements

- A. See Chapter 5 for building design requirements.
- B. See Chapter 6 for open space requirements.
- C. See Chapter 7 for landscaping and buffering requirements.
- C. See Chapter 8 for off-street parking and loading requirements.
- D. See Chapter 11 for sign requirements.

Section 3.4 R-T Town Residential District

3.4.1 Intent

The R-T Town Residential District is intended for more established residential areas within the Town primarily for medium density single-family residential along with their customary accessory uses.

3.4.2 Uses

The chart below indicates the uses generally permitted in the R-T zoning district. For a detailed table of specified permitted uses see **Section 3.14**:

PERMITTED BY RIGHT	SPECIAL REQUIREMENTS (see Chapter 4)	CONDITIONAL USES
<p>Residential Single-Family Detached</p> <p>Commercial None</p> <p>Other Essential Services Class 1 & 2 Private Swimming Pools (principal use) Public Parks</p>	<p>Residential Accessory Dwellings Family Care Homes Home Occupations Rural Family Occupations</p> <p>Commercial None</p> <p>Other Cemeteries (accessory use)</p>	<p>Residential None</p> <p>Commercial None</p> <p>Other Civic Uses Private Recreational Facilities Public Recreation Facilities</p>

Exclusions: Outdoor Storage (non-residential), and other uses not enumerated.

3.4.3 Dimensional Requirements

Residential Uses	Density & Lot Size			Minimum Yard Requirements			Max. Height
	Max. Density (units per acre)	Min. Width (ft.)	Min. Street Frontage (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height
Single-Family Detached	5	70	35	30	10	35	3 stories
Other Uses (Except Essential Services)	Minimum Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size	Width (ft.)	Min. Street Frontage (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	21,780	70	35	30	10	35	45

Infill Lots: Front and side setbacks for infill lot development shall be an average for similar uses and structures on the same side of the street within the same zoning district within 300 to either side of the lot.

3.4.4 Location of Accessory Buildings and Structures

No accessory building shall be erected in any front yard. See Section 4.3 for additional accessory structure requirements.

Minimum Setbacks for Accessory Structures are as follows:

Side (interior): 10 feet

Side (corner): 20 feet for garages, 10 feet for other accessory structures

Rear: 10 feet

3.4.5 Other Requirements

- A. See Chapter 5 for building design requirements.
- B. See Chapter 6 for open space requirements.
- C. See Chapter 7 for landscaping and buffering requirements.
- C. See Chapter 8 for off-street parking and loading requirements.
- D. See Chapter 11 for sign requirements.

Section 3.5 R-M Mixed Residential District

3.5.1 Intent

The R-M Mixed Residential District is intended primarily to create higher density residential areas providing for and encouraging a mix of housing types including single-family, two-family, and multi-family dwellings along with their customary accessory uses.

3.5.2 Uses

The chart below indicates the uses generally permitted in the R-M zoning district. For a detailed table of specified permitted uses see **Section 3.14**:

PERMITTED BY RIGHT	SPECIAL REQUIREMENTS (see Chapter 4)	CONDITIONAL USES
<p><u>Residential</u> Single-Family Detached</p> <p><u>Commercial</u> None</p> <p><u>Other</u> Civic Uses Essential Services Class 1 & 2 Private Swimming Pools (principal use) Public Parks</p>	<p><u>Residential</u> Boarding Houses Family Care Homes Home Occupations Mixed Residential Developments Two-Family Attached (Duplex)</p> <p><u>Commercial</u> None</p> <p><u>Other</u> Cemeteries (accessory use)</p>	<p><u>Residential</u> Multi-Family Developments Residential Care Facilities</p> <p><u>Commercial</u> Bed and Breakfast Inns Daycare Centers</p> <p><u>Other</u> Private Recreation Facilities Public Recreation Facilities</p>

Exclusions: Outdoor Storage (non-residential), and other uses not enumerated.

3.5.3 Dimensional Requirements

Residential Uses	Density & Lot Size			Minimum Yard Requirements			Max. Height
	Max. Density (units per acre)	Min. Width (ft.)	Min. Street Frontage (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height
Single-Family Detached	15	50 (35 for alley loaded)	35	10 min. 25 max.	5	25	3 stories
Two-Family Attached (Duplex)	15	50 (35 for alley loaded)	35	10 min. 25 max.	0 interior 5 exterior	25	3 stories
Multi-Family	15	n/a	15	0 min. 25 max.	0 interior 10 exterior	25	3 stories
Other Uses (Except Essential Services)	Minimum Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size (square feet)	Width (ft.)	Street Frontage (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	21,780	60	35	20	10	25	45

Infill Lots: Front and side setbacks for infill lot development shall be an average for similar uses and structures on the same side of the street within the same zoning district within 300 to either side of the lot.

3.5.4 Location of Accessory Buildings and Structures

No accessory building shall be erected in any front yard. See Section 4.3 for additional accessory structure requirements.

Minimum Setbacks for Accessory Structures are as follows:

Side (interior): 5 feet

Side (corner): 20 feet for garages, 10 feet for other accessory structures

Rear: 5 feet

Garages: minimum setback of garage door is 20 feet from street right-of-way or alley.

3.5.5 Other Requirements

- A. See Chapter 5 for building design requirements.
- B. See Chapter 6 for open space requirements.
- C. See Chapter 7 for landscaping and buffering requirements.
- C. See Chapter 8 for off-street parking and loading requirements.
- D. See Chapter 11 for sign requirements.

Section 3.6 R-MH Manufactured Home District

3.6.1 Intent

The R-MH district is established in order to provide for the proper location and planning of attractive manufactured home developments. Development standards and requirements are included. For the purpose of occupancy, all manufactured homes, mobile homes, and trailers shall be located within a manufactured home development within the R-MH district.

3.6.2 Uses

The chart below indicates the uses generally permitted in the R-MH zoning district. For a detailed table of specified permitted uses see **Section 3.14**:

PERMITTED BY RIGHT	SPECIAL REQUIREMENTS (see Chapter 4)	CONDITIONAL USES
<p><u>Residential</u> Single-Family Detached Two-Family Attached (Duplex)</p> <p><u>Commercial</u> None</p> <p><u>Other</u> Essential Services Class 1 & 2 Private Swimming Pools (principal use) Public Parks</p>	<p><u>Residential</u> Boarding Houses Family Care Homes Manufactured Homes (on individual lots)</p> <p><u>Commercial</u> Home Occupations</p> <p><u>Other</u> Cemeteries (accessory use)</p>	<p><u>Residential</u> Manufactured Home Parks</p> <p><u>Commercial</u> None</p> <p><u>Other</u> Cemeteries Civic Uses Public Recreation Facilities</p>

Exclusions: Outdoor Storage (non-residential), and other uses not enumerated.

3.6.3 Dimensional Requirements

Residential Uses	Density & Lot Size			Minimum Yard Requirements			Max. Height
	Max. Density (units per acre)	Min. Width (ft.)	Min. Street Frontage (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height
Single-Family Detached	5	60	35	25	8	25	2 stories
Two-Family Attached (Duplex)	5	80	35	25	0 interior 8 exterior	25	2 stories
Manufactured Homes (individual lots)	5	60	35	25	8	25	30 feet
Manufactured Homes (in parks-space sizes)	5	40	35	25	5	25	30 feet

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Other Uses (Except Essential Services)	Minimum Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size (square feet)	Width (ft.)	Street Frontage (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	21,780	70	35	25	15	25	35

Infill Lots: Front and side setbacks for infill lot development shall be an average for similar uses and structures on the same side of the street within the same zoning district within 300 to either side of the lot.

