

## § 152.211 SPECIFIC CRITERIA FOR CERTAIN SPECIAL USES.

Detailed regulations for certain special uses are set forth in this section.

(A) *Use -accessory structures in the front yard or on a double frontage lot.*

(1) **Minor** *Special use districts:* RA, R6, R6SF, R8SF, R10SF, R15SF, R20SF, R40SF, PUD, MHP, MHS, MHS-15SF, MHS-O.

(2) *Minimum lot area:* based on zoning classification lot standards.

(3) *Topography:* topography of the site at contour intervals not greater than two feet.

(4) *Structures:* location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.

(5) *Circulation:* proposed points of access and egress and pattern of internal circulation.

(6) *Other details:*

(a) All accessory structures shall be placed a minimum of 20 feet from the edge of the road right of way.

(b) All accessory structures, shall be screened from view by a minimum four-foot opaque fence with the finished side facing the street and a landscape screen on the street side of the fence. The screening shall be a type A buffer as required by § 152.528(E)(1) and Table 152.528-1.

~~(B) *Use -amusement, indoor.*~~

~~(1) *Special use district:* B1 and B2.~~

~~(2) *Minimum lot area:* based on zoning classification lot standards.~~

~~(3) *Buffering:* as specified in §§ 152.525 through 152.544 of this chapter, buffering shall be required by the Board of Commissioners.~~

~~(4) *Plans are required and must show:*~~

~~(a) *Topography:* topography of the site at contour intervals not greater than two feet.~~

~~(b) *Structures:* location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.~~

~~(c) *Circulation:* proposed points of access and egress and pattern of internal circulation.~~

~~(d) *Other details:*~~

~~1. An area capable of storing at least one third as many cars as can be accommodated within the viewing area shall be provided, away from the flow of incoming or outgoing traffic, for waiting vehicles.~~

~~2. Proposed provision for storm drainage (including retention pond facilities, when applicable) approved by the Swansboro Building Inspector; sanitary sewage approved by the Swansboro Building Inspector or County Health Department, whichever is applicable.~~

~~3. Size and proposed location of any signs.~~

~~4. Proposed solid waste storage facilities.~~

~~5. Proposed water system and firefighting facilities such as hydrants or sprinkler connections.~~

~~6. Types of surfacing for drives, sidewalks, malls, and the like.~~

~~7. The location and height of all fences, walls, and hedges shall be shown.~~

(€ **B**) Use - *amusement, outdoor*.

(1) *Special use district*: B1 and B2.

(2) *Minimum lot area*: a minimum of five acres.

(3) *Buffering*: as specified in §§ [152.525](#) through [152.544](#) of this chapter, buffering shall be required by the Board of Commissioners.

(4) Plans are required and must show:

(a) *Topography*: topography of the site at contour intervals not greater than two feet.

(b) *Structures*: location and approximate size of all existing and proposed structures within the site and of all buildings within 1,000 feet adjacent thereto.

(c) *Circulation*: proposed points of access and egress and pattern of internal circulation.

(d) *Other details*:

1. Parking standards will be established by the town.

2. Proposed provision for storm drainage (including retention pond facilities, when applicable) approved by the Swansboro Building Inspector; sanitary sewage approved by the Swansboro Building Inspector or County Health Department, whichever is applicable.

3. Size and proposed location of any signs.

4. Proposed solid waste storage facilities.

5. Proposed water system and firefighting facilities such as hydrants or sprinkler connections.

6. Types of surfacing for drives, sidewalks, malls, and the like.

7. The location and height of all fences, walls, and hedges shall be shown.

8. Other standards for the specific outdoor amusement will be established in the special use permit process.

~~(D) Use - *assisted living residence*.~~

~~(1) *Special use district*: RA, O/I, and PUD, B1, B2.~~

~~(2) *Minimum lot area*: minimum lot area of district in which located plus 1,000 square feet for each person to be accommodated.~~

~~(3) *Buffering*: as specified in §§ [152.525](#) through [152.544](#) of this chapter, buffering shall be required by the Board of Commissioners.~~

~~(4) Plans are required and must show:~~

- ~~— (a) *Topography*: topography of the site at contour intervals not greater than two feet.~~
- ~~— (b) *Structures*: location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.~~
- ~~— (c) *Circulation*: proposed points of access and egress and pattern of internal circulation.~~
- ~~— (d) *Buffering*: shall be required.~~
- ~~— (e) *Parking and Loading*: Layout of parking spaces.~~
- ~~— (f) *Drainage*: proposed provision for storm drainage (including retention pond facilities, when applicable), approved by the Administrator.~~
- ~~— (g) *Other requirements*:~~
  - ~~— 1. Must meet all requirements for licensing by the State of North Carolina.~~
  - ~~— 2. Types of surfacing, slope, grade, and cross section of drives, sidewalks, malls, and the like.~~
  - ~~— 3. Erosion and sedimentation control plan.~~
  - ~~— 4. Lighting plan, inclusive of wattage and illumination.~~
  - ~~— 5. All plans and construction details must meet current specifications of the Town of Swansboro.~~
  - ~~— 6. Size and proposed location of any signs.~~
  - ~~— 7. Proposed solid waste storage.~~

