

Zoning Ordinance

02/05/2024[xxviii]

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Article I. Authority and Enactment clause

For the purpose of promoting health, safety, morals and general welfare, and by authority granted by the General Assembly of the State of North Carolina, General Statutes, particularly Chapter 160D, the Polk County Board of Commissioners hereby ordains and enacts into law the following articles and sections. [xxv]

Article II. Short Title

This ordinance shall be known and may be cited as "The Zoning Ordinance of Polk County, North Carolina."

Article III. Applicability & Jurisdiction

Section 3.1 Jurisdiction.

The provisions of this ordinance shall be applicable to the unincorporated areas of the county lying outside of any extraterritorial zoning districts as specifically identified and delineated on the zoning map entitled "Official Zoning Map, Polk County, North Carolina." Parts of the county not identified as the zoning area shown on this map are not affected by these regulations.

Section 3.2 Exemption. [xix]

This ordinance shall in no way regulate, restrict, prohibit, or otherwise affect bona fide farms within the jurisdiction of this ordinance, now enacted, or hereafter amended or revised. Any use of such property for nonfarm purposes, however, shall be subject to this ordinance.

According to General Statute 160D-903, a building or structure that is used for agritourism is a bona fide farm purpose if the building or structure is located on a property that (i) is owned by a person who holds a qualifying farmer sales tax exemption certificate from the Department of Revenue or (ii) is enrolled in the present use value program. [xxv] Failure to maintain the requirements of this section for a period of three years after the date the building or structure was originally classified as a bona fide purpose shall subject the building or structure to applicable zoning and development regulation ordinances in effect on the date the property no longer meets the requirements. For purposes of this section, “agritourism” means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions. A building or structure used for agritourism includes any building or structure used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting.

Article IV. Application of Regulations.

Section 4.1 Use, occupancy and erection of buildings.

No building, structure, or land shall hereafter be used or occupied, and no building, structure or parts thereof shall be erected, moved or altered except in conformity with the regulations herein specified for the districts in which they are located, except as hereinafter provided. Please refer to Article 9 for administrative regulations and procedures.

Section 4.2 Limitation on number of principal buildings on one lot.

Except as hereinafter provided in Section 6.2.3, 6.2.5, 7.3, and 7.4[xiv], only one principal building and its customary accessory buildings may hereafter be erected on any lot. Except as otherwise provided in this Ordinance, a mobile home shall in no event be considered a customary accessory building.

Section 4.3 Sharing of yard requirements.

No part of a yard, court, or other open space provided about any building or structure for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space required under this ordinance for another building or structure.

Section 4.4 Reduction of lot and yard areas prohibited.

No yard or lot existing at the time of passage of this ordinance shall be reduced in size of area below the minimum requirements set forth herein.

Section 4.5 Road access.

No building shall hereafter be erected on a lot unless there is legal access to such lot adequate to serve the purposes of the building.

Section 4.6 Off-street parking. [xii]

Off-street automobile parking or automobile storage space shall be provided on every lot at the time any principal building is enlarged or increased in capacity, or at the time one (1) type of use is converted to another, or whenever any of the following uses listed in Section 4.7 are hereafter established. Such space shall be provided with vehicular access to a street or alley and shall not be provided in a setback area required by the provisions of Article 7. Each automobile space shall consist of an improved hard-surface or crushed stone, unless otherwise specified, not less than one hundred sixty two (162) square feet (18' by 9') in an area exclusive of adequate access drives and maneuvering space.

Parking Lot Landscaping Requirements [xxvii]

Trees and shrubs are required in and around parking lots with more than ten spaces to provide attractive views from roads and adjacent properties, provide shade to reduce the heat generated by impervious surfaces, help absorb runoff, reduce glare from parking lots, and to help filter exhaust from vehicles.

1. Where parking areas with more than ten spaces adjoin a public right-of-way, a landscaped planting strip 10 feet wide shall be established and continuously maintained between the public right-of way and parking area(s). See example 1.

2. Parking areas within 50 feet of the right-of-way shall have a visually modifying screen or barrier that meets one of these standards:

   a. evergreen shrubs shall be planted 30 inches apart as measured from the center, and attain a height of at least 48 inches within four years of installation. See example 2a;

   b. the screen or barrier is of the same material as the principal building. See example 2b; or

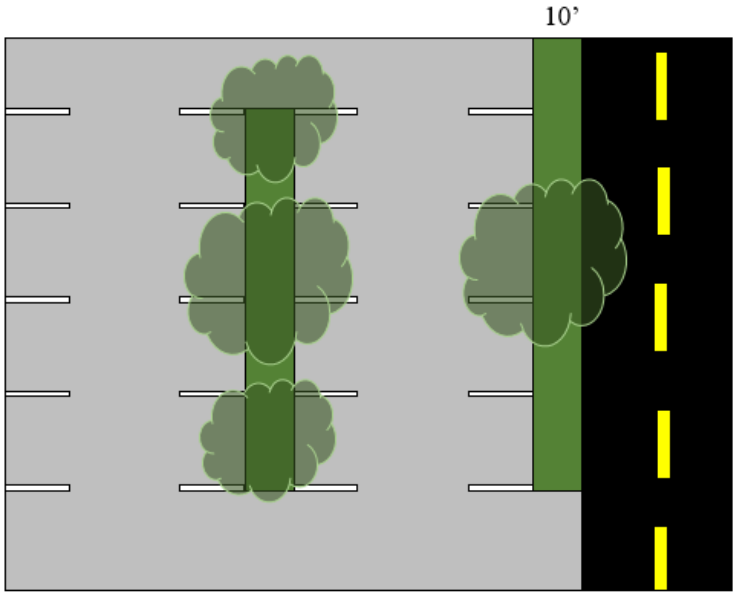
c. there is an earthen berm at least two feet high, with a minimum crown width of two feet and a width to height ratio of no greater than 2:1; shrubs shall be planted on top of the berm that will attain a height of at least 36 inches within four years of installation and shall be planted 30 inches apart. See example 2c.

No screen is required at parking lot entrances or exits, and no screen shall obstruct vision within 50 feet of an entrance, exit or intersection. The landscaped planting strip shall be covered with living material, including groundcover and/or shrubs, except for mulched areas directly around the trees, so that no soil is exposed.

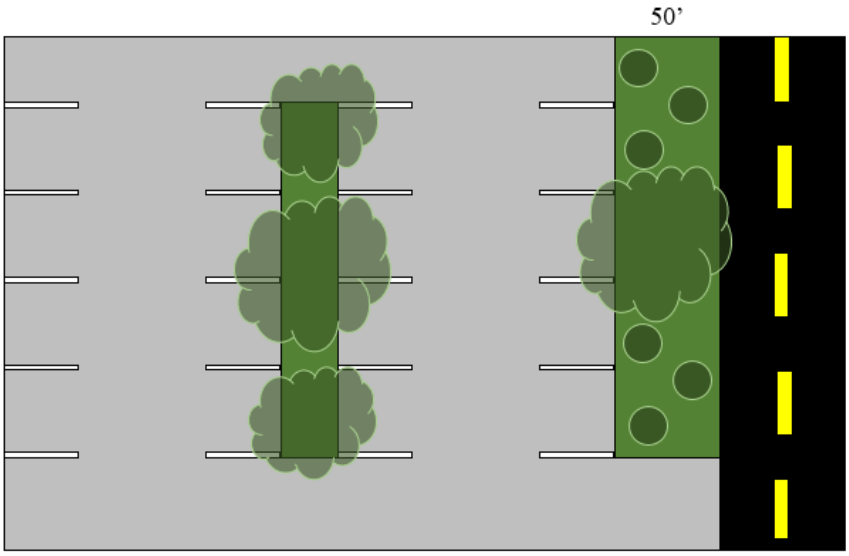
3. Parking areas with more than ten spaces shall have at least one deciduous tree for every five (5) parking spaces, with some appropriate clustering of trees permitted, and 6-foot by 18-foot projecting landscaped islands generally every 10 parking spaces. Whenever possible, interior parking spaces should have a continuous planter strip six (6) feet wide between rows of parking. Where appropriate, provisions shall be made to ensure that adequate pedestrian paths are provided throughout the landscaped areas. In all cases, at least one deciduous tree shall be provided for a parking lot regardless of the number of spaces provided.

4. Areas in a parking lot not used for driveways, maneuvering areas, parking spaces, or walks shall be permanently landscaped with suitable materials and permanently maintained.

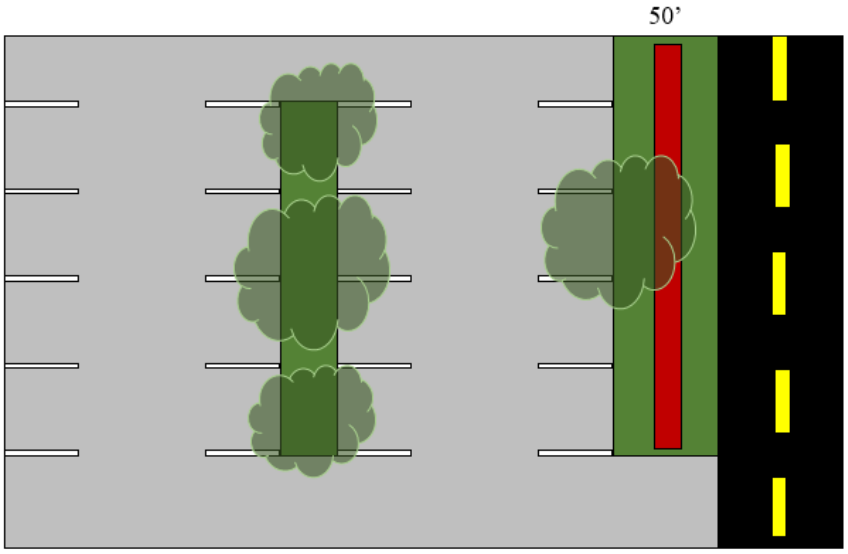
Law Enforcement Center – natural tree line buffers around the exterior of the parcel to be maintained, unless security issues will not allow. [xvi]