3.6.4 Location of Accessory Buildings and Structures

No accessory building shall be erected in any front yard. See Section 4.3 for additional accessory structure requirements.

Minimum Setbacks for Accessory Structures are as follows:

Side (interior): 5 feet

Side (corner): 20 feet for garages, 10 feet for other accessory structures

Rear: 5 feet

3.6.5 Other Requirements

- A. See Chapter 5 for building design requirements.
- B. See Chapter 6 for open space requirements.
- C. See Chapter 7 for landscaping and buffering requirements.
- C. See Chapter 8 for off-street parking and loading requirements.
- D. See Chapter 11 for sign requirements.

Section 3.7 O-I Office and Institutional District

3.7.1 Intent

The O-I district is intended to accommodate a variety of office uses, related low intensity retail uses, and some higher density multi-family uses. In addition, this district can create areas to serve as transitional buffers between residential districts and commercial districts, the number and type of retail uses permitted is limited. The primary purpose of this district is to accommodate existing and new office and institutional areas.

3.7.2 Uses

The chart below indicates the uses generally permitted in the O-I zoning district. For a detailed table of specified permitted uses see **Section 3.14**:

PERMITTED BY RIGHT	SPECIAL REQUIREMENTS (see Chapter 4)	CONDITIONAL USES
<p><u>Residential</u> None except as part of a mixed use building</p> <p><u>Commercial</u> Animal Services (no outdoor kennels) Daycare Center Funeral Homes Office uses Restaurant (in multi-tenant buildings) Retail & service uses not exceeding 5,000 sq ft in total floor area</p> <p><u>Other</u> Civic Uses Institutional Uses Essential Utility Services Class 1 & 2 Mixed Use Buildings Private Recreation Facilities Private Swimming Pools (principal use) Public Parks Public Recreation Facilities</p>	<p><u>Residential</u> Home Occupations</p> <p><u>Commercial</u> Bed and Breakfast Inns</p> <p><u>Other</u> Cemeteries (accessory use) Temporary Uses</p>	<p><u>Residential</u> Multi-Family Development Residential Care Facilities</p> <p><u>Commercial</u> Hotel/Motel Restaurant (free-standing)</p> <p><u>Other</u> Cemeteries (principal use) Correctional Facilities</p>

Exclusions: Automotive/Boat/Heavy Equipment/Manufactured Home Sales and Service, Drive-through uses, Gas Stations, Entertainment uses, Outdoor Kennels, and other uses not enumerated

3.7.3 Dimensional Requirements

Residential Uses	Density & Lot Size			Minimum Yard Requirements			Max. Height
	Max. Density (units per acre)	Min. Width (ft.)	Min. Street Frontage (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height
Multi-Family	10	n/a	15	20	0 (interior) 15 (exterior)	25	3 stories
Other Uses (Except Essential Services)	Minimum Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size (square feet)	Width (ft.)	Street Frontage (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height
	n/a	70	35	20	0 (interior) 15 (exterior)	25	3 stories or 45 feet

Infill Lots: Front and side setbacks for infill lot development shall be an average for similar uses and structures on the same side of the street within the same zoning district within 300 to either side of the lot.

3.7.4 Location of Accessory Buildings and Structures

No accessory building shall be erected in any front yard. The total area of all accessory structures shall not exceed ½ the gross floor area of the principal structure. See Section 4.3 for additional residential accessory structure requirements.

Minimum Setbacks for Accessory Structures are as follows:

Side (interior): 5 feet

Side (corner): 20 feet for garages, 10 feet for other accessory structures

Rear: 5 feet

3.7.5 Other Requirements

- A. See Chapter 5 for building design requirements.
- B. See Chapter 6 for open space requirements.
- C. See Chapter 7 for landscaping and buffering requirements.
- C. See Chapter 8 for off-street parking and loading requirements.
- D. See Chapter 11 for sign requirements.

Section 3.8 N-C Neighborhood Center District

3.8.1 Intent

The N-C district is intended primarily for local centers designed to serve relatively small trading areas in developed or developing portions of China Grove. Incentive is given to encourage mixed use development. As a result, the list of commercial establishments allowed in this district is more limited than in other districts. The standards for these areas are designed to promote sound, permanent mixed-use development and to serve surrounding residential areas. All N-C districts shall be a minimum of three (3) acres and a maximum of 50 acres.

3.8.2 Uses

The chart below indicates the uses generally permitted in the N-C zoning district. For a detailed table of specified permitted uses see **Section 3.14**:

PERMITTED BY RIGHT	SPECIAL REQUIREMENTS (see Chapter 4)	CONDITIONAL USES
<p><u>Residential</u> Single-family Detached Two-Family Attached (Duplex)</p> <p><u>Commercial</u> Animal Services (no outdoor kennels) Office uses up to 5,000 square feet Retail up to 5,000 square feet Restaurants Service uses up to 5,000 square feet</p> <p><u>Other</u> Civic Uses Mixed Use Buildings Essential Utility Services Class 1 & 2 Private Recreation Facilities Public Parks Public Recreation Facilities</p>	<p><u>Residential</u> Family Care Homes Home Occupations Mixed Residential Development</p> <p><u>Commercial</u> Bed and Breakfast Inns Daycare Centers</p> <p><u>Other</u> Cemeteries (accessory use) Temporary Uses</p>	<p><u>Residential</u> Cluster Development Multi-Family Development</p> <p><u>Commercial</u> Office, retail, or service uses over 5,000 sq ft in total floor area (max. 15,000 square feet with the addition of 1 dwelling unit per 1,000 square feet in excess of 5,000 square feet)</p> <p><u>Other</u> Buildings over 3 stories or 45 feet Institutional Uses</p>

Exclusions: Automotive/Boat/Heavy Equipment/Manufactured Home Sales and Service, Colleges & Universities, Correctional Facilities, Drive-through uses, Entertainment uses, Hospitals, Hotels/Motels, Museums, Outdoor Kennels, Research Facilities, and other uses not enumerated

3.8.3 Dimensional Requirements

Residential Uses	Density & Lot Size			Minimum Yard Requirements			Max. Height
	Max. Density (units per acre)	Min. Width (ft.)	Min. Street Frontage (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height
Single-Family Detached	15	50 (35 for alley loaded)	35	10 min. 25 max.	5	25	3 stories
Two-Family Attached (Duplex)	15	50 (35 for alley loaded)	35	10 min. 25 max.	0 interior 5 exterior	25	3 stories
Multi-Family	15	n/a	15	0 min. 25 max.	0 interior 10 exterior	25	3 stories
Other Uses (Except Essential Services)	Minimum Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size (square feet)	Width (ft.)	Street Frontage (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height
	n/a	n/a	20	0 min. 25 max.	0 interior 10 exterior	25	3 stories or 45 feet (may be higher with a CUP)

Infill Lots: Front and side setbacks for infill lot development shall be an average for similar uses and structures on the same side of the street within the same zoning district within 300 to either side of the lot.

3.8.4 Location of Accessory Buildings and Structures

No accessory building shall be erected in any front yard. The total area of all accessory structures shall not exceed ½ the gross floor area of the principal structure. See Section 4.3 for additional residential accessory structure requirements.