~~(E) *Use – automobile graveyard.*~~

- ~~— (1) *Special use districts*: ML.~~
- ~~— (2) *Requirements*: the junk /salvage yard shall be set back at least two times the distance from the street right of way line as required in the setback requirements of the district in which it is located.~~
- ~~— (3) *Plans are required and must show*:~~
  - ~~— (a) *Topography*: topography of the site at contour intervals not greater than two feet.~~
  - ~~— (b) *Structure*: location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.~~
  - ~~— (c) *Circulation*: proposed points of access and egress and pattern of internal circulation.~~
  - ~~— (d) *Lighting*: proposed lighting location and design.~~
  - ~~— (e) *Buffering*: shall be required as specified in §§ 152.525 through 152.544.~~
  - ~~— (f) *Parking and loading*: Layout of parking spaces and type of proposed surfacing.~~
  - ~~— (g) *Drainage*: proposed provision for storm drainage (including retention pond facilities, when applicable), approved by the Administrator.~~

~~(F) Use – campgrounds and travel trailer parks.~~

~~(1) Special use districts: CON, RA, and B1.~~

~~(G) Use – carnivals and fairs.~~

~~(1) Special use districts: RA, B1, and MI.~~

~~(2) Requirements:~~

~~(a) Minimum lot area: the minimum lot size shall be three acres.~~

~~(b) The hours of operation allowed shall be noon to midnight.~~

~~(c) The amount of noise generated shall not disrupt the activities of the adjacent land uses.~~

~~(d) The permit issuing authority shall not grant the permit unless it finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.~~

~~(f) Plans are required and must show:~~

~~(3) Topography: topography of the site at contour intervals not greater than two feet.~~

~~(4) Structure: location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.~~

~~(5) Circulation: proposed points of access and egress and pattern of internal circulation.~~

~~(6) Lighting: proposed lighting location and design.~~

~~(7) Buffering: Shall be required as specified in §§ [152.525](#) through [152.544](#).~~

~~(8) Parking and loading: layout of parking spaces and type of proposed surfacing.~~

~~(9) Drainage: proposed provision for storm drainage (including retention pond facilities, when applicable), approved by the Administrator.~~

~~(H) Use – cemetery, public.~~

~~(1) Special use districts: RA and B1.~~

~~(2) Minimum lot area: none.~~

~~(3) Parking and loading: adequate off-street parking facilities for funeral processions. Two-side parking on roads with cemetery with center lane open for vehicle travel.~~

~~(4) Screening and fencing: a screen not less than six feet high of dense plant material where cemetery abuts a residential lot.~~

~~(5) Buffering: As specified in §§ [152.525](#) through [152.544](#) of this chapter, buffering shall be required by the Board of Commissioners.~~

~~(6) Plans are required and must show:~~

~~(a) Topography: well drained site with adequate storm drainage facilities (including retention pond facilities, when applicable).~~

- ~~— (b) *Structures*: location of signs, entrance, and buildings must be shown on the plan.~~
- ~~— (c) *Circulation*: proposed points of access and egress and pattern of internal circulation, and funeral procession route, if possible.~~
- ~~— (d) *Buffering*: shall be required.~~
- ~~— (7) *Other details*:~~
  - ~~— (1) Proposed restrictions, if any.~~

~~**(I) Use – church and related uses.**~~

- ~~— (1) *Special use districts*: all districts require a special use permit with the exception of MHP, B3, B2HDO, M1 and CON (not allowed).~~
- ~~— (2) *Minimum setbacks*: the structure (if new) shall have minimum side and rear yards of not less than 30 feet; and a front yard at least 15 feet greater than that required for other principal structures within the district.~~
- ~~— (3) Plans are required and must show:~~
  - ~~— (a) *Topography*: on new construction, well drained site with adequate storm drainage facilities (including retention pond facilities, when applicable).~~
  - ~~— (b) *Structures*: location of signs, entrance, and buildings must be shown on the plan.~~
  - ~~— (c) *Circulation*: proposed points for access and egress and a parking layout.~~
  - ~~— (d) *Buffering*: Shall be required.~~
- ~~— (4) *Other details*:~~
  - ~~— (a) Proposed restrictions, if any.~~
  - ~~— (b) Sign size and location must be shown.~~

~~**(J) Use – club or lodge, public or private.**~~

- ~~— (1) *Special use districts*: RA, R10SF, R15SF, R40SF, OI, and B1.~~
- ~~— (2) *Requirements*:~~
  - ~~— (a) *Parking*: shall conform to §§ [152.290](#) through [152.296](#), Off Street Parking and Loading Requirements.~~
  - ~~— (b) *Lighting*: lighting shall be such that it is not directed onto any adjacent residential lot.~~
- ~~— (3) Clubs or lodges shall have direct access to a federal or state highway.~~
- ~~— (4) *Minimum lot area*: minimum lot area shall be the same as required for nonresidential uses in the RA district.~~
- ~~— (5) Plans are required and must show:~~
  - ~~— (a) *Topography*: topography of the site at contour intervals not greater than two feet.~~

