

| PERMITTED USES | ME-14/10/6 | R-10 | RM-10 | R-15 | RA-15 | RAM-15 | CB | HB | CW | B-2 | O/I | LI | HI | C | PUD |
|---|------------|------|-------|------|-------|--------|----|----|----|-----|-----|----------|----------|---|-----|
| ACCESSORY AND TEMPORARY | | | | | | | | | | | | | | | |
| ACCESSORY DWELLING [pursuant to 10-4(A)] | P | P | P | P | P | P | P | S | S | S | S | | | | P |
| ACCESSORY STRUCTURE [pursuant to 10-4] | P | P | P | P | P | P | P | P | P | P | P | P | P | | P |
| ACCESSORY USES, OTHER [pursuant to 10-4] | P | P | P | P | P | P | P | P | P | P | P | | | | P |
| ACCESSORY RETAIL [pursuant to 10-4(E)] | | | | | | | P | P | P | P | P | P | P | | P |
| DRIVE-THROUGH FACILITIES | | | | | | | S | S | | S | S | | | | S |
| DUMPSTERS AND ENCLOSURES [pursuant to 10-4(B)] | P | T | T | T | T | T | S | P | P | P | P | P | P | | P |
| <u>HAZARDOUS MATERIALS STORAGE [pursuant to 10-4(D)]</u> | | | | | | | | | | | | <u>S</u> | <u>S</u> | | |
| HOME OCCUPATION [pursuant to 10-4(D)] | P | P | P | P | P | P | P | P | P | P | | | | | P |
| MODULAR/MOBILE OFFICE, TEMPORARY [pursuant to 10-3(S)] | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T |
| OUTDOOR DISPLAY, OUTDOOR STORAGE, OUTDOOR SALES [pursuant to 10-3(X)] | | | | | | | S | P | | P | | | | | |
| STORAGE, INDUSTRIAL [pursuant to 10-3(Y)] | | | | | | | | | | | | P | P | | |
| TEMPORARY USES, OTHER | T | T | T | T | T | T | T | T | T | T | T | T | T | T | T |
| VEHICLE STORAGE IN CONJUNCTION WITH REPAIR | | | | | | | | S | | P | | P | | | |

Section 2-2: Definition of Basic Terms

(114) ~~Hazardous Materials. Any material, including any substance, waste, or combination thereof, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. Any substance or material that poses a risk to public health, safety, or the environment due to its chemical, physical, or biological properties. This includes but is not limited to materials that are flammable, combustible, explosive, corrosive, reactive, toxic, radioactive, or otherwise classified as hazardous under the North Carolina Fire Code, Environmental Protection Agency (EPA), or Occupational Safety and Health Administration (OSHA) standards.~~

(D) Hazardous Materials

- (1) Purpose and Intent: The purpose of this section is to protect the public health, safety, and welfare by establishing clear regulations for the storage, handling, and management of hazardous materials within the Town of Shallotte. It is the intent of this ordinance to:
- Minimize the risk of fire, explosion, contamination, or other hazards associated with the use and storage of hazardous substances;
 - Ensure land uses involving hazardous materials are properly located, contained, and screened to prevent adverse impacts on surrounding properties and the environment;
 - Protect sensitive land uses such as residential neighborhoods, schools, medical facilities, and public gathering places from the potential dangers of hazardous materials;
 - Require compliance with applicable state and federal laws, including the North Carolina Fire Code, North Carolina Building Code, Environmental Protection Agency (EPA), and Occupational Safety and Health Administration (OSHA) standards;
 - Ensure that emergency responders are properly informed and equipped to manage hazardous materials incidents through the submission of emergency response plans and hazard disclosure;

- Support the safe operation of trade and industrial businesses that require limited, incidental use of hazardous substances, while prohibiting bulk storage or distribution in inappropriate zoning districts.
- (2) Applicability. These regulations apply to all new and existing non-residential uses involving the outdoor or indoor storage, handling, or processing of hazardous materials within the corporate limits and extraterritorial jurisdiction (ETJ) of Shallotte.
- (3) Type:
- (A) Hazardous Materials – Storage, production, shipping, and other methods of handling hazardous materials.
- (1) Location Restrictions
- a. Storage, sales, and production of hazardous materials are strictly limited to the Light Industrial District (LI) and the Industrial District (HI), except for incidental storage as further detailed in this section.
 - b. The storage, sales, or production of hazardous materials shall be prohibited in any flood hazard area.
 - c. Outdoor storage of hazardous materials shall only be located in the side or rear yard and must be screened according to Article 17 and any other applicable outdoor storage standards detailed Section 10-3 (Z).
 - d. Facilities storing hazardous materials shall be located at a minimum of 500 feet from:
 - Any residential zoning district boundary.
 - Any school, hospital, daycare, or religious institution.
 - In the HI district, this distance may be reduced to 300 feet if the facility meets enhanced fire protection and containment measures approved by the Fire Marshal.
- (2) Plans, reporting, and inspections
- a. A Hazardous Materials Management Plan (HMMP) shall be submitted as part of the site plan for any use storing hazardous materials.
 - b. Operators must maintain an on-site Emergency Response and Containment Plan, approved by the Fire Marshal.
 - c. The operator shall file an up-to-date Emergency Response and Containment Plan with the Town and the Shallotte Fire Department annually.
 - d. All hazardous material incidents must be reported in accordance with state and federal law.
 - e. Facilities are subject to annual inspection by the Shallotte Fire Department.
- (3) Other regulations
- a. A special use permit (SUP) is required for any use engaged in storing, handling, or producing hazardous materials, except for those uses with incidental storage of hazardous materials customary to a trade, contracting, or light manufacturing business (e.g., HVAC, plumbing, electrical, etc.)
 - b. All hazardous materials storage, handling, and distribution operations shall comply with the North Carolina Fire Code, North Carolina Building Code, and State and Federal hazardous materials regulations (EPA, OSHA, etc.)
 - c. Only materials classified as hazardous under the North Carolina Fire Code shall be permitted. Explosive materials (beyond those allowed for incidental storage by the NC Fire Code) and radioactive materials shall be prohibited unless specifically permitted by state or federal regulations and approved by the Town.
 - d. Hazardous materials shall be located on impervious surfaces such as concrete or asphalt with no direct connection to storm drains.

- e. Facilities engaged in the storage, production, or handling of hazardous materials must be secured by fencing, at least six feet in height, and clearly posted with warning signage compliant with NFPA standards.
 - f. The definitions of hazardous materials and associated thresholds shall align with the latest edition of the North Carolina Fire Code, and include substances classified as flammable, corrosive, reactive, toxic, or otherwise regulated by state and federal law.
- (4) Violations and penalties
- a. Violations of this ordinance may result in the revocation of the special use permit, zoning enforcement actions, civil penalties, or any combination thereof, in accordance with Article 7 of the Town of Shallotte UDO.
- (B) Incidental Storage of Hazardous Materials
- a. The incidental storage of hazardous materials customary to a trade, contracting, or light manufacturing business (e.g., HVAC, plumbing, electrical, etc.) shall be permitted provided:
 - Such storage is subordinate to the principal business operation
 - Quantities stored do not exceed the thresholds for incidental storage as established by the NC Fire Code.
 - No wholesale storage, distribution, or transloading of hazardous materials is permitted.
 - b. All hazardous storage must meet federal, state, and local regulations, and all required permits must be obtained.