Minimum Setbacks for Accessory Structures are as follows:

Side (interior): 5 feet

Side (corner): 20 feet for garages, 5 feet for other accessory structures

Rear: 5 feet

3.8.5 Other Requirements

- A. See Chapter 5 for building design requirements.
- B. See Chapter 6 for open space requirements.
- C. See Chapter 7 for landscaping and buffering requirements.
- C. See Chapter 8 for off-street parking and loading requirements.
- D. See Chapter 11 for sign requirements.

Section 3.9 C-B Central Business District

3.9.1 Intent

The C-B district is established as the centrally located trade and commercial service area of China Grove. The regulations of this district are designed to encourage the continued use of land for community trade and commercial service uses and to permit a concentrated development of permitted uses while maintaining a substantial relationship between the intensity of land uses and the capacity of utilities and streets.

3.9.2 Uses

The chart below indicates the uses generally permitted in the C-B zoning district. For a detailed table of specified permitted uses see **Section 3.14**:

PERMITTED BY RIGHT	SPECIAL REQUIREMENTS (see Chapter 4)	CONDITIONAL USES
<p><u>Residential</u> None except as part of a Mixed Use Building</p> <p><u>Commercial</u> Animal Services (no outdoor kennels) Office uses up to 15,000 square feet Retail up to 15,000 square feet Restaurants Service uses up to 15,000 square feet Shopping Center up to 30,000 square feet</p> <p><u>Other</u> Civic Uses Institutional Uses Mixed Use Buildings Essential Utility Services Class 1 & 2 Private Recreation Facilities Public Parks Public Recreation Facilities</p>	<p><u>Residential</u> Home Occupation</p> <p><u>Commercial</u> Bed and Breakfast Inns Daycare Centers</p> <p><u>Other</u> Cemeteries (Accessory Use only) Temporary Uses</p>	<p><u>Residential</u> None</p> <p><u>Commercial</u> Drive-through uses Farmers Markets Office uses 15,000-30,000 square feet Hotels/Motels Retail 15,000-30,000 square feet Shopping Center 30,000-60,000 square feet</p> <p><u>Other</u> Buildings over 3 stories or 45 feet Tattoo Parlors</p>

Exclusions: Automotive/Boat/Heavy Equipment/Manufactured Home Sales and Service, Correctional Facilities, Entertainment uses, Outdoor Kennels, Research Facilities, and other uses not enumerated

3.9.3 Dimensional Requirements

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Residential Uses	Density & Lot Size			Minimum Yard Requirements			Max. Height
	Max. Density (units per acre)	Min. Width (ft.)	Min. Street Frontage (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
Mixed Use Building Residential (2 nd floor only)	15	n/a	n/a	0 min. 25 max.	0 (interior) 10 (exterior)	25	3 stories or 45 feet (may be higher with a CUP)
Other Uses (Except Essential Services)	Minimum Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size (square feet)	Width (ft.)	Street Frontage (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height
	n/a	n/a	20	0 min. 25 max.	0 (interior) 10 (exterior)	25	3 stories or 45 feet (may be higher with a CUP)

Infill Lots: Front and side setbacks for infill lot development shall be an average for similar uses and structures on the same side of the street within the same zoning district within 300 to either side of the lot.

3.9.4 Location of Accessory Buildings and Structures

No accessory building shall be erected in any front yard. The total area of all accessory structures shall not exceed ½ the gross floor area of the principal structure. See Section 4.3 for additional residential accessory structure requirements.

Minimum Setbacks for Accessory Structures are as follows:

Side (interior): 0 feet

Side (corner): 20 feet for garages, 5 feet for other accessory structures

Rear: 5 feet

3.9.5 Other Requirements

- A. See Chapter 5 for building design requirements.
- B. See Chapter 6 for open space requirements.
- C. See Chapter 7 for landscaping and buffering requirements.
- C. See Chapter 8 for off-street parking and loading requirements.
- D. See Chapter 11 for sign requirements.

Section 3.10 H-B Highway Business District

3.10.1 Intent

The H-B district is established to provide a wide array of primarily retail and service uses to a large trading area for persons residing in and/or traveling through the China Grove area. Such uses shall be located and designed in such a manner so as to promote aesthetics, the safe and efficient movement of traffic, and to not unduly burden adjoining thoroughfares. Given the large traffic volumes generated by uses located in such a district, any area so zoned shall have access onto an arterial or collector thoroughfare.

3.10.2 Uses

The chart below indicates the uses generally permitted in the H-B zoning district. For a detailed table of specified permitted uses see **Section 3.14**:

PERMITTED BY RIGHT	SPECIAL REQUIREMENTS (see Chapter 4)	CONDITIONAL USES
<p><u>Residential</u> None</p> <p><u>Commercial</u> Animal Services (no outdoor kennels) Office uses up to 30,000 square feet Retail up to 30,000 square feet Restaurants Service uses up to 15,000 square feet Shopping Center up to 60,000 square feet Warehousing (accessory use)</p> <p><u>Other</u> Civic Uses Institutional Uses Essential Utility Services Class 1 & 2 Private Recreation Facilities Public Parks Public Recreation Facilities</p>	<p><u>Residential</u> None</p> <p><u>Commercial</u> Daycare Centers</p> <p><u>Other</u> Cemeteries (Accessory Use only) Temporary Uses</p>	<p><u>Residential</u> None</p> <p><u>Commercial</u> Adult Establishments Animal Services (with outdoor kennels) Automotive/Boat/Heavy Equipment sales and service Bars & Nightclubs Drive-through uses Electronic gaming operations Entertainment uses Essential Services Class 3 Farmers Market Hazardous Materials Use/Storage Hotel/Motel Mini Warehousing Nurseries Office uses over 30,000 square feet Outdoor Storage Retail over 30,000 square feet Service uses over 15,000 square feet Shopping Center over 60,000 square feet Wholesale Trade Wireless Telecommunications Towers</p> <p><u>Other</u> Tattoo Parlors</p>

Exclusions: Correctional Facilities, and other uses not enumerated

3.10.3 Dimensional Requirements

All Uses (Except Essential Services)	Minimum Lot Size			Minimum Yard Requirements			Max. Height
	Min. Lot Size (square feet)	Width (ft.)	Street Frontage (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height
	n/a	n/a	35	20	0 (interior) 10 (exterior)	25	3 stories or 45 feet

Infill Lots: Front and side setbacks for infill lot development shall be an average for similar uses and structures on the same side of the street within the same zoning district within 300 to either side of the lot.

3.10.4 Location of Accessory Buildings and Structures

No accessory building shall be erected in any front yard. The total area of all accessory structures shall not exceed ½ the gross floor area of the principal structure.

Minimum Setbacks for Accessory Structures are as follows:

Side (interior): 0 feet (10 feet adjacent to residential district)

Side (corner): 20 feet for garages, 10 feet for other accessory structures

Rear: 5 feet (10 feet adjacent to residential district)

3.10.5 Other Requirements

- A. See Chapter 5 for building design requirements.
- B. See Chapter 6 for open space requirements.
- C. See Chapter 7 for landscaping and buffering requirements.
- C. See Chapter 8 for off-street parking and loading requirements.
- D. See Chapter 11 for sign requirements.