~~— (b) *Structure*: location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.~~

~~— (c) *Circulation*: proposed points of access and egress and pattern of internal circulation.~~

~~— (d) *Lighting*: proposed lighting location and design.~~

~~— (e) *Buffering*: shall be required as specified in §§ ~~152.525~~ through ~~152.544~~.~~

~~— (f) *Parking and loading*: layout of parking spaces and type of proposed surfacing.~~

~~— (g) *Drainage*: proposed provision for storm drainage (including retention pond facilities, when applicable), approved by the Administrator.~~

~~**(K) *Use—concealed wireless telecommunications facility.***~~

~~— (1) *Special use district*: RA, PUD, O/I, G/E, B1, B2, B3, B2HDO AND M1.~~

~~— (2) *Minimum lot area*: based on zoning classification lot standards.~~

~~— (3) Plans are required and must meet the standards of Appendix IV.~~

~~— (4) *Structures*: location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.~~

~~— (5) *Circulation*: proposed points of access and egress and pattern of internal circulation.~~

~~— (6) *Other details*: concealed wireless telecommunications facilities shall be permitted in the RA, PUD, O/I, G/E, B1, B2, B3, B2HDO and M1 districts as an accessory use provided the following conditions are met:~~

~~— (a) In order to be considered an accessory use, a concealed wireless telecommunications facility must be clearly incidental and subordinate to the main use of a structure.~~

~~— (b) Antennas associated with a concealed wireless telecommunications facility shall be concealed from exterior view.~~

~~— (c) The addition of antennas, support or other equipment shall not add more than ten feet in height to the attached structure unless a variance is obtained from the Zoning Board of Adjustment. Notwithstanding the foregoing, any increase in the height of an existing structure must comply with other provisions of this chapter unless appropriate approvals are obtained.~~

~~— (d) Electronic equipment associated with concealed wireless telecommunication facilities may be placed inside a building or, if placed on a rooftop, all equipment enclosures shall be mounted behind a parapet wall or façade which is camouflaged to match or complement the color and architectural treatment of the building. If placed on the ground on a concrete pad, equipment enclosures shall be screened so as to make them unobtrusive.~~

~~— (e) All cabling and wiring connecting antennas, equipment enclosures, and other components of concealed wireless telecommunications facilities shall be colored or concealed in a manner as to render them unobtrusive.~~

~~— (f) Antennas associated with a concealed wireless telecommunications facility may not be co-located on a tower or other support structure used by amateur radio operator.~~

~~(g) Antennas associated with a concealed wireless telecommunication facility shall not be located upon a single family dwelling or a multi family dwelling.~~

~~(h) Should the existing support structure require to be replaced and/or rebuilt, it shall comply with all applicable codes including but not limited to these provisions.~~

~~(i) Any modifications to an existing structure associated with the installation of a concealed wireless telecommunication facility shall comply with all limitations, requirements, and standards contained in other provisions of the ordinance including, but not limited to the receipt of approvals that may be required by § [152.478](#) should the concealed wireless telecommunication facility be located within a historic preservation district. All other applicable local, state, and federal approvals and permits shall also be obtained.~~

~~(j) Prior to installation of a concealed wireless telecommunication facility, a structural analysis shall be performed by a licensed professional engineer in the State of North Carolina in accordance with the current revision to ANSI EIA/TIA-222 certifying that the structure is capable of supporting the proposed loading.~~

~~(k) Prior to installation of a concealed wireless telecommunication facility, a copy of the operators FCC license shall be submitted to the planner. If the party installing the concealed wireless telecommunication facility is not an FCC licensee, the party must demonstrate that it has binding commitments from one or more FCC licenses to utilize the concealed wireless telecommunication facility and must submit a copy of each wireless service provider's FCC license.~~

#### ~~(L) Use – country clubs, private or public.~~

~~(1) Special use district: RA.~~

~~(2) Requirements:~~

~~(a) Parking: shall conform to § [152.290](#) through [152.296](#), Off Street Parking and Loading Requirements.~~

~~(b) Lighting: lighting shall be such that it is not directed onto any adjacent residential lot.~~

~~(c) All buildings and swimming pools must be set back a minimum of 50 feet from all exterior property lines.~~

~~(d) Outdoor swimming pools shall be protected by a secured fence.~~

~~(e) Plans are required and must show:~~

~~1. Topography: topography of the site at contour intervals not greater than two feet.~~

~~2. Structure: location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.~~

~~3. Circulation: proposed points of access and egress and pattern of internal circulation.~~

~~4. Lighting: proposed lighting location and design.~~

~~5. Buffering: shall be required as specified in §§ [152.525](#) through [152.544](#).~~

~~6. Parking and loading: Layout of parking spaces and type of proposed surfacing.~~

~~7. *Drainage:* proposed provision for storm drainage (including retention pond facilities, when applicable), approved the Administrator.~~

~~(M) *Use - day care facilities (child).*~~

~~(1) *Special use districts:* all residential districts, PUD, MHP, MHS, MHS-O, O/I, B1, and B2.~~