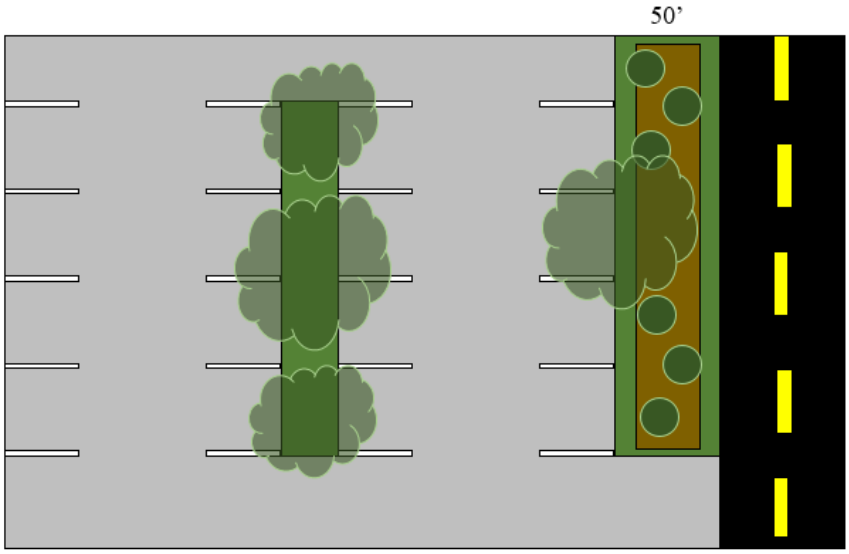
Example 1 – Parking area adjoins public right-of-way:
- 19 parking spaces
- 10’ landscaped planting strip, continuously maintained
- 1 deciduous tree for every 5 parking spaces



Example 2a – Parking area within 50’ of public right-of-way:
- 19 parking spaces
- Evergreen shrubs shall be planted 30 inches apart as measured from the center, and attain a height of at least 48 inches within four years of installation
- One deciduous tree for every 5 parking spaces



Example 2b – Parking area within 50’ of public right-of-way:
- 19 parking spaces
- The screen or barrier is of the same material as the principal building (brick building = brick screen, etc.)
- One deciduous tree for every 5 parking spaces



Example 2c – Parking area within 50’ of public right-of-way:
- 19 parking spaces
- There is an earthen berm, at least two feet high, with a minimum crown width of two feet and a width to height ratio of no greater than 2:1; shrubs will be planted on top of the berm that will attain a height of at least 36 inches within four years of installation and shall be planted 30 inches apart.
- One deciduous tree for every 5 parking spaces

Section 4.7 Minimum Parking Requirements. [xxvii]

The required number of off-street parking spaces shall be equal in number to at least the minimum requirements for the specific uses set forth below:`

Residential Uses	**Required Parking Spaces**
Single-family residence	2 spaces
Multifamily residence	1½ spaces per dwelling unit
Guest house	2 spaces
Mobile home	2 spaces for each mobile home

Public and Semi-Public Uses	**Required Parking Spaces**
Bowling alleys	1 space for each employee, 2 spaces for each lane
Churches	1 space for each 4 seats in the main sanctuary
Elementary school and junior high school	1 parking space for each classroom administrative office
Equestrian centers & facilities, multi-discipline [xii]	1 space per 5 fixed seats in the largest assembly room, provided that every one hundred sixty-two (162) square feet of fenced ground area (i.e. riding rings) shall count as 1 parking space without the necessity of an improved hard-surface or crushed stone.
Events, show & festivals [xii]	1 space per 5 fixed seats in the largest assembly room, provided that every one hundred sixty-two (162) square feet of fenced ground area (i.e. riding rings) shall count as 1 parking space without the necessity of an improved hard-surface or crushed stone
Hospitals and nursing homes	1 space for each 2 beds, exclusive of bassinets, and 1 space for bassinets, and 1 space for each physician and nurse, and 1 space for each 2 additional employees
Public or private libraries	1 space for each 150 square feet of gross floor area for public use, plus 1 space for each 2 employees on the shift of greatest employment
Public utility buildings	1 parking space for each 200 feet of gross floor area

Skating rinks (ice and roller skating)	1 space for each 100 square feet of floor (rink) areas used for amusement, plus 1 space for each 4 fixed seats in the principal building
Senior high school	1 parking space for each 20 students for which the building was designed plus 1 parking space for each classroom and administrative office
Rest and convalescent homes	1 space for each 6 beds plus 1 space for each staff or visiting doctor plus 1 space for each 4 employees
Spectator sports facilities, any size	1 space per 5 fixed seats in the largest assembly room, provided that every two (200) hundred square feet of fenced ground area (i.e. riding rings) shall count as 1 parking space without the necessity of an improved hard-surface or crushed stone
Theaters, community recreation centers	1 space per 4 fixed seats in the largest assembly room, or one space for each 40 square feet of floor area available for the accommodation of movable seats in the largest assembly room, or one space for each 150 square feet of gross floor area, whichever is needed by the facility

Business Uses	**Required Parking Lots**
Antique and gift shops	6 spaces per shop
Automobile sales and repair garages	1 space for each 2 employees at maximum employment on a single shift and 2 spaces for each 300 square feet of repair or maintenance space
Automobile washing establishments	1 space for each 2 employees at maximum employment on a single shift; 5 spaces shall be located at the entrance or exit of the facility
Courthouse [xvi]	1 space per 4 fixed seats in the, assembly room, or one space for each 40 square feet of floor area available for the accommodation of movable seats in the largest assembly room, or one space for each 150 square feet of gross floor area, whichever is needed by the facility. [xxv]
Customary home occupation I & II [xi]	Parking necessary to conduct business shall be provided. Parking must be off-street and on-site. Parking must be screened so as to obstruct views of the parking area from

	adjacent properties, streets or roadways, and to maintain the character of the neighborhood.
Doctor's or dentist's office	4 parking spaces per doctor in addition to 1 space for each employee
Drive-in restaurants	1 space per employee, plus parking space equivalent to 5 times the size of the main building
Drive in theaters	Reserved parking space off the street shall be provided for patrons awaiting admission in an amount not less than 30 percent of the vehicular capacity
Law Enforcement Center [xvi]	1 space per each 400 square feet of gross floor area for office areas plus 1 space for each 4 beds.
Motels, tourist homes, tourist courts	1 space for each sleeping room plus 1 additional space for each 3 employees
Offices, business	1 parking space for each 400 square feet of gross floor area
Public or private clubs, including golf courses (clubhouse)	1 parking space for each 200 square feet of gross floor space
Restaurants	1 space per employee, plus parking space equivalent to 1 space per 3 seats or stools
Roominghouses, boardinghouse, and hotels	1 space for each sleeping room plus 1 additional space for each 3 employees
Retail uses not otherwise indicated in this section	1 space for each 250 square feet indicated in this section of total floor area
Service stations	3 spaces for each grease rack plus 2 spaces for each gas pump
Roadside stands	6 off-street parking spaces
Wholesale and Industrial Uses	**Required Parking Lots**
Wholesaling, industrial plants and truck terminals	1 space per employee at peak shift

Vineyards/Winery	1 space per employee, plus 1 space for every 3 seats in any tasting room open to the public

4.7.1 *Shared Parking* [xx]

Where multiple uses exist within a building or a development project, an applicant will:

a. meet the required minimum parking requirements; or
b. provide documentation by a registered engineer or qualified professional to evaluate and certify shared parking using ULI (Urban Land Institute) or ICSC (International Council of Shopping Centers) International Guidelines for shared parking.

Section 4.8 Combined parking space.

The required parking space for any number of separate uses may be combined in one (1) lot but the required space for one (1) use may not be assigned to another use, except that one-half of the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or Sundays.

Section 4.9 Parking spaces provided within four hundred (400) feet of principal use.

If the off-street parking space required cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided within four (400) hundred feet of the main entrance to such principal use, provided such land is in the same ownership or long-term lease as the principal use. Said land shall be used for no other purpose so long as no other adequate provisions of this ordinance have been made for the principal use. In such cases, the applicant for a zoning compliance or zoning permit for the principal use shall submit with his application an instrument duly executed and acknowledged, which subjects said land to parking use in connection with the principal use or for which it is made available. Upon the payment of the necessary fee and the issuance of a zoning compliance or zoning permit, the Zoning Administrator shall cause said instrument to be registered in the office of the Register of Deeds of Polk County.

Section 4.10 Off-street loading and unloading spaces.

Every building or structure used for business, or wholesale or industry shall provide space as indicated below for the loading and unloading of vehicles. Such space shall have access to a public street or alley. For the purposes of this article, an off-street loading space shall consist of an improved hard-surface or crushed stone and have minimum dimensions of nine (9) feet wide, thirty (30) feet long, with fourteen (14) feet overhead clearance.

a. Retail business: One (1) space for each three thousand (3,000) square feet of floor area or fraction thereof, unless differently required by Section 4.8.
b. Wholesale or industry: One (1) space for each ten thousand (10,000) square feet of floor area or fraction thereof.

Section 4.11 Temporary use permits for manufactured/mobile homes.

In the event of a medical condition where a family member requires close supervision or constant care, the Zoning Administrator may issue a temporary use permit whereby the requirements are met according to NCGS 160D-915.

Article V. Establishment of Districts and Boundaries and Map.

Section 5.1 Establishment of districts.

For the purpose of the ordinance, the area designated on the zoning map is hereby divided into the following districts:

Residential (R)

Agricultural-residential (AR)

Residential estate/low density (RE-1)

Residential estate/low density (RE-2)

Residential estate/very low density (RE-5)

Multifamily residential (MR)

Neighborhood Commercial (NC)

Highway commercial (HC)

Industrial (I)

Multiple use (MU)

Family Farm (FF)

Agricultural-residential/very low density (AR-5)

Equestrian (E) [viii]

Equestrian Village (EV) [xiv]

Government and Public Facilities District (GPF) [xvi]

Section 5.2 District boundaries.

The boundaries of the districts as herein established are shown upon the map accompanying this ordinance entitled "Official Zoning Map, Polk County, North Carolina," and made a part thereof. The zoning map and all the notations, references and other information shown thereon is hereby made a part of this ordinance the same as if such information set forth on the map were all fully described and set forth herein. The zoning map properly attested is on file in the office of the Zoning Administrator and is available for inspection by the public.

Section 5.3 Rules governing boundaries.

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

a. Where district boundaries are indicated as approximately following the centerlines of streets or highways, street lines or railroad rights-of-way lines or such lines extended, such centerlines, street lines, or railroad right-of-way lines shall be construed to be said boundaries.

b. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.

c. Where district boundaries are so indicated that they are approximately parallel to the centerlines of streets, highways or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map.

d. In unsubdivided property or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shown on the map, shall be determined by use of the scale appearing in the map.

e. Where district boundaries are indicated as approximately following the centerline of stream beds, or river beds, such centerlines shall be considered to be such boundaries. [xxv]

Section 5.4 Statement of District Intents [xxvii]

5.4.1 *Residential district (R).*

The residential district (R) is intended to provide locations for residential purposes, and limited private and public uses which do not detract from the residential character of the neighborhood. This district is further intended to prohibit business and industrial land uses and any other uses that would interfere with the developing or continued use of land for residential purposes.