Section 3.11 C-P Corporate Park District

3.11.1 Intent

The C-P Corporate Park District is established for a high quality mixture of employment and/or institutional uses of varying type, as well as limited retail and service uses supported by such clientele in a single coordinated development which will create a self-supporting advantageous business environment in an attractive corporate park setting.

3.11.2 Uses

The chart below indicates the uses generally permitted in the C-P zoning district. For a detailed table of specified permitted uses see **Section 3.14**:

PERMITTED BY RIGHT	SPECIAL REQUIREMENTS (see Chapter 4)	CONDITIONAL USES
<p><u>Residential</u> None</p> <p><u>Commercial</u> Light Manufacturing Office uses Retail up to 5,000 square feet Service uses up to 5,000 square feet Warehousing Wholesale Trade</p> <p><u>Other</u> Civic Uses Institutional Uses Essential Services Class 1 &2 Private Recreation Facilities Public Parks Public Recreation Facilities</p>	<p><u>Residential</u> None</p> <p><u>Commercial</u> Daycare Centers</p> <p><u>Other</u> Cemeteries (Accessory Use only)</p>	<p><u>Residential</u> None</p> <p><u>Commercial</u> Distribution</p> <p><u>Other</u> Buildings over 35 feet in height</p>

Exclusions: Correctional Facilities, Museums, Residential Care Facilities, and other uses not enumerated

3.11.3 Dimensional Requirements

Overall District	District Size Requirements			District Setback Requirements			Max. Height
	Min. Size (acres)	Min. Width (ft.)	Min. Primary Street Frontage (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height
	15	n/a	60	30	30	30	3 stories or 45 feet (may be higher with a CUP)

All Uses (interior lots) (Except Essential Services)	Minimum Lot Size			Minimum Yard Requirements			Max. Height
	Lot Size (square feet)	Lot Width (ft.)	Street Frontage (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	21,780	n/a	20	20	0	0	3 stories or 45 feet (may be higher with a CUP)

Infill Lots: Front and side setbacks for infill lot development shall be an average for similar uses and structures on the same side of the street within the same zoning district within 300 to either side of the lot.

3.11.4 Location of Accessory Buildings and Structures

No accessory building shall be erected in any front or side yard. The total area of all accessory structures shall not exceed ½ the gross floor area of the principal structure.

Minimum Setbacks for Accessory Structures are as follows:
 Side (interior): 5 feet (30 feet adjacent to residential district)
 Side (corner): 20 feet
 Rear: 10 feet (30 feet adjacent to residential district)

3.11.5 Other Requirements

- A. See Chapter 5 for building design requirements.
- B. See Chapter 6 for open space requirements.
- C. See Chapter 7 for landscaping and buffering requirements.
- C. See Chapter 8 for off-street parking and loading requirements.
- D. See Chapter 11 for sign requirements.

Section 3.12 L-I Light Industrial District

3.12.1 Intent

The L-I Light Industrial District is established for industrial and related uses that do not create serious negative impacts for surrounding properties.

3.12.2 Uses

The chart below indicates the uses generally permitted in the L-I zoning district. For a detailed table of specified permitted uses see **Section 3.14**:

PERMITTED BY RIGHT	SPECIAL REQUIREMENTS (see Chapter 4)	CONDITIONAL USES
<p><u>Residential</u> None</p> <p><u>Commercial</u> Animal Services Entertainment uses Gas Stations Light Manufacturing Office uses Retail up to 5,000 square feet (Accessory Use Only) Service uses Warehousing Wholesale Trade</p> <p><u>Other</u> Civic Uses Institutional Uses Essential Services Class 1 &2 Private Recreation Facilities Public Parks Public Recreation Facilities</p>	<p><u>Residential</u> None</p> <p><u>Commercial</u> None</p> <p><u>Other</u> Cemeteries (Accessory Use only)</p>	<p><u>Residential</u> None</p> <p><u>Commercial</u> Automotive/Boat/Heavy Equipment sales and service Distribution Hazardous Materials Use/Storage Outdoor Storage</p> <p><u>Other</u> Wireless Telecommunications Towers</p>

Exclusions: Correctional Facilities, Daycare Centers, Museums, Public Schools, Residential Care Facilities and other uses not enumerated

3.12.3 Dimensional Requirements

Overall District	District Size Requirements			District Setback Requirements			Max. Height
	Min. Size (acres)	Min. Width (ft.)	Min. Primary Street Frontage (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	2	n/a	60	30	30	30	45
All Uses (interior lots) (Except	Minimum Lot Size			Minimum Yard Requirements			Max. Height
	Lot Size (square feet)	Lot Width (ft.)	Street Frontage (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	21,780	n/a	20	20	0	0	45

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Essential Services)							
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Infill Lots: Front and side setbacks for infill lot development shall be an average for similar uses and structures on the same side of the street within the same zoning district within 300 to either side of the lot.

3.12.4 Location of Accessory Buildings and Structures

No accessory building shall be erected in any front or side yard. The total area of all accessory structures shall not exceed ½ the gross floor area of the principal structure.

Minimum Setbacks for Accessory Structures are as follows:

Side (interior): 5 feet (30 feet adjacent to residential district)

Side (corner): 20 feet

Rear: 10 feet (30 feet adjacent to residential district)

3.12.5 Other Requirements

- A. See Chapter 5 for building design requirements.
- B. See Chapter 6 for open space requirements.
- C. See Chapter 7 for landscaping and buffering requirements.
- C. See Chapter 8 for off-street parking and loading requirements.
- D. See Chapter 11 for sign requirements.

Section 3.13 H-I Heavy Industrial District

3.13.1 Intent

The H-I Heavy Industrial District is established for industrial and related uses that require isolation from many other kinds of land uses.

3.13.2 Uses

The chart below indicates the uses generally permitted in the H-I zoning district. For a detailed table of specified permitted uses see **Section 3.14**:

PERMITTED BY RIGHT	SPECIAL REQUIREMENTS (see Chapter 4)	CONDITIONAL USES
<p><u>Residential</u> None</p> <p><u>Commercial</u> Distribution Light Manufacturing Office uses (accessory use) Outdoor Storage Warehousing Wholesale Trade</p> <p><u>Other</u> Essential Services Class 1 & 2 Public Parks Public Recreation Facilities</p>	<p><u>Residential</u> None</p> <p><u>Commercial</u> None</p> <p><u>Other</u> None</p>	<p><u>Residential</u> None</p> <p><u>Commercial</u> Essential Services Class 3 Hazardous Materials Use/Storage Heavy Manufacturing</p> <p><u>Other</u> Wireless Telecommunications Towers</p>

Exclusions: Uses not enumerated.

3.13.3 Dimensional Requirements

Overall Development	Development Size Requirements			Development Setback Requirements			Max. Height
	Min. Size (acres)	Min. Width (ft.)	Min. Primary Street Frontage (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	5	100	60	50	50	50	45
All Uses (interior lots) (Except Essential Services Class 1 & 2)	Minimum Lot Size			Minimum Yard Requirements			Max. Height
	Lot Size (acres)	Lot Width (ft.)	Street Frontage (ft.)	Front Setback (ft.)	Side Setback (ft.)	Rear Setback (ft.)	Structure Height (ft.)
	1	n/a	35	30	0	0	45

Infill Lots: Front and side setbacks for infill lot development shall be an average for similar uses and structures on the same side of the street within the same zoning district within 300 to either side of the lot.

3.13.4 Location of Accessory Buildings and Structures

No accessory building shall be erected in any front or side yard. The total area of all accessory structures shall not exceed ½ the gross floor area of the principal structure.