~~(2) *Minimum lot area:* none.~~

~~(3) *Screening and fencing:* see "other details."~~

~~(4) *Buffering:* as specified in §§ 152.525 through 152.544 of this chapter, buffering shall be required by the Board of Commissioners.~~

~~(5) *Plans are required and must show:*~~

~~(a) *Structures:* location and approximate size of all existing proposed buildings and structures within the site and on the lots adjacent thereto.~~

~~(b) *Circulation:* proposed points of access and egress and pattern of internal circulation.~~

~~(c) *Buffering:* Shall be required.~~

~~(d) *Other details:*~~

~~1. Location and extent of open play area.~~

~~2. Day care center shall provide 100 square feet of outdoor play space per pupil.~~

~~3. Outdoor play area shall be enclosed by a solid or open fence or wall at least four feet in height. Where the outdoor play area is directly adjacent to a residentially used or zoned lot (s), a solid fence or wall at least six feet high or the maximum applicable fence /wall height limitations, or an open fence at least four feet high and a screen planting designed to grow three feet thick and six feet high, shall be erected. The Board of Commissioners may at its discretion require additional screening and/or fencing to be located adjacent to abutting nonresidential land uses.~~

~~4. In residential districts, a day care center shall not be operated between the hours of 7:00p.m. and 6:00a.m. No outside signs in excess of six square feet in area shall be permitted. Such signs shall be non-illuminated and mounted flat against the wall of the principal building or in any yard at least ten feet from any property line. Outside signs in the B-1 and B-2 districts shall conform to §§ 152.265 through 152.277.~~

~~(N) (C) *Use - dwelling, multi-family and condominiums.*~~

~~(1) *Special use district:* R6, PUD, O/I, B1, and B2, and B3.~~

~~(2) *Requirements:* refer to Section 14-x.~~

~~(O) (D) *Use - dwelling, townhouses.*~~

~~(1) *Special use district:* R6, PUD, B1, B2, and B3.~~

~~(2) *Requirements:* refer to Section 14-x.~~



~~(P) Use electronic gaming operations.~~

~~(1) Special use districts: B 1, B 2 and M 1.~~

~~(2) The following findings must be made:~~

~~(a) The proposed business meets the location requirements, based on accurate maps or surveys submitted with the application showing the proposed electronic gaming operation location, the location of any of the land uses listed in § 152.179 that exist within a 1,600 foot radius, and any residential zoning districts located within a 500 foot radius.~~

~~(b) The proposed business operation appears to be legal, based, at a minimum, on a written opinion that specifically describes the proposed business operation and provides specific rationale and statutory justification for its legality, issued by an attorney licensed to practice law in North Carolina.~~

~~(Q) Use fire station.~~

~~(1) Special use districts: R6SF, R8SF, R20SF.~~

~~(2) Requirements:~~

~~(a) Parking: Shall conform to §§ 152.290 through 152.296, Off Street Parking and Loading Requirements.~~

~~(b) Lighting: lighting shall be such that it is not directed onto any adjacent residential lot.~~

~~(c) All buildings shall be set back a minimum of 30 feet from all exterior property lines and an off-street parking area, at least twice as large as the floor area in the fire station, shall be provided on the lot.~~

~~(d) Plans are required and must show:~~

~~1. Topography: topography of the site at contour intervals not greater than two feet.~~

~~2. Structure: location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.~~

~~3. Circulation: proposed points of access and egress and pattern of internal circulation.~~

~~4. Lighting: proposed lighting location and design.~~

~~5. Buffering: shall be required as specified in §§ 152.525 through 152.544.~~

~~6. Parking and loading: layout of parking spaces and type of proposed surfacing.~~

~~7. Drainage: proposed provision for storm drainage (including retention pond facilities, when applicable), approved by the Administrator.~~

~~(R) Use flexible lot development.~~

~~(1) Special use district: B1 and B2~~

~~(2) Minimum lot area: based on zoning classification lot standards.~~

~~(3) Buffering: as specified in §§ 152.525 through 152.544, buffering shall be required by the Board of Commissioners.~~

- (4) *Plans are required and must show:*
  - (a) *Topography:* topography of the site at contour intervals not greater than two feet.
  - (b) *Structure:* location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.
  - (c) *Circulation:* proposed points of access and egress and pattern of internal circulation.
- (5) *Other details:* utilization of environmentally sensitive development principles such as:
  - (a) Propose stormwater management options in excess of the minimum State stormwater requirements. (i.e. additional or oversized bmps (best management practice(s)) designed to detain stormwater runoff from larger storm events than required by the state).
  - (b) Utilization of methods that promote infiltration rather than detention. For example, utilizing pervious pavement.
  - (c) Utilization of low impact design principles to promote infiltration, dis-connectivity and decrease runoff volumes from the proposed site.
- (6) Utilization of community sensitive development principles include, but are not limited to:
  - (a) Size and proposed location of any signs.