5.4.2 *Agricultural-residential district (AR).*

The agricultural-residential district (AR) is intended to provide areas for general agricultural purposes, and low density residential purposes. This district is further intended to protect from scattered and uncoordinated development, and to discourage any use that because of its size or character would create unusual requirements and costs for providing public services such as water supply, refuse, and sewerage disposal before such services are generally needed.

5.4.3 *Residential estate/low density district (RE-1).*

The residential estate/low density district (RE-1) is intended as a district in which the principal use of land is for low density residential purposes and for other residentially related facilities designed for serving the residents of these districts. These districts consist primarily of single-family detached dwelling units placed on relatively large lots with considerable open spaces between structures, thus creating a low density residential environment. Nonresidential uses are limited in order to maintain the low density character and to preserve the natural features of those areas. Likewise, dimensional requirements

pertaining to lot size, building setbacks, and yard requirements, have been established to promote the general welfare of the community.

5.4.4 ***Residential estate/low density district (RE-2).***

The residential estate/low density district (RE-2) is intended as a district in which the principal use of land is for low density residential purposes and for other residentially related facilities designed for serving the residents of these districts. These districts consist primarily of single-family detached dwelling units placed on relatively large lots with considerable open spaces between structures, thus creating a low density residential environment. Nonresidential uses are limited in order to maintain the low density character and to preserve the natural features of those areas. Likewise, dimensional requirements pertaining to lot size, building setbacks, and yard requirements, have been established to promote the general welfare of the community.

5.4.5 ***Residential estate/very low density district (RE-5).***

The residential estate/very low density district (RE-5) is intended as a district in which the principal uses of land are for (1) nonprofit private equestrian courses, nature centers and recreational facilities , (2) private stables and (3) very low density residential purposes and for other residentially related facilities designed for serving the residents of these districts. These districts consist primarily of single-family detached dwelling units placed on large lots with considerable forestation or open spaces between structures, thus creating a very low density residential environment. Nonresidential uses are limited in order to maintain the very low density character and to preserve the natural features of those areas. Likewise, dimensional requirements pertaining to lot size, building setbacks, and yard requirements have been established to promote the general welfare of the community.

5.4.6 ***Multifamily residential district (MR).***

The multifamily residential district (MR) is intended to provide an area for the development of single and multifamily uses such as apartments and condominiums.

5.4.7 ***Highway commercial district (HC).***

The highway commercial district (HC) is intended to provide for the orderly development and concentration of highway commercial uses at appropriate locations, and to encourage the development of these locations so as to minimize traffic hazards. The principal use of this district is to provide for the provision of products and services to tourists and the motoring public in areas adjacent to interstate and other major highways.

5.4.8 ***Industrial district (I).***

The industrial district (I) is intended to provide for the orderly development of industry which will provide increased employment and which will not be detrimental in terms of creating a damaging environment in the surrounding area.

5.4.9 ***Neighborhood Commercial (NC).***

The neighborhood commercial district (NC) is intended to provide suitable locations for limited, neighborhood-oriented, commercial businesses and service activities in close proximity to residential

neighborhoods, schools, and hospitals. This district is designed to allow for a mix of residential, commercial, business and service uses to serve the residents, occupants, patients, students, and visitors to the area, in limited areas, along major traffic arteries and at key intersections, to preserve the traffic carrying capacity of the streets, to provide for off-street parking, and to limit building illumination to minimum needed for safety. The type of uses allowed, and the standards established for development in this district, should be compatible with the residential character of the area, and not to encourage extensive development, but rather to provide concentrations of general commercial and business activities. This district should currently have water and sewerage services or be expected to have such services available in the foreseeable future.

5.4.10 ***Multiple Use (MU).***

The multiple use district (MU) is intended to provide locations for most types of land uses allowed in the other zoning districts. Uses in this district should not endanger the public health and safety, not substantially injure the surrounding property values, and be in harmony with the surrounding area. In light of historic development patterns in this district, and in consideration of the significant impact of large scale residential development within Polk County, special provision is made with respect to major subdivisions.

5.4.11 ***Family Farm (FF).***

The family farm district (FF) is intended to provide locations for most types of land uses allowed in the other zoning districts. Uses in this district should not endanger the public health and safety, not substantially injure the surrounding property values, and be in harmony with the surrounding area.

5.4.12 ***Agricultural Residential Very Low Density (AR-5)***

The agricultural-residential/very low-density district (AR-5) is intended to provide areas for general farming purposes (including agriculture, horticulture and forestland), support of farming activities, and very low-density residential purposes. The district consists primarily of rural residential properties with acreage and individual/family farming operations, for example, vineyards, orchards, soybeans, hay and timber production; beef, goat, pig, dairy and horse farms and stables; and small specialty farms such as produce gardening, flower/nurseries and beekeeping. This district is intended to protect from scattered and uncoordinated development, particularly higher-density, suburban-type subdivisions that are typically incompatible with farming activities (for reasons such as traffic, water demands, and objections to the noises, smells, hours and machinery of farming), and to discourage any use that because of its size or character would create unusual requirements and costs for providing public services such as water supply, refuse and sewerage disposal. The district is not intended to attract or support major agri-businesses such as corporate pig or poultry farming, cattle feed lots or fertilizer manufacturing plants. The district does allow small businesses, non-intrusive to neighboring properties, to be conducted on a resident's property; examples would include artist/craft studio; research/writing/transcription; farrier; carriage supply sales; acupuncture/massage; accounting; woodworking; technology/web design. Uses in this district should not endanger the public health and safety, not substantially injure the surrounding property values, and be in harmony with the surrounding area.

5.4.13 Reserved for Future Purposes. [xxvii]

5.4.14 *Equestrian (E).*

The Equestrian district is intended to provide locations for most types of land uses allowed in the other zoning districts, including, without limitation, residential uses (including but not limited to clustered developments and group developments), show and event uses, commercial uses, and other uses consistent with and beneficial to the orderly development of mixed-use equestrian communities and/or resorts. Uses in this district are intended (i) to create, preserve, maintain, and enhance equestrian community and/or resort developments in Polk County; (ii) to preserve, maintain, and enhance the lifestyle and activities associated with equestrian community and/or resort developments; and (iii) to identify and encourage the types of land uses that are supportive of mixed-use developments with such equestrian character.

5.4.15 *Equestrian Village (EV)* [xiv].

The Equestrian Village district is intended to provide locations for most types of land uses allowed in the Equestrian District, including, but not limited to, multi-family residential uses, show and events uses, commercial uses and other uses consistent with and beneficial to the orderly development of mixed-use equestrian communities and/or resorts and particularly those consistent with mixed-use village and resort developments. Uses in this district are intended (i) to create, preserve, maintain and enhance equestrian community and/or resort developments in Polk County; (ii) to preserve, maintain and enhance the lifestyle and activities associated with an equestrian community and/or resort developments; and (iii) to identify and encourage the types of land uses that are supportive of mixed-use developments with such equestrian character.

5.4.16 *Government and Public Facilities District (GPF)* [xvi]

Government and Public Facilities District is intended to accommodate public, quasi-public, and institutional facilities. It is intended for offices, storage, and other facilities for the operation of local, state, or federal government.

Article VI. Permitted Use Table.

- Land uses not specifically addressed in this ordinance shall apply the standards for a land use that is listed in this ordinance most closely related to proposed use and impacts. [xxvi]

P = Permitted

P* = Permitted with conditions

S = Allowed as a Special Use

Blank Space = Not Permitted

	EV	E	GPF	RE1	RE2	RE5	AR	R	MR	NC	HC	I	MU	FF	AR5
Accessory buildings	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
Accessory dwelling unit [xiii]													**P**		
Agricultural building (10 acres or more) [xxi]	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
Agricultural building (less than 10 acres) [xxi]	**S**	**S**	**S**	**S**	**S**	**S**	**S**	**S**	**S**	**S**	**S**	**S**	**S**	**S**	**S**
Animal Processing Facilities [xxvii]												**P**	**S**	**S**	
Arcades, Video Games [xxvii]	**P**	**P**					**S**		**S**	**S**	**P**	**P**	**S**	**S**	
Automobile, truck, & farm Implement sales & service [xii]		**P**					**S**			**S**	**P**	**P**	**P**	**P**	**S**
Bed & Breakfast	**P**	**P**					**P**		**P**	**P**	**P**		**P**	**P**	**P**
Carwash [xxvii]	**P**	**P**									**P**	**P**	**P**	**P**	
Cemetery **see 6.2.7 for restrictions*				**P***	**P***	**P***	**P***	**P***	**P***	**P**	**P**		**P**	**P**	**P***
Church, synagoge, temple, or other religious Building **see 6.2.1 for restrictions*	**P**	**P**		**P***	**P***	**P***	**P***	**P***	**P***	**P**	**P**		**P**	**P**	**P***
Clubs, public or private **see 6.2.1 for restrictions*	**P**	**P**		**P***	**P***	**P***	**P**	**P**			**P**		**P**	**P**	**P***
Courthouse [xvi]			**P**												
Convenience stores, including those that sell petroleum and petroleum products	**P**	**P**							**S**	**S**	**P**		**P**	**P**	
Data processing facilities [xxvii]												**S**			
Customary home occupations, Class I [ix]	**P**	**P**		**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
Customary home occupation, Class II [ix]		**P**											**P**		**P**
Day care facility[i] **see 6.2.8 for restrictions*				**P***	**P***	**P***	**P***	**P***	**P***	**P**	**P***	**P***	**P***	**P***	**P***
Duplex [xii]		**P**					**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**