Minimum Setbacks for Accessory Structures are as follows:

Side (interior): 5 feet (30 feet adjacent to residential district)

Side (corner): 20 feet

Rear: 10 feet (30 feet adjacent to residential district)

3.13.5 Other Requirements

- A. See Chapter 5 for building design requirements.
- B. See Chapter 6 for open space requirements.
- C. See Chapter 7 for landscaping and buffering requirements.
- C. See Chapter 8 for off-street parking and loading requirements.
- D. See Chapter 11 for sign requirements.

Section 3.14 Permitted Uses Table

3.14.1 Intent

The Permitted Uses Table contains a listing of uses which may be permitted in one or more of the various zoning districts. Uses are listed in alphabetical order within seven (7) categories as follows:

- Residential
- Civic
- Institutional
- Office & Service
- Retail
- Manufacturing, Warehousing, Distribution
- Other

3.14.2 Table Key

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

- “X”-indicates that the use is permitted by right in the zoning district
- “C”-indicates that the use is permitted with a Conditional Use Permit in the zoning district
- “SR”-a section number listed in the column indicates that the use has special requirements for the zoning district in which it is permitted. The section number refers to the regulations in Chapter 4.

SECTION 3.14 PERMITTED USES TABLE

Use	Zoning Districts											Special Requirements	
	R-P	R-S	R-T	R-M	R-MH	O-I	N-C	C-B	H-B	C-P	L-I		H-I
Residential Uses													
Accessory dwellings	X	X	X										4.2
Accessory structures (residential)	X	X	X	X	X	X	X						4.3
Boarding house					X								4.1
Family care home	X	X	X	X	X	X	X						4.15
Home occupation	X	X	X	X	X	X	X	X					4.16
Manufactured homes (on individual lots)	X				X								4.17
Manufactured home park					C								4.18
Mixed residential development				X			X						4.2
Multi-family				C		C	C						
Rural family occupation	X	X	X										4.23
Single-family, detached	X	X	X	X	X	X	X						
Two-family, attached (duplex)			X	X	X	X	X						4.25
Use	Zoning Districts											Special Requirements	
Civic	R-P	R-S	R-T	R-M	R-MH	O-I	N-C	C-B	H-B	C-P	L-I	H-I	
Cemeteries (accessory use)	X	X	X	X	X	X	X	X	X	X	X		4.11
Government buildings	C	C	C	C	C	X	X	X	X	X	X		
Non-profit organizations	C	C	C	C	C	X	X	X	X	X	X		
Religious uses	C	C	C	C	C	X	X	X	X	X	X		
Schools (public)	C	C	C	C	C	X	X	X	X	X	X		
Use	Zoning Districts											Special Requirements	
Institutional	R-P	R-S	R-T	R-M	R-MH	O-I	N-C	C-B	H-B	C-P	L-I	H-I	
Cemeteries (principal use)	X					C							4.11
Colleges & Universities						X		X	X	X	X		
Correctional Facilities						C							
Daycare Centers				C		X	X	X	X	X			4.12
Hospitals						X		X	X	X	X		
Museums						X		X	X				
Residential Care Facilities				C		X	C	X	X				
Research Facilities						X				X	X		

SECTION 3.14 PERMITTED USES TABLE

Use	Zoning Districts												Special Requirements
	R-P	R-S	R-T	R-M	R-MH	O-I	N-C	C-B	H-B	C-P	L-I	H-I	
Institutional													
Schools (private)				C		X	C	X	X	X	X		
Schools (instructional)				C		X	C	X	X	X	X		
Use	Zoning Districts												Special Requirements
Office & Service	R-P	R-S	R-T	R-M	R-MH	O-I	N-C	C-B	H-B	C-P	L-I	H-I	
Animal Services (no outdoor kennels)	C					X	X	X	X		X		
Animal Services (with outdoor kennels)									C		X		
Automotive Services									C		C		4.7
Bed & Breakfast Inns	C			C		X	X	X					4.9
Boat Services									C		C		4.7
Heavy Equipment Services									C		C		4.7
Hotels/Motels						C		C	C				
Manufactured/Modular Home Services									C		C		4.7
Office Uses (accessory)									X	X	X	X	
Office Uses (less than 5,000 square feet)						X	X	X	X	X	X		
Office Uses (5,000-15,000 square feet)						X	C	X	X	X	X		
Office Uses (15,000-30,000 square feet)						X		C	X	X	X		
Office Uses (greater than 30,000 square feet)						X			C	X	X		
Service Uses (less than 5,000 square feet)						X	X	X	X	X	X		
Service Uses (5,000 to 15,000 square feet)							C	X	X		X		
Service Uses (greater than 15,000 square feet)									C		X		
Use	Zoning Districts												Special Requirements
Retail	R-P	R-S	R-T	R-M	R-MH	O-I	N-C	C-B	H-B	C-P	L-I	H-I	
Automotive Sales									C		C		4.7
Boat Sales									C		C		4.7
Drive-through uses								C	C				4.13
Farmer's Market	C							C	C				
Heavy Equipment Sales									C		C		4.7
Manufactured/Modular Home Sales									C		C		4.7
Nurseries	C								C				

SECTION 3.14 PERMITTED USES TABLE

Use	Zoning Districts											Special Requirements	
	R-P	R-S	R-T	R-M	R-MH	O-I	N-C	C-B	H-B	C-P	L-I		H-I
Retail													
Produce Stands	X												4.22
Restaurant (part of multi-tenant building)						X	X	X	X				
Restaurant (free-standing)						C	X	X	X				
Retail Uses (less than 5,000 square feet)						X	X	X	X	X	X		
Retail Uses (5,000-15,000 square feet)							C	X	X				
Retail Uses (15,000-30,000 square feet)								C	X				
Retail Uses (greater than 30,000 square feet)									C				
Shopping Center (less than 30,000 square feet)								X	X				
Shopping Center (30,000-60,000 square feet)								C	X				
Shopping Center (greater than 60,000 square feet)									C				
Use	Zoning Districts											Special Requirements	
Manufacturing, Warehousing, Distribution	R-P	R-S	R-T	R-M	R-MH	O-I	N-C	C-B	H-B	C-P	L-I	H-I	
Distribution (accessory use)										C	X	X	
Distribution (principal use)										C	C	C	
Hazardous Materials Use/Storage									C		C	C	
Heavy Manufacturing												C	
Light Manufacturing											X	X	
Mini Warehousing									C		X		4.28
Warehousing (accessory use)									X	X	X	X	
Warehousing (principal use)										X	X	X	
Wholesale Trade										X	X	X	
Use	Zoning Districts											Special Requirements	
Other	R-P	R-S	R-T	R-M	R-MH	O-I	N-C	C-B	H-B	C-P	L-I	H-I	
Adult Establishments									C				4.4
Agricultural uses	X	C											4.5
Bars & Nightclubs								C	C				4.8
Buildings greater than 35 feet in height							C	C					
Electronic gaming operations									C				4.30
Entertainment uses									C		X		