***(S) Use funeral homes and mortuaries.***

- (1) *Special use district:* R8SF, O/I, BI, MI.
- (2) *Minimum lot area :* See §§ [152.195](#) through [152.196](#).
- (3) *Screening and fencing:* a screen of dense plant or an opaque material designed to grow at least three feet thick by six feet high and a fence at least three feet high shall be installed where the proposed funeral home abuts a residential lot or an area zoned for residential purposes.
- (4) *Buffering:* As specified in §§ [152.525](#) through [152.544](#) of this chapter, buffering shall be required by the Board of Commissioners.
- (5) *Plans are required and must show:*
  - (a) *Topography:* topography of the site at contour intervals not greater than two feet.
  - (b) *Structure:* location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.
  - (c) *Circulation:* proposed points of access and egress and pattern of internal circulation.
  - (d) *Lighting:* proposed lighting location and design.
  - (e) *Buffering:* shall be required as specified in Article 18 and §§ [152.525](#) through [152.544](#).
  - (f) *Parking and loading:* layout of parking spaces and type of proposed surfacing.
  - (g) *Drainage:* proposed provision for storm drainage (including retention pond facilities, when applicable), approved by the Administrator.

~~(6) *Other requirements:* the Town Board of Commissioners may provide additional requirements is it deems necessary in order to make the proposed project more compatible with adjacent areas and existing or proposed traffic patterns.~~

~~(T) *Use - home occupations.*~~

~~(1) *Special use districts:* RA, R6, R6SF, R8SF, R10SF, R15SF, R20SF, R40SF, MHP, MHS-O, B1, B2, and B2HDO.~~

~~(3) See § 152.180, Note 15 for requirements.~~

**(U E)** *Use - kennels, breeding/boarding* (not related to veterinarian's office).

(1) *Outdoor facilities.*

(a) **Minor** *Special use district:* RA, ~~O/I, B1, and MI.~~

(b) *Minimum lot area :* minimum of one acre.

(c) *Setback :* A setback of 50 feet shall be maintained on the front, sides and rear of the property.

(d) *Screening and fencing:* a screen of dense plant material at least five feet in height at the time of planting or a solid fence or wall shall be installed.

(e) Plans are required and must show:

1. *Structures:* location of buildings and sign, and size of the sign.
2. *Circulation:* proposed points of access and egress and pattern of internal circulation.
3. *Parking:* layout of parking spaces.
4. *Lighting:* lighting plan, inclusive of wattage and illumination.
5. *Hours of operation:* days and times.
6. *Number of employees:* total number of employees
7. *Waste management:* method of waste disposal to be used.

(2) *Indoor facilities.*

(a) **Minor** *Special use district:* RA, ~~O/I, B1, and MI.~~

(b) Plans are required and must show:

1. *Structures:* location of buildings and sign, and size of the sign.
2. *Setback :* the area in which animals are to be kept must be 20 feet from the side property lines.
3. *Circulation:* proposed points of access and egress and pattern of internal circulation.
4. *Parking:* layout of parking spaces.
5. *Lighting:* lighting plan, inclusive of wattage and illumination.
6. *Hours of operation:* days and times.

7. *Number of employees*: total number of employees.
8. *Waste management*: method of waste disposal to be used.
- (b) *Other requirements*: it is mandatory that all activities related to indoor facilities be confined within a building.

**(F)** *Use - livestock, sales and auction.*

- (1) *Minor Special use districts*: RA.
- (2) *Minimum acreage*: 20 acres.
- (3) Plans are required and must show:
  - (a) *Topography*: topography of the site at contour intervals not greater than two feet.
  - (b) *Structure*: location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.
  - (c) *Circulation*: proposed points of access and egress and pattern of internal circulation.
  - (d) *Lighting*: proposed lighting location and design.
  - (e) *Buffering*: shall be required as specified in §§ [152.525](#) through [152.544](#).
  - (f) *Parking and loading*: layout of parking spaces and type of proposed surfacing.
  - (g) *Drainage*: proposed provision for storm drainage (including retention pond facilities, when applicable), approved by the Administrator.
- (4) *Other requirements*:
  - (a) Public sanitation measures.
  - (b) Odor control measures.
  - (c) Health department approval.

**(G)** *Use - mobile signs .*

- (1) *Special use district*: B1 and MI.
- (2) *Requirements*:
  - (a) No part of a sign shall extend beyond the plane of the property line upon which the sign is located or into any easement .
  - (b) Display area shall not exceed six square feet.
  - (c) Mobile sign height measured vertically from ground level to top of sign including trailer or towable device to which sign is attached shall not exceed five feet.
  - (d) Combination of allowed tenant signage square footage shall not be exceeded.
  - (e) Signs shall be displayed only during times when the business being advertised is open for business.