P = Permitted

P* = Permitted with conditions

S = Allowed as a Special Use

Blank Space = Not Permitted

	EV	E	GPF	RE1	RE2	RE5	AR	R	MR	NC	HC	I	MU	FF	AR5
Equestrian centers & facilities, multi-discipline *see 6.2.11 for restrictions	**P**	**P***													
Events, shows & festivals	**P**	**P**													
Event Venues [xxvii]	**P**	**P**					**S**		**S**	**S**	**P**	**P**	**S**	**P**	
Funeral Home [xxvii]							**P**			**P**	**P**	**P**	**S**	**S**	**S**
Golf courses & country clubs		**P**		**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	
Guest House		**P**		**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
Heliport, public & private*see 6.2.12 for restrictions		**P***													
Hospitals & clinics							**P**			**P**	**P**		**P**	**P**	**S**
Kennels[iv] *see 6.2.9 for restrictions					**P***	**P***	**S**			**S**	**S**		**S**	**P**	**S**
Laundry & dry cleaning services [xii]	**P**	**P**								**S**	**P**	**P**	**P**	**P**	
Law Enforcement Center [xvi]			**P**												
Libraries, public or private	**P**	**P**	**P**				**P**		**P**	**P**			**P**	**P**	**P**
Manufacturing, Light		**P**										**P**	**P**	**P**	**S**
Manufacturing												**P**	**S**	**P**	
Mobile or Manufactured Home, Individual*see Polk County Mobile Home Ordinance [xxvii]							**P**						**P**	**P**	**P**
Mobile or Manufactured Home Parks*see Polk County Mobile Home Park Ordinance [xxvii]							**P**		**P**				**P**	**P**	
Modular Home		**P**		**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
Motels, Hotels, Boarding Houses, & Dormitories [xxvii]	**P**	**P**									**P**		**S**	**P**	
Museum	**P**	**P**													
Multifamily residences	**P**	**P**							**P**	**P**	**P**		**P**	**P**	

P = Permitted

P* = Permitted with conditions

S = Allowed as a Special Use

Blank Space = Not Permitted

	EV	E	GPF	RE1	RE2	RE5	AR	R	MR	NC	HC	I	MU	FF	AR5
Nursery, Greenhouse, and/or Landscape Business [xxvii]							P			P	P		P	P	P
Outdoor Recreation, Motorized [xxvii]													S	S	
Outdoor Recreation, Nature Oriented, Non Motorized, see 6.2.4 [vi, xxvii]	P	P*	P	P*	P*	P*	S		S	S	P	P	P	P	
Offices, business, medical, professional & public, including banks	P	P	P							P	P	P	P	P	
Offices pertaining to permitted use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Printing, publishing, & engraving establishments	P	P								S	P	P	P	P	
Public safety facilities (fire, police, etc…)	P	P	P				P			P	P	P	P	P	S
Quarantine Facilities [xxii]	P	P													
Radio & TV stations & studios [xii]	S	S									S	S	S	S	
Recreational Facilities, Centers [xxvii]	P	P		S	S	S		S	S	S	P	P	S	P	S
Recreational Vehicle (RV) [xv, xxii] *see 6.2.16 for restrictions*	P*	P*		P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
Recreational Vehicle (RV) Park and/or Camp Areas [xv, xvii] *see 6.2.14 for restrictions*	P*	P*					S				P		S	P	
Restaurants, excluding fast food & drive thru services	P	P								P	P		P	P	S
Restaurants, including fast food & drive thru services, food trucks [xxvii]	P	P									P	P	P	P	
Rest & convalescent homes [xxvii]	P	P					P	P	P	P	P	P	P	P	S
Residential Vacation Rentals [ix, xix, xxv]	P	P								P			P		P
Retail trade, commercial services, sales and rental of merchandise & equipment	P	P								S	P	P	P	P	S
Retail business customarily serving residential neighborhoods & conducted within an enclosed building									S	P	P		P	P	
Roadside stands selling home grown products [xxvii]							P				P		P	P	P
Sawmill [xxvii]							P						P	P	S

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	EV	E	GPF	RE1	RE2	RE5	AR	R	MR	NC	HC	I	MU	FF	AR5
Schools, public or private [xxii, xxvii]	P	P	P	P	P	P	P	P	P	P			P	P	P
Schools; vocational schools, business schools, & special school [xxvii]	P	P	P	P						P		P	P	P	
Service stations [xii]	P	P									P	P	P	P	
Shooting Range – Indoor [xxvii]							S		S	S	P	P	S	S	
Shooting Range – Outdoor [xxvii]												S	S	S	
Single family residences		P		P	P	P	P	P	P	P	P	P	P	P	P
Solar Energy Generating Facility, Major[vii]												S	S		
Solar Energy Generating Facility, Minor[vii] *see 6.2.10*												P*	P*		
Spectator sport facilities 500 or more spectators [xxii] *see 6.2.13 for restrictions*	P*	P*										S	S	S	
Spectator sport facilities less than 500 spectators [xxii] *see 6.2.13 for restrictions*	P*	P*					S	S	S	S	S	S	S	P	
Stables [xxvii]	P	P		P	P	P	P						P	P	P
Storage & warehousing [xii]	S	S										P	S	P	
Temporary Housing	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Theaters	P	P								S	P		P	P	
Towers *see Polk County Wireless Telecommunication Ordinance [xix, xxiv]	P*	P*	P	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
Towers (Non-Administrative Approval, Section 304 *Polk County Wireless Telecommunication Ordinance) [xix, xxiv]	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*
Truck terminals											P	P	P	P	
Utility buildings and facilities, public *see 6.2.6 for Restrictions*			P	P*	P*	P*	P*	P*	P*	P*	P	P	P	P	P*
Veterans' Affairs Office[ii]			P	P						P	P	P	P		

Veterinarian clinics, animal shelters [xii, xxii] **see 6.2.9 forRestrictions*	**P**	**P**			**P***	**P***	**S**			**S**	**S**		**S**	**P**	**S**

P = Permitted

P* = Permitted with conditions

S = Allowed as a Special Use

Blank Space = Not Permitted

	EV	E	GPF	RE1	RE2	RE5	AR	R	MR	NC	HC	I	MU	FF	AR5
Vineyard/Winery	**P**	**P**													
Waste Handling, Treatment, Processing, Management or Disposal Facility														**S**	
Wholesale sales, retail sales & supply houses											**P**	**P**	**P**	**P**	

Section 6.1 Reserved for Future Purposes

Section 6.2 Other Restrictions

6.2.1 Churches and clubs (public or private) provided they are located not closer than fifty (50) feet from any property line including parking lot, separated from side and rear property lines by a planted buffer strip at least ten (10) feet in width. The buffer strip shall be composed of two staggered rows of evergreen shrubs or sheared evergreen trees so that an effective screen year-round is present.

6.2.2 Reserved for Future Purposes [xxvii]

6.2.3 Reserved for Future Purposes [xxvii]

6.2.4 The parcel of land proposed for development shall contain no less than two hundred (200) acres; all structures shall be so placed as not to be closer than three hundred (300) feet from any property line; activities proposed shall in no way have deleterious affects (such as, but not necessarily limited to noise, excess traffic and other effects that go beyond the property line) on adjoining RE-1 and RE-5 developments; the parcel shall be so located as to provide for ingress and egress from the site directly onto a major thoroughfare having an existing or planned right-of-way at least sixty (60) feet in width and shall in no way traverse single-family subdivisions.

6.2.5 Reserved for Future Purposes [xxvii]

6.2.6 Provided all structures shall be set back at least thirty (30) feet from the property line and all exposed apparatus shall be safely enclosed and landscaped.

6.2.7 Only when associated with a church.

6.2.8 Provided all state and/or county regulations are met.

6.2.9 Animal shelters and kennels owned by non-profit corporations that serve the needs of the county and its citizens.

6.2.10 ***Solar Energy Generating Facilities.***[vii] Solar energy generating facilities shall be subject to the following restrictions.

6.2.10.1 All solar energy generating facilities shall require approval from all applicable state and federal agencies as well as the affected energy provider.

6.2.10.2 Placement of solar energy generating equipment shall be based on preserving existing site features to the extent practical.

6.2.10.3 Solar energy generating facilities are exempt from parking requirements if there is not a building component.

6.2.10.4 Perimeter setback requirements shall be a minimum of forty (40) feet from property lines and not closer than two hundred (200) feet of any residence other than that of the property owners. Necessary ingress and

egress from vehicles and utility and transmission lines may be located within the perimeter setback. Fences may not encroach into the setbacks.

6.2.10.5 Freestanding solar energy generating facilities shall be a maximum of twelve (12) feet in height as measured from the grade at the base of the structure (panel) to the apex of the structure (panel). Freestanding solar energy facilities shall not be visible from the interstate highways, US highways or scenic by-ways as designated by the North Carolina Department of Transportation or Polk County.

6.2.10.6 No more than 75% of a solar energy generating facility tract of property may be covered with panels (i.e. 20 acre tract required if 15 acres of panels to be installed.)

6.2.10.7 Copies of any lease agreement and plan for removal of facility/ equipment shall be provided to Polk County.

6.2.10.8 Glare resistant solar panels shall be used in all applications.

6.2.10.9 Rooftop solar energy generating facilities should not be considered as rooftop equipment on any building type and therefore, does not require screening.

6.2.10.10 All solar energy generating facilities shall be completely enclosed with a six (6) feet high:

(a) Black or green chain link fence or
(b) Masonry wall or
(c) Wooden fence that contains spacing no greater than six (6) inches.

If the solar energy generating facility is within two hundred (200) feet of a residence other than that of the property owners, a chain link fence is required with vegetation screening.

6.2.10.11 Lighting mitigation is required.

6.2.10.12 Solar energy generating facilities shall be maintained in good working condition and be free from debris and nuisances. When the facilities are no longer utilized for energy generation for a period of six (6) months or longer, the property owner shall have the panels and switch gear removed.

6.2.11 ***Equestrian centers & facilities, multi-discipline***. Equestrian centers & facilities, multi-discipline may be allowed pursuant to the use tables in Article VI, provided:

6.2.11.1 All buildings and accessory buildings (permanent or temporary) used or intended for "Equestrian centers & facilities, multi-discipline" uses (as opposed to buildings and accessory buildings for uses permitted in Multiple Use Districts) shall be placed so as to be at least one hundred feet (100') from any property line; and

6.2.11.2. The parcel shall be so located as to provide for ingress and egress from the site directly onto a major thoroughfare having an existing or planned right-of-way at least sixty (60) feet in width and shall in no way traverse any single-family subdivisions, except single-family subdivisions within the "Equestrian" district.

6.2.12 ***Heliports.*** Heliports may be allowed pursuant to the use tables provided in this Article, subject to the following restrictions:

6.2.12.1 The Heliport shall comply with all applicable Federal Aviation Administration aircraft operation requirements.

6.2.12.2 The Heliport shall be used for the operation of helicopters for emergency, medical, public safety, and transportation purposes.

6.2.12.3 The Heliport shall not be used to provide prospective lot purchasers "flyover" views, for any other real estate promotional or real estate marketing purposes, or for sight-seeing tours.