SECTION 3.14 PERMITTED USES TABLE

Use	Zoning Districts											Special Requirements	
	R-P	R-S	R-T	R-M	R-MH	O-I	N-C	C-B	H-B	C-P	L-I		H-I
<i>Other</i>													
Essential Services Class 1 & 2	X	X	X	X	X	X	X	X	X	X	X	X	
Essential Services Class 3									C			C	
Family Campgrounds	C												
Outdoor Storage (non-residential)	C								C		C	C	4.20
Parks (public)	X	X	X	X	X	X	X	X	X	X	X	X	
Recreational Facilities (private)	C	C	C	C	C	X	X	X	X	X	X		
Recreational Facilities (public)	X	C	C	C	C	X	X	X	X	X	X	X	
Swimming Pools (private principal use)	X	X	X	X	X	X							
Tattoo Parlors								C	C				
Temporary Uses						X	X	X	X				4.24
Wireless Telecommunications Towers									C		C	C	4.26
Yard Sales	X	X	X	X	X								4.27

Section 3.15 Conditional Use District (CU)

3.15.1 Intent

There is a Conditional Use District (CU) which corresponds to each of the primary districts authorized in this ordinance. It is recognized that certain types of zoning districts would be inappropriate at particular locations in the absence of special conditions. The Conditional Use District is a means by which special conditions can be imposed in the furtherance of the purpose of this Ordinance. The Conditional Use District classification will be considered for rezoning only upon request of a property owner with the presentation of a site specific plan.

3.15.2 Uses and Other Requirements

Within a Conditional Use District, only those uses authorized as permitted or conditional uses in the zoning district with which the district corresponds shall be permitted, and all other requirements of the corresponding district shall be met as minimum standards. Additional limitations on use and other requirements may be added as conditions by the Town Council.

See Chapter 13 for Conditional Use District Rezoning provisions.

Section 3.16 Watershed Overlay District

3.16.1 Purpose and Applicability

The purpose of the Watershed Overlay District is to provide for protection of the Lake Fisher and Lake Corriher water supplies consistent with the WS-IV Protected Area management rules as adopted by the North Carolina Department of Environment and Natural Resources for such classified areas.

3.16.2 General Development Standards

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

- F. Existing development, as defined in this Ordinance, is not subject to the requirements of the overlay provisions. Expansions to structures classified as existing development must meet the requirements of these provisions, provided however, the built-upon area of the existing development is not required to be included in the density calculations. In determining expansions to existing development, the maximum permitted additional built-upon area is derived by multiplying the area of the portion of the property that is not built-upon by the appropriate percent built-upon limitation for the Overlay District in which the property is located.
- G. A pre-existing lot created prior to the effective date of this Ordinance, regardless of whether or not a vested right has been established, may be developed or redeveloped for single family residential purposes without being subject to the restrictions of these overlay provisions.
- H. Any existing building or built-upon area not in conformance with the limitations of these provisions that has been damaged or removed for any reason may be repaired and/or reconstructed, provided:
- Repair or reconstruction is initiated within twelve (12) months and completed within two (2) years of such damage or removal.
 - The total amount of space devoted to built-upon area may not be increased.
 - The repair or reconstruction is otherwise permitted under the provisions of this Ordinance.
- I. No activity, situation, structure or land use shall be permitted or allowed to operate within a watershed which poses a threat to water quality and the public health, safety and welfare. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the absence or improper implementation of a spill containment plan for toxic and hazardous materials; the improper management of storm water runoff; or any other situation found to pose a threat to water quality.
- J. The Zoning Administrator may require such information on Zoning Permit applications and site plans, including density/built-upon area calculations, as he may deem necessary to determine compliance with the Watershed Overlay District provisions.
- K. The Zoning Administrator may, prior to the authorization of any permit in the Watershed Overlay District, require evidence of a valid Sedimentation/Erosion Control Permit issued by the State of North Carolina or evidence satisfactory to the Administrator that no permit is required.
- L. The Zoning Administrator shall maintain records of the administration of the Watershed Overlay District regulations and shall submit any modifications of the regulations to the Division of Water Quality of the North Carolina Department of Environment and Natural Resources. The Zoning Administrator shall also maintain a record of variances issued and shall submit an annual report of each project receiving a variance and the reason for the variance to the Division of Water Quality. The annual report shall contain the record of each variance granted by the Board of Adjustment during the previous calendar year and shall be submitted on or before January 1 of the following year.

3.16.2 Density/Built-Upon Area Limitations

- A. Residential development activities which require a Sedimentation/Erosion Control Permit shall not exceed one (1) dwelling unit per one half (1/2) acre or, optionally, 24 percent built-upon area, on a project by project basis.
- B. Non-residential development activities which require a Sedimentation/Erosion Control Permit shall not exceed 24 percent built-upon area, on a project by project basis.

- C. Residential development activities which require a Sedimentation/Erosion Control Permit and which do not have a curb and gutter street system, shall not exceed three (3) dwelling units per acre or, optionally, 36 percent built-upon area, on a project by project basis.
- D. Non-residential development activities which require a Sedimentation/Erosion Control Permit and which do not have a curb and gutter street system, shall not exceed 36 percent built-upon area, on a project by project basis."
- E. Notwithstanding the limitations of 16.2(a), (b), (c) and (d) above, 10 percent of the LFWS-PA area may be developed with new development projects of up to seventy 70 percent built-upon area as Special Intensity Allocations (SIAS). The SIAS shall be allocated and developed in accordance with the following rules:
 - SIAS shall be allocated by the Zoning Administrator through the Zoning Compliance Permit/Development Plan process. The Zoning Administrator shall maintain a record of the total acreage in the Lake Fisher WS-PA area eligible for SIAS, the acreage that has been allocated and the acreage that has been used as of the latest date. In no case shall allocated acreage exceed the acreage eligible for allocation. For the purpose of this subsection, the total area that can be allocated for SIAS's in the Lake Fisher WS-PA is 202.74 acres.
 - SIAS shall be allocated on a "first come, first served" basis for non-residential development upon the approval and issuance of the appropriate permit.
 - The right to develop a SIA shall terminate with the loss of the right to develop due to the expiration of a Zoning Compliance Permit, Zoning Compliance Permit with Vested Rights, or Building Permit. In such a case, the allocated acreage, or unused allocated acreage shall be returned to the unallocated total acreage eligible for allocation.

Section 3.17 Planned Unit Development (PUD)

3.17.1 Purpose

The purpose of the Planned Unit Development district (PUD) is to provide for the orderly development of land with a mix of land uses and intensity. PUD zoning is intended to permit flexibility in the design, construction and processing of residential and non-residential developments of a quality that could not be achieved under conventional zoning approaches. While the conventional zoning districts and the requirements of those districts set forth in the UDO are reasonable, there may be circumstances in which it is in the community's best interest to allow unique and/or creative designs and techniques that:

- Promote the most appropriate use of a parcel
- Allow diversification of use
- Facilitate the adequate and economical provisions of streets, parks, open space, schools, storm drainage and sewer and water utilities
- Preserve and utilize open space
- Offer recreational opportunities close to residential uses
- Enhance neighborhood appearance

3.17.2 Processing Procedure

A PUD shall be considered a conditional zoning district and shall be processed in accordance with § 9.2.3 of this Ordinance.

3.17.3 Permitted Uses

- A. The uses permitted in a PUD shall be the permitted uses as set forth in the approved site plan.
- B. The site plan shall designate land use categories consistent with the zoning district classification of this Ordinance. Within each land use category, proposed uses shall be subject only to the permitted uses in Table 3.14 for each land use category. No conditional use permit shall be required for any conditional use listed for said land use category in Table 3.14 separate from that issued for the PUD itself.