(f) The application for approval of a special use shall include:

1. Sign location;
2. Sign size;
3. Sign illumination;
4. Diagram of the sign;
5. Proposed method of anchoring/securing.

~~(X) Use – motel or hotel.~~

- ~~(1) Special use districts: O/I and B2.~~
- ~~(2) Loading: One space for each 100,000 square feet of motel floor area or fraction thereof.~~
- ~~(3) Screening and fencing: a screen of dense plant material designed to grow at least three feet thick by six feet high and a fence at least three feet high where the proposed site of the motel (hotel) abuts a residential lot or an area zoned for residential purposes.~~
- ~~(4) Buffering: As specified in §§ 152.525 through 152.544 of this chapter, buffering shall be required by the Board of Commissioners.~~
- ~~(5) Plans are required and must show:~~
  - ~~(a) Topography: topography of the site at contour intervals not greater than two feet.~~
  - ~~(b) Structures: location and approximate size of all existing and proposed buildings and structures within 100 feet of the proposed site.~~
  - ~~(c) Circulation: proposed point of access and egress and pattern of internal circulation.~~
  - ~~(d) Buffering: shall be required.~~
  - ~~(e) Parking and loading: layout of parking spaces.~~
- ~~(6) Other details:~~
  - ~~(a) Proposed provisions for storm drainage (including retention pond facilities, when applicable) approved by the Swansboro Administrator ; sanitary sewerage approved by the Swansboro Administrator or County Health Department, whichever is applicable.~~
  - ~~(b) Size and proposed location of any signs.~~
  - ~~(c) Proposed solid waste storage facilities.~~
  - ~~(d) Proposed water system and fire fighting facilities such as hydrants or sprinkler connections.~~
  - ~~(e) Types of surfacing, slope, grade , and cross section of drives, sidewalks, malls, and the like.~~
  - ~~(f) The location and heights of all fences , walls, and hedges shall be shown.~~

~~(Y) Use – nursing home.~~

- ~~(1) Special use districts: R6, R10SF, R15SF, R40SF, B1, B2, and PUD.~~

~~— (2) *Minimum lot area* : the lot size shall be at least two acres and the structure shall have minimum side and rear yard requirements of 50 feet and a front yard requirement of at least 25 feet greater than that required of principal structures within the district.~~

~~— (3) *Buffering*: As specified in §§ [152.525](#) through [152.544](#), buffering shall be required by the Board of Commissioners.~~

~~— (4) Plans are required and must show:~~

~~— (a) *Topography*: topography of the site at contour intervals not greater than two feet.~~

~~— (b) *Structure*: location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.~~

~~— (c) *Circulation*: proposed points of access and egress and pattern of internal circulation.~~

~~— (d) *Buffering*: shall be required as specified in §§ [152.525](#) through [152.544](#).~~

~~— (e) *Parking and loading*: layout of parking spaces.~~

~~— (f) *Drainage*: proposed provision for storm drainage (including retention pond facilities, when applicable), approved by the Administrator.~~

~~— (5) *Other requirements*:~~

~~— (a) Must meet all requirements for licensing by the State of North Carolina.~~

~~— (b) Types of surfacing, slope, grade, and cross section of drives, sidewalks, malls, and the like.~~

~~— (c) Erosion and sedimentation control plan.~~

~~— (d) Lighting plan, inclusive of wattage and illumination.~~

~~(Z) **H** Use - planned unit development.~~

~~(1) *Special use district*: PUD.~~

~~(2) *Requirements*: refer to §§ [152.245](#) through [152.253](#) for criteria.~~

~~— (AA) *Use - private recreation club*.~~

~~— (1) *Special use districts*: RA, R6SF, R8SF, R20SF, MHP, MHS, and MHS-O.~~

~~— (2) *Minimum lot area* : swimming club, one acre for each 40 club members (or families). Private nonprofit clubs having only a swimming pool with bathhouse facilities and open only during the swimming season are exempt from the minimum lot area requirement if all activities and facilities (other than parking) are located no closer than 50 feet to any property line.~~

~~— (3) *Screening and fencing*: The swimming pool area shall be enclosed by fencing not less than five feet in height.~~

~~— (4) Plans are required and must show:~~

~~— (a) *Structures*: location and approximate size of all existing and proposed structures and playfields.~~

~~— (b) *Parking*: layout of parking spaces and traffic circulation.~~

~~— (5) *Other requirements*:~~

~~(a) There shall be provided in any swimming pool, water area at a depth of five feet or less in the ratio of seven and two tenths square feet per member (or family). Water areas deeper than five feet shall not be included as a part of the minimum pool area to satisfy this requirement.~~

~~(b) No improvements, structures, sidewalks, or play areas or equipment shall be closer than 50 feet to any adjoining property lines. Parking areas may be permitted within 20 feet of any adjoining property line if the above mentioned 20 foot strip is used for planting designed to grow at least three feet thick and six feet high.~~

~~(c) Adjacent to swimming pools there shall be provided paved patio area(s) in the ratio of two square feet of paving for each square foot of water area that is five feet or less in depth.~~

~~(e) Lights shall be located and shielded so as not to adversely affect adjacent property.~~

~~**(BB) Use -- public utility stations and substations.**~~

~~(1) Special use district: RA, R6, R10SF, R15SF, R20SF, R40SF, PUD, MHP, MHS, MHS-O, O/I, B1, B2HDO, and MI.~~

~~(2) Minimum lot area : one half acre for public utility station.~~

~~(3) Screening and fencing: A screen of not less than six feet in height of dense plant material shall be provided where the lot abuts a residential lot. Electrical substations shall be enclosed by a fence not less than eight feet in height with three strands of barbed wire turned out at the top.~~