6.2.12.4 All helicopters traveling to or from the Heliport shall, to the fullest extent practicable, travel along the air corridors above Interstate I-26 or U.S. Highway 74 while traveling in Polk County airspace.

6.2.12.5 The hours of operation for the Heliport shall be limited to 7 a.m. to 10 p.m. The limitation on the hours of operation shall not be applicable to emergency, medical, fire or law enforcement services.

6.2.13 ***Spectator Sport Facility.*** Spectator sport facilities, whether accommodating less than 500 spectators or accommodating 500 or more spectators, may be allowed pursuant to the use table provided in this article. Uses permitted with conditions shall be subject to the following restrictions:

6.2.13.1 Lighting for outdoor spectator sport facilities shall meet the following standards:

a) Lighting installations shall be designed to achieve an average level no greater than the minimal illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).

b) Lighting used to illuminate the surface shall be turned off by 11:30 pm.

c) Lighting shall be designed by a lighting professional having experience with lighting installations.

d) There shall be no maximum or minimum height restrictions relating to lighting installations on towers as defined by the Zoning Ordinance.

e) Commercial lighting in any stadium will employ engineered lighting which will mitigate spillover and direct lighting into the stadium area.

6.2.13.2 Spectator Sports Facility shall not include motorized sports.

6.2.14 ***Recreational Vehicle & Travel Trailer Parks, Service & Camp Areas.*** Recreational vehicle &

travel trailer parks, service & camp areas may be allowed pursuant to the use tables provided in this Article. Uses permitted with conditions shall be subject to the following restrictions:

6.2.14.1 Maximum of 15 units per acre

6.2.14.2 10% common space required

6.2.14.3 No site/space lease or continuous rental thereof shall exceed 6 months.

6.2.14.4 A 100 foot setback shall be required along property lines where the RV/Camp area meets or adjoins properties not owned by the Developer. The setback established pursuant to this section shall contain an earthen berm at least 2 feet high, with a minimum crown of 2 feet and a width to height ratio of no greater than 2:1, shrubs shall be planted on top of the berm that will attain a height of at least 72" within 4 years of installation and shall be planted 30" apart. In lieu of installing an earthen berm, Developer may utilize any natural berms, provided that any such natural berm meets or exceeds the criteria of this section.

6.2.14.5 Quiet hours shall be observed from 11 p.m. to 7 a.m.

6.2.14.6 All internal streets within RV/camp area shall be surfaced with a minimum of six inches of compacted stone and shall be maintained in a smooth, well-graded condition. All internal roads shall be capable of supporting the imposed load of fire apparatus in accordance with the Fire Apparatus Roads Standards in the North Carolina Fire Code.

6.2.14.7 Water – an accessible, adequate, safe and potable supply of water shall be required.

6.2.14.8 Sewer/Septic – approval by the Polk County Health Department shall be required for any installation, alteration or use of a sewage disposal system.

6.2.15 ***Reserved for Future Purposes*****.**

6.2.16 ***Recreational Vehicle.*** [xv]

6.2.16.1 ***Recreational Vehicle in Zoning Districts - E, EV, AR, HC, MU and FF zoning districts.*** [xxvii]

(1) One per parcel, provided:

a. the recreational vehicle has a valid operational permit from the Health Department for water and a wastewater disposal system, and connected to the wastewater disposal system,

b. the recreational vehicle is ready for highway use (defined as: fully licensed, own wheels or jacking system, attached to the site only by quick disconnect utilities, with no permanently attached additions, and has a current license plate, if applicable); or

(2) One per parcel during the construction of personal residence provided: [xxv]

a. the recreational vehicle is ready for highway use as defined above and has a valid operational permit from the Health Department for water and a wastewater disposal system, and connected to the wastewater disposal system,

b. the owner has a valid residential building permit for the parcel upon which the recreational vehicle is located; or

(3) One per parcel while stored upon the owner's property on which there is a residence built and is utilized for the owner's personal use; or

(4) In recreational vehicle and travel trailer parks or service and camp areas.

6.2.16.2 ***Recreational Vehicle in Zoning Districts RE1, RE2, RE5, R, MR, NC, I and AR5 zoning districts:***
One per parcel while stored upon the owner's property on which there is a residence built and utilized for the owner's personal use.

Article VII. Dimensional Requirements

Section 7.1 General Provisions[xxv]

A. Along each property line which is adjacent to a residential district, the property owner or developer shall place and maintain a buffer strip fifteen (15) feet wide upon which shall be planted an evergreen screen hedge to provide appropriate screening against noise, glare, fumes, dust, and other harmful effects. The buffer strip may utilize existing evergreen vegetation.

B. All lots identified in a watershed must also meet the requirements of the Polk County Watershed Ordinance.

C. All new lots shall meet the requirements of *Subdivision Ordinance* except that the minimum lot sizes shall meet the dimensional requirements in the table below.

D. It is not permitted to average the lot areas to meet the minimum lot areas established in this Article. However, Cluster Developments shall be allowed in accordance with the Subdivision Ordinance, so long as the maximum density shall be equal to one dwelling unit per the minimum lot size listed in the dimensional table below. For example, if the minimum lot size is 43,560 square feet (1 acre), then the maximum density is one unit per acre.

Section 7.2 Dimensional Table [xxv]

District	Max. Building Height from main floor (Ft)	Min. District Size (Acres)	Min. District Frontage on all Thorough-fares (Ft.)	Min. Lot Size – No Public/ Water or Sewer (Sq. Ft.)	Min. Lot Size – With Public/ Water or Sewer (Sq. Ft.)	Min. Lot Width (Ft)	Min. Front (Ft) Setback	Min. Side (Ft) Setback	Min. Rear (Ft) Setback
Equestrian (E)	50[2]	900	-	43,560[1] (1 acre)	10,890[1] Plus 3,000 for each additional unit (max. 12 dwelling units per acre) for multi-family residential use; 21,780- (1/2 acre) for all other uses	70	25	15	25
Equestrian Village (EV)[xiv]	60[3]	25	-	-	Maximum average density of 12 living units per acre within the area in each site specific plan[4]		25	15	25
Government and Public Facilities (GPF) [xvi]	40	10	-	-	-	100	50	50	50
Residential Estate/Low Density (RE-1)	40	-	-	43,560[1] (1 acre)	43,560[1] (1 acre)	150	50	25	25
Residential Estate/Low Density (RE-2)	40	-	-	87,120[1] (2 acres)	87,120[1] (2 acres)	200	50	50	50
Residential Estate/Very Low Density (RE-5)	40	-	-	217,800[1] (5 acres)	217,800[1] (5 acres)	200	50	50	50
Residential (R)	40	-	-	43,560[1] (1 acre)	21,780[1] (½ acre)	70	25	15	25
Agricultural Residential (AR)	40	-	-	43,560[1] (1 acre)	21,780[1] (½ acre)	100	25	25	25
Multifamily Residential (MR)	40	-	-	-[1]	10,890[1] Plus 3,000 for each additional unit (max. 12 dwelling units per acre)	70	25	15	25

*These requirements also apply to existing nonconforming lots in the AR5 district.

[1] Any major subdivision of land in this category (as major subdivision as defined in the Subdivision Ordinance), shall subject all such subdivided land to the minimum lot area requirements and all other requirements for major subdivisions as set forth in the Subdivision Ordinance. (All references to the Subdivision Ordinance shall refer to the Subdivision Ordinance as the same may be amended from time to time.)

[2] For the purposes of Max. Building Heights for equestrian centers or facilities, multi-discipline, height shall be the vertical distance from the highest finished-grade ground level within 25 feet of the structure to the highest point on the structure.

[3] For the purposes of Max. Building Height for a building in the Equestrian Village (EV) District, the height shall be measured from the main floor to the highest eave of the building. [xiv]

[4] All lots and units in an Equestrian Village (EV) District shall have both public water and public sewer. The Min. Lot Size (density) in the Equestrian Village (EV) District shall be measured by the average density of living units per acre within the area in each site specific plan, without regard to the ownership of lots or units within that area. For the purposes of the Min. Lot Size (density) in the Equestrian Village (EV) District, the total number of living units in an Equestrian Village Development shall be that number calculated by adding (i) the number of all multi-family residential units to (ii) one-half the sum of all Bed & Breakfast guestrooms plus all Motel & hotel guestrooms. A minimum of 15% of the total area within the Equestrian Village (EV) district shall be Open Space dedicated on a recorded site specific plan. [xiv]

Section 7.2 Dimensional Table
(cont.)

District	Max. Building Height from main floor (Ft)	Min. District Size (Acres)	Min. District Frontage on all Thorough-fares (Ft.)	Min. Lot Size – No Public/ Water or Sewer (Sq. Ft.)	Min. Lot Size – With Public/ Water or Sewer (Sq. Ft.)	Min. Lot Width (Ft)	Min. Front (Ft) Setback	Min. Side (Ft) Setback	Min. Rear (Ft) Setback
Neighborhood Commercial (NC)	40	-	-	21,780[1] (½ acre)	21,780[1] (½ acre)	80	50 or 75 from road centerline whichever is greater	20	20 or 25 adjacent to a Resid. area
Highway Commercial (HC)	40	-	1,000 ft. and separated by 1/4 mile of resid. Zoned frontage	-[1]	-[1]	100	30	25	25
Industrial	40	1 acre	-	87,120[1] (2 acres)	87,120[1] (2 acres)	200	50	25	25
Multiple Use	40	1 acre	-	43,560[1] (1 acre)	43,560[1] (1 acre)	70	25	15	25
Family Farm	40	1 acre	-	43,560[1] (1 acre)	21,780[1] (½ acre)	70	25	15	25
Agricultural Residential Very Low Density (AR-5) *Family Subdivision	40	-	-	217,800[1] (5 acres) --- *43,560 (1 acre)	217,800[1] (5 acres) --- *43,560 (1 acre)	200 --- *150	50 --- *50	50 --- *25	50 --- *25

*These requirements also apply to existing nonconforming lots in the AR5 district.

[1] Any major subdivision of land in this category (as major subdivision as defined in the Subdivision Ordinance), shall subject all such subdivided land to the minimum lot area requirements and all other requirements for major subdivisions as set forth in the Subdivision Ordinance. (All references to the Subdivision Ordinance shall refer to the Subdivision Ordinance as the same may be amended from time to time.)

[2] For the purposes of Max. Building Heights for equestrian centers or facilities, multi-discipline, height shall be the vertical distance from the highest finished-grade ground level within 25 feet of the structure to the highest point on the structure.