3.17.4 Land Use Composition

- A. No site plan for a PUD district shall be approved unless the following percentages of land uses are provided for within the boundaries of the district.
 - Moderate Density residential (2.5-7 units per acre) = 0-50% of total acreage
 - High Density residential (8 or more units per acre) = 0-50% of total acreage
 - Open space shall be required in accordance with § 6 of this Ordinance

3.17.5 Design Standards

- A. The land uses within a PUD shall not be subject to any of the dimension and density provisions of Chapters 3 and 7 except that a perimeter setback of 25 feet shall be maintained from existing development.
- B. PUD designs shall be subject to the recommended design elements for Chapter 5. The design elements are for consideration in the design of a Planned Unit Development and shall be considered as criteria for approval. This is not to state that all of the design elements shall be included in a PUD, rather all elements shall be considered and those that are considered appropriate and reasonable should be included. Additional design requirements are included in 3.17.8 below.

3.17.6 Professional Design Team Required

An applicant for a PUD approval shall certify, in writing at the time of application, that a member of each of the following professions will be used in the planning and design process for the proposed development:

- Project planning and design by a licensed North Carolina architect, licensed North Carolina landscape architect, or a registered land surveyor;
- Landscaping design by a certified nursery or licensed North Carolina landscape architect; and
- Site engineering by a North Carolina Registered Engineer

3.17.7 Modification of Approved Final Site Plan

Following approval of the CZ district and the Conditional Use Permit, no modifications of the land use category designations, design standards, uses, densities or any other condition of the site plan shall be permitted unless a new Conditional Use Permit is approved. However, the Administrator may approve the following modifications in writing without a new site plan:

- A change in the location of not more than ten percent (10%) of the dwelling units of floor area.
- A change in the location of any part of open space acreage of not more than ten percent (10%) of the gross acreage
- A change in the location of any part of proposed street alignment and lot configuration of not more than ten percent (10%) of the gross acreage

- An increase or decrease of any setback by not more than five (5) feet for setback of less than fifty (50) feet

3.17.8 Recommended Design Elements

As indicated in § 3.17.1, PUD zoning is intended to permit flexibility in the design, construction and processing of residential, commercial and/or industrial developments of a quality that could not be achieved under conventional zoning concepts. Therefore, the following elements are recommended for consideration in the design of a Planned Unit Development and shall be included in a PUD, rather all elements shall be considered and those that are considered appropriate and reasonable should be included.

A. Architectural Elements

- Building height, rhythm, articulation, massing and bulk are compatible with the individual site attributes and are compatible with the surrounding neighborhoods.
- Distinctive architectural details such as covered front porches, door and window details, roof overhangs, and/or parapet walls with cap features shall be provided on each dwelling or principal structure. A variety of roofing colors, textures, and component shapes including shake shingle, shale, and wood components, should be provided.
- Significant architectural differences in the choice of elevations, roof lines, and exterior colors for each residential floor should be provided. Front façades shall not be identical to any house less than three (3) adjacent homes, nor shall the same rear façade which is visible from arterial street view, on any block front, be identical to any rear façade closer than three (3) adjacent homes. Homes facing one another (across the street) shall not have the same façade.
- Residential design guidelines are provided, which include a variety of conceptual standard plans, and may include: variation in building setbacks, detached garages, recessed garages if attached to the principal building and fencing alternatives.
- Garage fronts should be de-emphasized and not be the most prominent architectural feature of the house. This should be accomplished by providing side access garages, recessed or detached “in-line” garages. Garages should be recessed at least one car length in order to provide interest and relief from the street. The front elevation shall prominently feature an entrance for persons rather than automobiles with the garage area not to exceed forty percent (40%) of the front façades.

B. Recreation elements

- Not less than 70 percent (70%) of the residential units are located within 660 feet of a pedestrian, equestrian and bicycle trail or park of at least 4,000 sf or more.
- Recreation and open space facilities should be aligned with the community’s park and open space network.
- Neighborhood scale recreation facilities and amenities should be provided which are functional, not retention/detention or amenities should be designed in accordance with the Stormwater Management Standards of this Ordinance. Such areas should include turf or landscaping within all areas not permanently covered with standing water.
- Gateway treatments may be incorporated at appropriate locations along an open space network.

C. Transportation elements

- Park-and-ride lots and bus stations may be incorporated with planned facilities.
- Bicycle lanes should be included along at least seventy percent (70%) of the linear frontage of all planned collector streets.

D. Landscaping and Buffering elements

- Higher density or intensity developments abutting lower density or intensity areas include buffering and should substantially mitigate any negative impacts consistent with the Landscaping Standards of this Ordinance.

E. Other Design considerations

- Homeowners or property owners associations should be required to maintain all roadway/right-of-way landscaping, pedestrian/bicycle, and equestrian paths (arterial, collector and local as proposed) to the standards of this Ordinance.
- Areas designated for industrial land uses should be designed to create a campus-style environment.
- Street access must be provided to all undeveloped and under-developed parcels.

Section 3.18 Flood Damage Prevention Overlay District

3.18.1 Statutory Authorization

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare.

Therefore, the Town Council of the Town of China Grove, North Carolina, does ordain as follows:

3.18.2 Findings of Fact

The flood prone areas within the jurisdiction of the Town of China Grove are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

3.18.3 Statement of Purpose

It is the purpose of this section is to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- A. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- D. Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and

- E. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

3.18.4 Objectives

The objectives of this section are to:

- A. Protect human life, safety, and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business losses and interruptions;
- E. Minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
- F. Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- G. Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

3.18.5 Lands to Which this Section Applies

This section shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs), of the Town of China Grove and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

3.18.6 Basis for Establishing the Special Flood Hazard Areas

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Rowan County, dated June 16, 2009, which are adopted by reference and declared to be a part of this ordinance.

The initial Flood Insurance Rate Maps are as follows for the jurisdictional areas at the initial date:
Rowan County Unincorporated Area, dated November 1, 1979
Town of China Grove Incorporated Area, dated March 29, 1978

3.18.7 Establishment of Floodplain Development Permit

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of 3.16.6 of this ordinance.

3.18.8 Compliance

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

3.18.9 Abrogation and Greater Restrictions

This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.18.10 Interpretation

In the interpretation and application of this ordinance, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under State statutes.

3.18.11 Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of China Grove or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

3.18.12 Penalties for Violation

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of China Grove from taking such other lawful action as is necessary to prevent or remedy any violation.

3.18.13 Designation of Floodplain Administrator

The Planning Director or his/her designee, hereinafter referred to as the “Floodplain Administrator”, is hereby appointed to administer and implement the provisions of this ordinance.