~~(4) Buffering: as specified in §§ [152.525](#) through [152.544](#) of this chapter, buffering shall be required by the Board of Commissioners.~~

~~(5) Plans are required and must show:~~

~~(a) Structures: location and approximate size of all existing and proposed structures within the site, and all buildings and structures within 100 feet.~~

~~(b) Circulation: proposed points of access and egress.~~

~~(c) Buffering: Shall be required.~~

~~(d) Parking and loading: location and arrangement of all proposed off-street parking.~~

~~(e) Signage: location and type of proposed signage.~~

~~(6) Other details: proposed provisions for fencing and other protective screening at the lot lines adjacent to abutting residential property.~~

~~**(CC) Use -- remote off-street parking (commercial lots).**~~

~~(1) Special use district: O/I, BI, B2, B3 and B2HDO.~~

~~(2) Minimum lot area : none.~~

~~(3) Screening and fencing: a screen not less than six feet high of dense plant material where lot abuts a residential lot. Vegetation must be at least three feet in height at the time of planting.~~

~~(4) Buffering: As specified in §§ [152.525](#) through [152.544](#) of this chapter, buffering shall be required by the Board of Commissioners.~~

- ~~(5) Plans are required and must show:~~
- ~~(a) *Circulation*: proposed points of access and egress and pattern of internal circulation.~~
  - ~~(b) *Buffering*: shall be required.~~
  - ~~(c) *Parking*: layout of parking spaces.~~
  - ~~(d) *Drainage*: proposed provision for storm drainage (including retention pond facilities, when applicable), approved by the Administrator.~~
- ~~(6) *Other details*: proposed illumination, if designed for nighttime operation.~~
- ~~(7) *Other requirements*: proposed location of one sign which may be no larger than ten square feet; sign shall be freestanding and not higher than six feet above the ground. Two incidental unlighted entrance and exit signs not exceeding two square feet each may be provided at each entrance and/or exit. Any remote parking must be within 400 feet of the principal use it serves as measured along any public street right of way(s).~~

~~(DD)~~ **I** Use - sanitary landfill .

- (1) **Minor** Special use district: RA.
- (2) *Requirements*:
  - (a) *Parking*: shall conform to §§ [152.290](#) through [152.296](#), Off-Street Parking and Loading Requirements.
  - (b) *Lighting*: lighting shall be such that it is not directed onto any adjacent residential lot.
  - (c) All buildings, structures, tanks, and pits shall be setback at least 100 feet from all exterior property lines. A natural buffer at least 50 feet in width shall separate all such uses from all exterior property lines. A non-climbable fence , at least six feet in height, shall completely enclose such uses.
  - (d) Plans are required and must show:
    - 1. *Topography*: topography of the site at contour intervals not greater than two feet.
    - 2. *Structure*: location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.
    - 3. *Circulation*: proposed points of access and egress and pattern of internal circulation.
    - 4. *Lighting*: proposed lighting location and design.
    - 5. *Buffering*: shall be required as specified in §§ [152.525](#) through [152.544](#).
    - 6. *Parking and loading*: layout of parking spaces and type of proposed surfacing.
    - 7. *Drainage*: proposed provision for storm drainage (including retention pond facilities, when applicable), approved by the Administrator.

~~(EE)~~ **Use – school, elementary or secondary and related uses.**

- ~~(1) *Special use districts*: RA, R6, R10SF, R15SF, R20SF, R40SF, PUD, O/I, B1, and B2.~~



~~(2) *Minimum lot area* : the minimum lot area for the school shall be computed based upon the highest grade within the school. The minimum lot area shall be as follows:~~

~~(a) *Kindergarten through seventh grade*—200 square feet of land area per student in all grades.~~

~~(b) *Kindergarten through ninth grade*—300 square feet of land area per student in all grades.~~

~~(c) *Kindergarten through twelfth grade*—400 square feet of land area per student in all grades.~~

~~(3) *Parking and loading*: see §§ [152.290](#) through [152.296](#) for applicable parking ratios.~~

~~(4) *Drainage*: proposed provision for storm drainage (including retention pond facilities, when applicable), approved by the Administrator.~~

~~(5) Plans are required and must show:~~

~~(a) *Structures*: location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.~~

~~(b) *Circulation*: proposed points of access and egress and pattern of internal circulation.~~

~~(c) *Parking and loading*: layout of parking spaces.~~

~~**(FF) *Use—school, trade or vocational.***~~

~~(1) *Special use districts*: O1, GE, B1, B2.~~

~~(2) *Requirements*:~~

~~(a) *Parking*: Shall conform to §§ [152.290](#) through [152.296](#), Off-Street Parking and Loading Requirements.~~

~~(b) *Lighting*: lighting shall be such that it is not directed onto any adjacent residential lot.~~

~~(c) All buildings and swimming pools must be setback a minimum of 50 feet from all exterior property lines.~~

~~(d) Plans are required and must show:~~

~~1. *Topography*: topography of the site at contour intervals not greater than two feet.~~

~~2. *Structure*: location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.~~

~~3. *Circulation*: proposed points of access and egress and pattern of internal circulation.~~

~~4. *Lighting*: proposed lighting location and design.~~

~~5. *Buffering*: shall be required as specified in §§ [152.525](#) through [152.544](#).~~

~~6. *Parking and loading*: layout of parking spaces and type of proposed surfacing.~~

~~7. *Drainage*: proposed provision for storm drainage (including retention pond facilities, when applicable), approved by the Administrator.~~

**(GG I)** Use -sign, roof.

- (1) *Special use districts:* B1, MI, and CON.
- (2) Plans are required and must show:
  - (a) *Size:* must not exceed 32 square feet of viewable area.
  - (b) *Lighting:* proposed lighting location, design, and hours of operation.
  - (c) *Design:* design including diagram of sign, sign size, sign location, drawing of display area, and method of anchoring or attachment to building/roof.