[3] For the purposes of Max. Building Height for a building in the Equestrian Village (EV) District, the height shall be measured from the main floor to the highest eave of the building. [xiv]

[4] All lots and units in an Equestrian Village (EV) District shall have both public water and public sewer. The Min. Lot Size (density) in the Equestrian Village (EV) District shall be measured by the average density of living units per acre within the area in each site specific plan, without regard to the ownership of lots or units within that area. For the purposes of the Min. Lot Size (density) in the Equestrian Village (EV) District, the total number of living units in an Equestrian Village Development shall be that number calculated by adding (i) the number of all multi-family residential units to (ii) one-half the sum of all Bed & Breakfast guestrooms plus all Motel & hotel guestrooms. A minimum of 15% of the total area within the Equestrian Village (EV) district shall be Open Space dedicated on a recorded site specific plan. [xiv]

Section 7.3 Group Development.[xxv]

In the case of two (2) or more principal buildings to be constructed on a plot of ground of at least two (2) acres not subdivided into the customary streets and lots and which will not be so subdivided, the application of the terms of this ordinance may be waived by the county Zoning Administrator in a manner that will be in harmony with the character of the neighborhood, provided:

7.3.1 Such uses are limited to those permitted within the zoning district in which the project is located. In no case shall the board authorize a use prohibited in the district in which the project is to be located.

7.3.2 The overall intensity of land use is no higher and the standard of open space is no lower than that permitted in the district in which the project is located.

7.3.3 The distance of every building from the nearest property line shall meet the front yard setback, rear yard setbacks, and side yard setback requirements of the district in which the project is located.

7.3.4 The building heights do not exceed the height limits permitted in the district in which the project is located.

7.3.5 All sanitation and utility services shall be reviewed by and approved by the county sanitarian/ Environmental Health.

7.3.6 A design plan showing how the requirements of Subsection[s] 7.3.1-7.3.5 will be met is submitted along with the application for a group development. The procedure for approval of group development plans shall consist of the submission of a design plan showing the proposed layout, including the location of buildings, driveways, off-street parking spaces and recreation areas, etc., to the Zoning Administrator for study and final approval.

Section 7.4 Equestrian Village Development[xiv, xxii]

A plan showing the layout of the proposed buildings and internal roads of an Equestrian Village Development shall be reviewed by the Zoning Administrator. At the time of such review, the property owner or the developer shall also submit to the Zoning Administrator documentation from the North Carolina Department of Transportation approving the site's access to the public road; documentation from the public water and public sewer utilities or service providers confirming that there is sufficient capacity to service the proposed development; documentation from the Fire Marshal approving the access to and the layout of the proposed Development; and documentation from the Emergency Management Director confirming adequate public safety facilities and services exist, or can be reasonably provided to serve the needs of the proposed use. After approval by the Zoning Administrator, the plan shall be recorded in the Office of the Register of Deeds of Polk County, North Carolina.

Section 7.5 Equestrian District Development[xxii]

At the time of review of development, the property owner or the developer shall also submit to the Zoning Administrator documentation from the North Carolina Department of Transportation approving the site's access to the public road; documentation from the public water and public sewer utilities or service providers confirming that there is sufficient capacity to service the proposed development; documentation from the Fire Marshal approving the access to and the layout of the proposed Development; and documentation from the Emergency Management Director confirming adequate public safety facilities and services exist, or can be

reasonably provided to serve the needs of the proposed use. These requirements do not apply to single family residential.

Article VIII. Nonconforming Situations.[xxv]

Section 8.1 Purpose

The purpose of this Article is to avoid undue hardship by permitting the continued use of any building, structure, or property that was lawful at the time of the enactment of this Ordinance or any applicable amendment thereof even though such use, structure or property does not conform to the provisions of this Ordinance. Any nonconformity created by an establishment or change in the zoning districts or text of these regulations shall be regulated by the provisions of this Article. This Article is also established to require that non-conforming situations be terminated under certain circumstances.

Section 8.2 Extension or Enlargement of Nonconforming Situations

A. Except as specifically provided in this Section, no person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation.

B. A nonconforming use may be extended through any portion of a completed building that, when the use was made nonconforming by this Ordinance, was manifestly designed or arranged to accommodate such use. However, a nonconforming use may not be extended to additional buildings or to land outside the original building.

C. A nonconforming use may not be extended to cover more land than was occupied, or manifestly designed and arranged to be occupied, by that use when it became nonconforming. Per Subsection 8.2(G) below, nothing herein shall prevent the reconstruction, replacement, or expansion of a single-family dwelling unit that is nonconforming as to use.

D. The volume, intensity, or frequency of use of property where a non-conforming situation may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and no violations of other paragraphs of this Article occur.

E. Physical alteration of nonconforming structures or structures containing a nonconforming use is unlawful if it results in:

    1) An increase in the total amount of space devoted to a non-conforming use;

    2) Greater non-conformity with respect to dimension restrictions such as yard requirements, height limitations, or density requirements; and

    3) The enclosure of previously unenclosed areas, even though those areas are or were used in connection with the nonconforming activity.

F. Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged. Major renovations—work estimated to cost more than ten percent but less than 60 percent of the taxed value of the structure to be renovated—may be done provided that the work will not result in a violation of any other paragraph in this Article. In no case, however, shall work costing more

than 60 percent of the taxed value of the structure be done, singularly or cumulatively, within any five-year period.

G. Any structure used as a single-family dwelling unit and maintained as a nonconforming situation may be constructed, enlarged, or replaced, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as setback and parking requirements. Nothing herein shall prevent the maintenance, repair, extension or construction of a residential accessory building or swimming pool, provided it is done in the conformance with the requirements of this Ordinance.

Section 8.3 Nonconforming Lots of Record

Where the owners of a legally existing lot of record at the time of the adoption of this Ordinance or his successor in title thereto does not own sufficient land to enable him to conform to the area or lot width requirements of this ordinance, such lot may be used as a building site provided all other dimensional and use requirements are met. This Section applies only to undeveloped nonconforming lots. A lot is undeveloped if it has no substantial structures upon it.

Section 8.4 Re-establishment of a Nonconforming Situation Prohibited

A. If a nonconforming use is abandoned for a period of one year or more, the use shall not be allowed to re-establish. All new uses in said structure shall thereafter be conforming.

B. Any nonconforming building or structure or any building or structure containing a nonconforming use for which major repair or reconstruction is proposed in any amount equal to 60 percent or more of the taxed value of the building or structure or which has been damaged by any cause to an extent equal to 60 percent or more of its taxed value shall only be repaired and/or constructed and used as a conforming structure and a conforming use.

C. Per Subsection 8.2(G) above, nothing herein shall prevent the reconstruction or replacement of a single-family dwelling unit that is nonconforming as to use.

Section 8.5 Nonconforming Uses

A. A nonconforming use may be changed to a conforming use. Thereafter, the property may not revert back to a nonconforming use.

B. A nonconforming use shall not be changed to another nonconforming use nor shall a nonconforming structure be replaced after it has been destroyed except upon approval by the Board of Adjustment.

C. If a nonconforming use and a conforming use, or any combination of nonconforming uses exist on one lot, the use made of the property may be changed only to a conforming use.

D. Conforming uses may be established or re-established in nonconforming buildings or structures provided that off-street parking is provided as required by this Ordinance and provided no other provisions of this Ordinance for the establishment of new uses is violated.

Article IX. Administration and Enforcement.[xxv]

Conflicts of Interest:

(a) Governing Board - A governing board member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(b) Appointed Boards - Members of appointed boards shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(c) Administrative Staff - No staff member shall make a final decision on an administrative decision required by this Chapter if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.

No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Chapter unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.

(d) Quasi-Judicial Decisions - A member of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

(e) Resolution of Objection - If an objection is raised to a board member's participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.

(f) Familial Relationship - For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

Section 9.1 Zoning Administrator

To provide the general administration, interpretation and enforcement of this ordinance the Polk County Board of Commissioners shall appoint a Zoning Administrator who will be directly responsible to, and report periodically, to the Board.

It is the intent of this ordinance that all questions relative to its general administration, interpretation and enforcement shall be presented to the Zoning Administrator. Appeal from his determinations and decisions shall be made to the Board of Adjustment. Further recourse shall be taken to the courts as established by law. It is also the intent of this ordinance that the county commissioners shall not hear or pass on disputed questions

of interpretations or enforcement of it. The duties of the county commissioners in connection with this ordinance shall only include those related to the calling and holding of public hearings and voting upon any proposed amendments to or repeal of this ordinance, as provided by law.

If the Zoning Administrator finds that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of the illegal use of land, buildings or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with, or to prevent violation of its provisions.

If a ruling of the Zoning Administrator is questioned, the aggrieved party or parties may appeal such ruling to the Board of Adjustment in accordance with Section 10.4 below.

Section 9.2 Certificate of zoning compliance required.

No buildings, or other structures shall be erected, moved, added to, or structurally altered until a certificate of zoning compliance has been issued by the Zoning Administrator. No certification of zoning compliance shall be issued except in conformity with the provisions of this ordinance.

Section 9.3 Application for certificate of zoning compliance.

All applications for certificate of zoning compliance shall be accompanied by two (2) sets of plans showing the dimensions and shape of the parcel to be built upon, the exact sizes, uses and locations on the parcel of buildings already existing, if any, and the locations, dimensions and uses of the proposed buildings or alterations. The application shall include such other information as may be necessary to determine conformance with and provide for the enforcement of this ordinance. A fee shall be charged for the processing of each such application. In addition, any other information called for on the application form shall also be included.

Section 9.4 Health department approval of water supply and sewage disposal facilities.

The Zoning Administrator shall not issue a certificate of zoning compliance for any use, building or purpose proposed for a location outside of any incorporated municipality without written approval of any and all needed or proposed water supply and sewage disposal facilities from the county sanitarian. Issuance and use of a certificate of zoning compliance shall be subject to all terms and qualifications imposed by the county sanitarian.

Section 9.5 Certificate of occupancy required.

A certificate of occupancy issued by the Zoning Administrator is required in advance of:

1. Occupancy or use of a building hereafter erected, altered or moved.

2. Change of use of any building or land.

A certificate of occupancy, either for the whole or a part of a building shall be applied for coincident with the application for a certificate of zoning compliance and shall be issued within ten (10) days after the erection or structural alteration of such building or part shall have been completed in conformity with the provision of

this ordinance. A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this ordinance. If the certificate of occupancy is denied, the Zoning Administrator shall state in writing the reasons for refusal and the applicant shall be notified of the refusal. A record of all certificates shall be kept on file in the office of the Zoning Administrator and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land involved.