3.18.14 Floodplain Development Application, Permit, and Certification Requirements

3.18.14.1 Application Requirements.

Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within or adjacent to Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

- A. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - 1. the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - 2. the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in 3.18.6, or a statement that the entire lot is within the Special Flood Hazard Area;
 - 3. Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in 3.18.6;

4. The boundary of the floodway(s) or non-encroachment area(s) as determined in 3.18.6;
 5. The Base Flood Elevation (BFE) where provided as set forth in 3.18.6; 3.18.15; or 3.18.21;
 6. The old and new location of any watercourse that will be altered or relocated as a result of proposed development;
 7. The certification of the plot plan by a registered land surveyor or profession engineer. The certification of the plot plan by a professional land surveyor or professional engineer. In lieu of this requirement, the Floodplain Administrator may provide necessary certifications for development adjacent to but not within the Special Flood Hazard Area.
- B. Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
1. Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
 2. Elevation in relation to mean sea level to which any non-residential structure in Zone AE or A will be floodproofed; and
 3. Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.
- C. If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data, an operational plan, and an inspection and maintenance plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.
- D. A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
1. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and
 2. Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with 3.18.19.D.3 when solid foundation perimeter walls are used in Zones A, AE, and A1-30.
 3. Usage details of any enclosed areas below the lowest floor.
 4. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
 5. Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.
 6. Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of 3.18.19.F and G of this ordinance are met.
 7. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

3.18.14.2 Permit Requirements.

The Floodplain Development Permit shall include, but not be limited to:

- A. A description of the development to be permitted under the floodplain development permit.
- B. The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in 3.18.6.
- C. The regulatory flood protection elevation required for the reference level and all attendant utilities.
- D. The regulatory flood protection elevation required for the protection of all public utilities.
- E. All certification submittal requirements with timelines.
- F. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
- G. The flood openings requirements, if in Zones A, AE or A1-30.
- H. Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).

3.18.14.3 Certification Requirements.

A. Elevation Certificates

- 1. An Elevation Certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.
- 2. An Elevation Certificate (FEMA 81-31) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. Any work done within the seven (7) days calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.
- 3. A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make

required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

B. Floodproofing Certificate

If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

C. If a manufactured home is placed within Zone A, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of 3.18.19.C.2.

D. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

E. Certification Exemptions. The following structures, if located within Zone A, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items 1 and 2 of this subsection:

1. Recreational Vehicles meeting requirements of 3.18.19.F.a;
2. Temporary Structures meeting requirements of 3.18.19.G; and
3. Accessory Structures less than 150 square feet meeting requirements of 3.18.19.H.

3.18.15 Duties and Responsibilities of the Floodplain Administrator

The Floodplain Administrator shall perform, but not be limited to, the following duties:

- A.** Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
- B.** Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State and Federal permits have been received.
- C.** Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

- D. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- E. Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of 3.18.23 are met.
- F. Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of 3.18.14.C.
- G. Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of 3.18.14.C.
- H. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of 3.18.14.C.
- I. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of 3.18.14.C and 3.18.19.B.
- J. Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection 3.18.16.
- K. When Base Flood Elevation (BFE) data has not been provided in accordance with the provisions of 3.18.6 obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to 3.18.21.B.2, in order to administer the provisions of this ordinance.
- L. When Base Flood Elevation (BFE) data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of 3.18.6, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.
- M. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the Base Flood Elevation, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the floodplain development permit file.
- N. Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
- O. Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of this section and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

- P. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- Q. Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- R. Make periodic inspections throughout the special flood hazard areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- S. Follow through with corrective procedures of Section 3.18.16.
- T. Review, provide input, and make recommendations for floodplain variance requests.
- U. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with the provisions of 3.18.6 of this ordinance, including any revisions thereto including Letters of Map Change, which includes Letters of Map Amendment (LOMAs), Letters of Map revision Based on Fill (LOMR-Fs) Conditional Letters of Map Revision (CLOMRs), and Letters of Map Revision (LOMRs) issued by FEMA. Notify State and FEMA of mapping needs.
- V. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

3.18.16 Corrective Procedures

- A. Violations to be Corrected: When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- B. Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
 - 1. That the building or property is in violation of the floodplain management regulations;
 - 2. That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

3. That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
- C. Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than one hundred eighty (180) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.
- D. Appeal: Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- E. Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

3.18.17 Provisions for All Special Flood Hazard Areas

In all Special Flood Hazard Areas the following provisions are required:

- A. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- B. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- C. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- D. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the regulatory flood protection elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
- E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- G. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

- H. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of “new construction” as contained in this ordinance.
- I. Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
- J. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by floodplain variance as specified in 16.7.4. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified in accordance with the provisions of 3.18.14.C.
- K. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- L. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- M. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- N. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- O. When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.
- P. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest base flood elevation shall apply.

3.18.19 Provisions for All Special Flood Hazard Areas where Base Flood Elevation Data is Provided

In all Special Flood Hazard Areas where BFE data has been provided, as set forth in 3.18.6, or 3.18.20, the following provisions, in addition to the provisions of 3.18.17, are required:

- A. Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Appendix A of this ordinance.
- B. Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Appendix A of this Ordinance. Structures located in A, AE, and A1-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with

attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in 3.18.14.C, along with the required operational plan and maintenance and inspection plans.

C. Manufactured Homes.

1. New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in Appendix A of this Ordinance.
2. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
3. All enclosures or skirting below the lowest floor shall meet the requirements of 3.18.19.D.
4. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management coordinator.

D. Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

1. Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
2. Shall be constructed entirely of flood resistant materials at least to the regulatory flood protection elevation; and
3. Shall include, in Zones A, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - A minimum of two flood openings on different sides of each enclosed area subject to flooding;

- The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
- If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
- The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;
- Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
- Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

E. Additions/Improvements.

1. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
 - A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
2. Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
3. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
 - A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

F. Recreational Vehicles. Recreational vehicles shall either:

1. Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle 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 has no permanently attached additions); or
2. Meet all the requirements for new construction.

G. Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

1. A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;
2. The name, address, and phone number of the individual responsible for the removal of the temporary structure;
3. The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
4. A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
5. Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

H. Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

1. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
2. Accessory structures shall not be temperature-controlled;
3. Accessory structures shall be designed to have low flood damage potential;
4. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
5. Accessory structures shall be firmly anchored in accordance with the provisions of 3.18.18.A;
6. All service facilities such as electrical shall be installed in accordance with the provisions of 3.18.18.D; and
7. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with the provisions of 3.18.19.D.3.

An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with 3.18.19.C.

3.16.20 Reserved

3.16.21 Standards for Floodplains without Established Base Flood Elevations

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in 3.18.6, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of 3.18.18, shall apply:

- A. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. The BFE used in determining the regulatory flood protection elevation shall be determined based on the following criteria:
 - 1. When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in 3.18.18 and 19.
 - 2. When floodway or nonencroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and nonencroachment areas shall also comply with the requirements of 3.18.19 and 23.
 - 3. All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than twenty (20) lots/manufactured home sites. Such BFE data shall be adopted by reference in accordance with 3.18.6 and utilized in implementing this ordinance.
 - 4. When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the regulatory flood protection elevation, as defined in Appendix A. All other applicable provisions of 3.18.19 shall also apply.

3.18.22 Standards for Riverine Floodplains with Base Flood Elevations but without Floodways or Non-Encroachment Areas

Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- A. Standards of 3.18.18 and 19; and
- B. Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

3.18.23 Floodways and Non-Encroachment Areas

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in 3.18.6. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Article 5, Sections A and B, shall apply to all development within such areas:

- A. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
 - 1. it is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit, or
 - 2. A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.
- B. If 3.18.23.A is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- C. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
 - 1. The anchoring and the elevation standards of 3.18.19.C; and
 - 2. The no encroachment standard of 3.18.23.A.

3.18.24 Effect on Rights and Liabilities under the Existing Flood Damage Prevention Ordinance

This section in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted on April 7, 1987 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this section shall not affect any action, suit, or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of The Town of China Grove enacted on April 7, 1987, as amended, which are not reenacted herein are repealed.

3.18.25 Effect upon Outstanding Floodplain Development Permits

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or here authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.