**(HH K)** Use - swimming pools , public/commercial.

(1) **Minor** *Special use districts:* RA, R6, R10SF, R15SF, **R20SF**, R40SF, PUD, MHP, MHS-15SF, G/E, **B1**, and B2.

- (2) *Requirements:*
  - (a) *Parking:* Shall conform to §§ [152.290](#) through [152.296](#), Off-Street Parking and Loading Requirements.
  - (b) *Lighting:* lighting shall be such that it is not directed onto any adjacent residential lot.
  - (c) All buildings and swimming pools must be setback a minimum of 50 feet from all exterior property lines.
  - (d) Plans are required and must show:
    1. *Topography:* topography of the site at contour intervals not greater than two feet.
    2. *Structure:* location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.
    3. *Circulation:* proposed points of access and egress and pattern of internal circulation.
    4. *Lighting:* proposed lighting location and design.
    5. *Buffering:* shall be required as specified in §§ [152.525](#) through [152.544](#).
    6. *Parking and loading:* layout of parking spaces and type of proposed surfacing.
    7. *Drainage:* proposed provision for storm drainage (including retention pond facilities, when applicable), approved by the Administrator.

**~~(II) Use—telephone exchange operation.~~**

~~(1) *Special use districts:* PUD, O/I, BI, B2.~~

~~(2) *Minimum lot area :* one acre.~~

~~(3) *Parking and loading:* one space for each two regular employees.~~

~~(4) *Screening and fencing:* a screen of not less than six feet in height of dense plant material shall be provided where the lot abuts a residential lot or a lot zoned exclusively for residential purposes.~~

~~(5) *Buffering*: as specified in §§ [152.525](#) through [152.544](#) of this chapter, buffering shall be required by the Board of Commissioners.~~

~~(6) Plans are required and must show:~~

~~(a) *Structures*: location and approximate size of all existing and proposed structures within the site, and all buildings within 200 feet thereof.~~

~~(b) *Circulation*: proposed points of access and egress.~~

~~(c) *Buffering*: shall be required.~~

~~(d) *Parking and loading*: location and arrangement of all proposed off street parking.~~

~~(7) *Other details*:~~

~~(1) Proposed provisions for fencing and other protective screening at the lot lines adjacent to abutting residential property.~~

~~(3) Anticipated service area of the facility to be constructed.~~

~~(H)~~ **L** Use - *wireless telecommunication facilities*.

(1) Special use districts: RA, ~~O/I, G/E, B1 and M1.~~

(2) Requirements:

(a) The facility must be setback from adjacent property lines and any residential dwelling(s) at least a distance equal to the fall zone as certified by a structural engineer. Accessory structures shall be setback at least 50 feet from any property line. These measurements shall be taken from the base of the tower or the foundation of the structure, as applicable.

(b) Access roads must be improved and meet the applicable standards of the Fire Code for emergency access. Access to any gated or locked enclosures must be provided to the Fire Chief.

(c) Lighting on the facility must meet the minimum standards of the Federal Aviation Administration (FAA). Lighting shall be muffled so that no audible sound can be heard beyond the distance of the required setback. Other lighting on the property, including lighting on accessory structures or on the surrounding enclosure, should be shielded so as not to trespass onto adjacent properties. The application must contain certification that the lighting on site has been designed to meet these requirements.

(d) Communication equipment or antennas shall meet the emission output levels as specified by applicable federal standard or by the American National Standard Institute (ANSI). The application must contain a certification that these requirements have been met.

(e) A Type C buffer yard per § [152.528](#) shall be installed around any perimeter enclosure.

(f) If a proposed facility is to be constructed within five miles or less from the perimeter boundary of a military base, or within any mapped flight path overlay, the town shall provide written notice of the proposal by certified mail, return receipt requested, to the commander of the military base not less than ten days nor more than 25 days before the date fixed for the public hearing on the application.

(g) Applications must include the required materials per Appendix IV.

(Ord. 2005-O3, passed 3-15-2005; Am. Ord. 2009-O6, passed 4-21-2009; Am. Ord. 2010-O6, passed 2-16-2010; Am. Ord. passed 7-26-2016; Am. Ord. passed 11-22-2016; Am. Ord. passed 2-28-2017; Am. Ord. passed 4-25-2017; Am. Ord. 2020-O6, passed 8-10-2020; Am. Ord. 2021-O3, passed 5-24-2021)