Section 9.6 Fees.[v]

The Board of Commissioners shall adopt and periodically update a schedule of fees for application and processing as specified in this ordinance.

Section 9.7 Zoning violations.

Any of the following shall be a violation of this ordinance and shall be subject to the enforcement remedies and penalties provided herein and by North Carolina State Law.

9.7.1 ***Development without permit***. To engage in any development, site preparation, use, demolition, construction, remodeling, or other activity of any nature upon land or improvements thereon subject to the jurisdiction of this ordinance without all required permits, certificates, or other forms of authorization as set forth in this ordinance.

9.7.2 ***Development inconsistent with permit***. To engage in any development, site preparation, use, demolition, construction, remodeling, or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form of authorization granted for such activity.

9.7.3 ***Violation by act of omission***. To violate, by act of omission, any term, variance, modification, condition, or qualification placed by the Board of Commissioners or its agent boards upon any required permit, certificate, or other form of authorization for the use, development, or other activity upon land or improvements thereon.

9.7.4 ***Use in violation***. To erect, construct, reconstruct, alter, repair, convert, maintain, or use any building or structure, or to use any land, or to conduct any activity in violation or contravention of this ordinance or any other regulation made under the authority conferred thereby.

9.7.5 ***Continue a violation***. To continue any of the above violations is a separate and distinct offense.

Section 9.8 Inspections and investigations.

9.8.1 ***Inspections***. The Zoning Administrator shall have the right upon presentation of proper credentials, or inspection warrant if necessary, to enter on any premises within the planning jurisdiction of the County at any reasonable hour for the purposes of inspection, determination of plan compliance, or other enforcement actions under this ordinance and state law.

9.8.2 ***Investigations***. The Zoning Administrator shall have the power to conduct such investigations as he or she may reasonably deem necessary to carry out their duties as prescribed in this ordinance and, for this purpose, to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any complaints or alleged violations of this ordinance.

9.8.3 ***Supporting documentation***. The Zoning Administrator shall have the power to require written statements, certificates, certifications, or the filing of reports with respect to pertinent questions relating to complaints or alleged violations of this ordinance.

9.8.4 ***Administrative search warrants***. No person shall obstruct, hamper or interfere with the Zoning Administrator while carrying out his or her official duties. If the owner or occupant of any property refuses to permit inspections or otherwise obstructs an investigation or other actions of the Zoning Administrator in the performance of his or her duties, the Zoning Administrator shall proceed to obtain an administrative search warrant pursuant to G.S. 15-27.2 or its successor.

Section 9.9 Enforcement procedures.

9.9.1 ***Notify the owner or occupant of violation***. When the Zoning Administrator becomes aware of a violation of this ordinance, it shall be his or her duty to notify the owner or occupant of the land, building, structure, or use of the violation. The owner or occupant shall promptly remedy the violation.

9.9.2 ***Notice of violation***. If the owner or occupant of the land, building, structure, or use in violation fails to take prompt corrective action, the Zoning Administrator shall give the owner or occupant written notice (by certified or registered mail to his last known address, by personal service, or by posting notice conspicuously on the property) of the following:

A. That the activity, land, building, structure, or use is in violation of this ordinance;

B. The nature of the violation, and citation of the section(s) of this ordinance violated;

C. The measures necessary to remedy the violation; and

D. Mechanisms available to appeal the decision of the Zoning Administrator.

9.9.3 ***Appeal***. Any owner or occupant who has received a notice of violation may appeal in writing the decision of the Zoning Administrator to the Board of Adjustment in accordance with Section 10.4 below.

9.9.4 ***Notice of decision***. The decision of the Board of Adjustment may be delivered to the aggrieved party either by personal service or by registered mail, certified mail return receipt requested, or by posting notice conspicuously on the property. Such notice of decision shall inform the recipient of the timeframe within which compliance shall be required, and the remedies available to the County as provided by state law and this Ordinance.

9.9.5 ***Failure to comply with notice of violation, notice of intent, and decision of the board of adjustment***. If the owner or occupant of a property fails to comply with a notice of violation from which no appeal has been taken, or a final decision by the Board of Adjustment following an appeal, the owner or occupant shall be subject to such remedies and penalties as may be provided for by state law or by Section 9.7

Section 9.10 Remedies.

Any or all of the following procedures may be used to enforce the provisions of this ordinance.

9.10.1 ***Injunction***. Any violation of this ordinance or of any condition, order, requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by other appropriate proceedings pursuant to state law.

9.10.2 ***Civil penalties***. Any person who violates any provision of this ordinance shall be subject to the assessment of a civil penalty under the procedures provided in Section 9.13.

9.10.3 ***Denial of permit, application or certificate***. The Zoning Administrator shall withhold or deny any permit, application, certificate, or other authorization on any land, building, structure, or use in which there is an uncorrected violation of a provision of this ordinance, or of a condition or qualification of a permit, certificate, or other authorization previously granted.

9.10.4 ***Special use permit or temporary certificate***. The Zoning Administrator may condition the authorization of any permit or certificate upon the correction of the deficiency, payment of civil penalties within a specified time, or the posting of a compliance security bond approved by Zoning Administrator.

9.10.5 ***Stop work orders***. Whenever any land disturbing activity is commenced and/or a building, structure, or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Zoning Administrator may order the work to be immediately stopped. The stop work order shall be in writing and directed to the owner, occupant, or person doing the work. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Such action shall be in accordance with the applicable North Carolina Building Code.

9.10.6 ***Revocation of permits or certificates***. The Zoning Administrator may revoke and require the return of a permit or certificate by notifying the permit holder in writing, stating the reason for the revocation. Permits or certificates shall be revoked for any of the following: substantial departure from the approved application, plans, or specifications; refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit or certificate. Any permit or certificate mistakenly issued in violation of an applicable state or local law may also be revoked.

9.10.7 ***Criminal penalties***. Violations of this ordinance shall not constitute a Class 1 Misdemeanor as provided by NCGS 14-4 but shall be civil in nature only.

Section 9.11 Civil penalties - Assessments and procedures.

9.11.1 ***Responsible parties***. The owner or occupant of any land, building, structure, use of land, or part thereof, and any architect, builder, contractor, agent, or other person who participates or acts in concert, assists, directs, creates, or maintains any condition that is in violation of this ordinance may be held responsible for the violation and subject to the civil penalties and remedies provided herein.

9.11.2 ***Notice***. No civil penalty shall be assessed until the person alleged to be in violation has been notified in accordance with Section 9.9. If after receiving a notice of violation under Section 9.9, the owner or other violator fails to take corrective action, a civil penalty may be imposed under this section in the form of a citation. The citation shall be served in the same manner as of a notice of violation. The citation shall state the nature of the violation, shall state the civil penalty to be imposed upon the violator, and shall direct the violator to pay the civil penalty within 15 days of the date of the citation.

9.11.3 ***Continuing violation***. For each day the violation is not corrected after the citation is issued, the violator will be guilty of an additional and separate offense and subject to additional civil penalties.

Section 9.12 Other powers and actions.

In addition to other enforcement provisions contained in this Article, the County may exercise any and all enforcement powers granted to it by state law or common law.

Section 9.13 Remedies - Cumulative and continuous.

9.13.1 ***Cumulative violations***. All remedies provided herein shall be cumulative. To the extent that North Carolina law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.

9.13.2 ***Repeat violations***. If an owner or occupant repeats the same violation within a five year period from the date of the initial violation, it shall be considered to be a continuation of the initial violation and shall be subject to additional penalties and remedies.

9.13.3 ***Penalties***. Any person who violates any provision of this ordinance shall be subject to assessment of a civil penalty in the amount of:

A. $50.00 for the first violation;

B. $100.00 for the second violation;

C. $200.00 for the third violation; and

D. $500.00 for the fourth and each succeeding violation.

9.13.4 ***Demand for payment***. The Zoning Administrator shall make written demand for payment upon the owner or the person in violation and shall set forth in detail a description of the violation for which the civil penalty has been imposed.

9.13.5 ***Nonpayment***. If payment is not received or equitable settlement reached within 30 days after demand for payment is made, the matter may be referred to legal counsel to institute a civil action for recovery of the civil penalty.

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Article X. Board of Adjustment. [x]

Section 10.1 Composition, Term and Qualifications of Members.

This Ordinance provides for the appointment and compensation of a Board of Adjustment consisting of five or more members, each appointed for three years. In the filling of vacancies caused by the expiration of the terms of existing members, the county commissioners shall, if practicable, have at least one resident of each designated zoning area as a member of the Board of Adjustment; otherwise, the provisions of G.S. 153A-25 regarding qualifications for appointive office shall apply to board of appointments. The county commissioners shall appoint and may provide compensation for five [xxiii] alternate members to serve on the Board in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular

members. Each alternate member serving on behalf of any regular member has all the powers and duties of a regular member.

Section 10.2 Duties.

The Board of Adjustment shall hear and decide Special Use Permits, requests for variances, and appeals of decisions of administrative officials charged with enforcement of this ordinance. As used in this section, the term "decision" includes any final and binding order, requirement, or determination. The Board of Adjustment shall follow quasi-judicial procedures when deciding appeals, requests for variances and Special Use Permits. The Board shall hear and decide all matters upon which it is required to pass under any statute or ordinance that regulates land use or development.

Section 10.3 Notice of Hearing.

Notice of hearings conducted pursuant to this article shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land adjacent to the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the zoning ordinance. In the absence of evidence to the contrary, the county may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the county shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

Section 10.4 Appeals.

The Board of Adjustment shall hear and decide appeals decisions of administrative officials charged with enforcement of the zoning ordinance and may hear appeals arising out of any other ordinance that regulates land use or development, pursuant to all of the following:

10.4.1 Any person who has standing under G.S. 160D-1402(c) or the county may appeal a decision to the Board of Adjustment. An appeal is taken by filing a notice of appeal with the County Clerk. The notice of appeal shall state the grounds for the appeal.

10.4.2 The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.

10.4.3 The owner or other party shall have 30 days from receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.

10.4.4 It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" or "Subdivision Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided the sign remains on the property for at least 10 days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision.

10.4.5 The official who made the decision shall transmit to the Board all documents and exhibits constituting the record upon which the action appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.

10.4.6 An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the Board of Adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the Board of Adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the Board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.

10.4.7 Subject to the provisions of subdivision (6) of this subsection, the Board of Adjustment shall hear and decide the appeal within a reasonable time.

10.4.8 The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the county would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the Board shall continue the hearing. The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The Board shall have all the powers of the official who made the decision.

10.4.9 When hearing an appeal pursuant to G.S. 160D-947(e) or any other appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in G.S. 160D-1402(j).

10.4.10 The parties to an appeal that has been made under this subsection may agree to mediation or other forms of alternative dispute resolution. The ordinance may set standards and procedures to facilitate and manage such voluntary alternative dispute resolution.

A majority of the members shall be required to decide to determine an appeal made in the nature of certiorari in accordance with Section 10.7 *et seq.* below.

Section 10.5 Special Use Permits.[xxv]

A Special Use Permit from the Board of Adjustment is required for all special uses. The Board of Adjustment shall hear and decide Special Use Permits in accordance with standards and procedures specified in this ordinance and may issue Special Use Permits in the classes of cases or situations and in accordance with the principles, conditions, safeguards, and procedures specified herein and may impose reasonable and appropriate conditions and safeguards upon these permits. Where appropriate, the

conditions may include requirements that street and utility rights-of-way be dedicated to the public and that recreational space be provided.

10.5.1 ***Application*****.** When a Special Use Permit is required by the terms of this Ordinance, application for such permit, along with a fee established by resolution of Board of Commissioners, shall be made in accordance with this Section. A completed application for a Special Use Permit must be received by the Zoning Administrator at least 30 days prior to the date of a Board of Adjustment meeting in order to be scheduled for such meeting.

10.5.2 ***Site Plan*****.** The application for a Special Use Permit shall be accompanied by a site plan conforming to the requirements of the Zoning Administrator.

10.5.3 ***Quasi-Judicial Hearings on Applications for Special Use Permits*****.** Once the Zoning Administrator is in receipt of a complete application and seven copies of a complete site plan, he or she will schedule the application for a public hearing before the Board. The Zoning Administrator shall mail the Notice of Hearing in accordance with Section 10.3 of this Article. The Board of Adjustment shall conduct a quasi-judicial hearing on the application and shall allow any interested party to appear, either in person or by agent or attorney.

10.5.4 ***Board action on applications for Special Use Permits*****.** After the public hearing, and on consideration of the record, the Board shall take action on the application, either (1) denying it, (2) approving it, or (3) approving it subject to one or more conditions. A majority of the members shall be required to decide an application for a Special Use Permit in accordance with Section 10.7 *et seq.* below. The Board shall not approve an application for a Special Use Permit, with or without conditions, unless it makes each of the following findings of fact:

(1) the proposed use complies with the standards for such use, if any, contained in this Zoning Ordinance;

(2) the proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood of such proposed use;

(3) the proposed use will not be detrimental or injurious to property, property uses or property values, or to public improvements, in the neighborhood of such proposed use; and

(4) the proposed use is designed and will be operated in such a manner as to be in harmony with the neighborhood in which it is to be located.

10.5.5 ***Recordation/Effect of Approval.*** The Special Use Permit shall be filed with the Polk County Register of Deeds by the Clerk to the Board of Adjustment within one month from the date of approval. All Special Use Permits that are granted shall run with the property or structure for which the Special Use Permit is being sought and not with the owner of the property or structure.

Section 10.6 Variances.

When unnecessary hardships would result from carrying out the strict letter of the zoning ordinance, the Board of Adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

(1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;

(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance;

(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship; and

(4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other ordinance that regulates land use or development may provide for variances consistent with the provisions of this subsection.

10.6.1 ***Application*****.** When a variance is requested the applicant shall submit a completed application for such permit, along with a fee established by resolution of Board of Commissioners.

10.6.2 ***Quasi-Judicial Hearings on Applications for Variances*****.** Once the Zoning Administrator is in receipt of a complete application and a complete site plan, he or she will schedule the application for a public hearing before the Board. The Zoning Administrator shall mail the Notice of Hearing in accordance with Section 10.3 of this Article. The Board of Adjustment shall conduct a quasi-judicial hearing on the application and shall allow any interested party to appear, either in person or by agent or attorney.

10.6.3 ***Board action on applications for variances.*** After the quasi-judicial hearing, and on consideration of the record, the Board shall take action on the application, either (1) denying it, (2) approving it, or (3) approving it subject to one or more conditions. A concurring vote of four-fifths of the Board shall be necessary to grant a variance in accordance with Section 10.7, *et seq.*

10.6.4 ***Recordation/Effect of Approval*****.** The approved variance shall be filed with the Polk County Register of Deeds by the Clerk to the Board of Adjustment within one month from the date of approval. All variances that are granted shall run with the property or structure for which the variance is being sought and not with the owner of the property or structure.

Section 10.7 Voting.

The concurring vote of four-fifths of the Board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the Board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

10.7.1 *Recusal.*

A member of the Board or any other body exercising quasi-judicial functions pursuant to this Article shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

Section 10.8 Quasi-Judicial Decisions and Judicial Review.

10.8.1 *Quasi-Judicial Decisions.*

The Board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the Board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the Chair or other duly authorized member of the Board. A quasi-judicial decision is effective upon filing the written decision with the Clerk to the Board of Adjustment. The decision of the Board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.

10.8.2 *Judicial Review.*

Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160D-1402. A petition for review shall be filed with the Clerk of Superior Court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with Section 10.8.1 of this subsection. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

Section 10.9 Oaths.

The Chair of the Board or any member acting as Chair and the Clerk to the Board are authorized to administer oaths to witnesses in any matter coming before the Board. Any person who, while under oath during a proceeding before the Board of Adjustment, willfully swears falsely is guilty of a Class 1 misdemeanor.

Section 10.10 Subpoenas.[xxv]

The Board of Adjustment through the Chair, or in the Chair's absence anyone acting as Chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under G.S. 160D-1402(c) may make a written request to the Chair explaining why it is necessary for certain witnesses or evidence to be compelled. The Chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The Chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the Chair may be appealed to the full Board of Adjustment. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board of

Adjustment or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

Article XI. Amendments

Section 11.1 Procedure. [xix]

This ordinance, including the zoning map, may be amended from time to time, but no amendment shall become effective unless it shall have been proposed by, or shall first have been submitted to, the Polk County Planning Board for review and recommendation. The planning board shall have thirty (30) days within which to submit its report. If the planning board fails to submit its report within the thirty-day period, it shall be deemed to have approved the proposed amendment prior to adopting or rejecting any zoning amendment, the Board of County Commissioners shall adopt one of the following statements which shall not be subject to judicial review:

(1) A statement approving the zoning amendment and describing its consistency with the comprehensive plan and explaining why the action taken is reasonable and in the public interest.
(2) A statement rejecting the zoning amendment and describing its inconsistency with the comprehensive plan and explaining why the action taken is reasonable and in the public interest.
(3) A statement approving the zoning amendment and containing at least all of the following:
    a. A declaration that the approval is also deemed an amendment to the comprehensive plan. The Board of County Commissioners shall not require any additional request or application for amendment to the comprehensive plan.
    b. An explanation of the change in conditions the Board of County Commissioners took into account in amending the zoning ordinance to meet the development needs of the community.
    c. Why the action was reasonable and in the public interest.

A public hearing shall be held by the Board of County Commissioners before adoption of any proposed amendment to this ordinance. A notice of such public hearing shall be given in accordance with state statutes.

Section 11.2 Planning board study. [xix]

Every proposed amendment or repeal of this ordinance shall be referred to the planning board for its recommendation and report, provided that no proposal shall be required to be considered by the planning board within ten (10) days from filing of the proposal with the Zoning Administrator. Prior to consideration of a proposed zoning amendment by the Board of Commissioners, the Planning Board shall advise and comment on whether the proposed amendment is consistent with the comprehensive plan. The planning board shall provide a written recommendation to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board. Each application shall be signed and shall contain at least the following information:

a. The applicant's name in full, applicant's address, address or description of the property to be zoned or rezoned. When instituting a zoning change, the applicant must pay all advertising and mailing costs incurred by the County.
b. Applicant's interest in the property and the type of zoning or rezoning requested.
c. If the proposed change would require a change in the zoning map, an accurate diagram of the property proposed for rezoning showing:

1) All property lines with dimensions and directions shown on the map as north, east, west, and south (north arrow);
2) Adjoining streets with rights-of-way and paving widths;
3) The location of all structures, the use of all land;
4) Zoning classification of all abutting zoning districts, the names and addresses of current abutting property owners;
5) Comprehensive site plan if the application is for commercial, industrial, multifamily or mobile home developments.

d. A statement regarding the changing conditions, if any, in the area or in the county generally, that make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare.

e. Any other relevant information which the Planning Board or Zoning Administrator may request.

Article XII. Definitions

Except where specifically defined below, all words used in the present tense include the future tense; the singular number includes the plural; the word "building" includes the word "structure"; the word "lot" includes the word "plot" or "parcel"; the term "shall" is always mandatory; the word "used" or "occupied," as applied to any land or building shall be construed to include the words "intended", arranged or designed to be used or occupied.

Accessory building. A building, subordinate to the main building on a lot and used for a purpose customarily incidental to that main or principal building.

Accessory dwelling unit. [xiii] A residential dwelling unit, including a mobile home (if permitted in zoning district), located on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit or in a detached building. The parcel must be a minimum of one acre in size or the minimum required lot size of zoning district, whichever is greater.

Agricultural building [xxi]. A structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the owner, lessee, or sub-leasee or their immediate families, their employees, and persons engaged in the pick up or delivery of agricultural produce or products grown or raised on the premises. The term "agricultural building" shall not include dwellings.

Animal processing facilities. Commercial operations in which the animals are cut-up, skinned, boned, canned, salted, stuffed, rendered, or otherwise manufactured or processed. Animal processing for personal use is not included in this definition. [xxvii]

Arcades. The operation of business establishments, including but not limited to, video poker, gaming or sweepstakes establishments, that offer for use or otherwise allow persons to play video games, arcade games, pinball machines, or other computer, electronic or mechanical devices for amusement. [xxvii]

Automobile, truck, farm equipment & farm implement sales and service (Major and Minor). An establishment primarily engaged in the sales, repair, or maintenance of motor vehicles, motorized farm equipment, and farm implements. Major repairs and maintenance includes paint, body, fender repair and painting, and major engine overhaul. Minor repairs and maintenance include brake, muffler, upholstery work, tire repair and change, lubrication, tune-ups, and transmission work. Both major and minor repairs and maintenance are to be performed within a completely enclosed building.

Bed & Breakfast. A detached single-family dwelling occupied by the dwelling owner and containing eight or fewer guest rooms for rent for a period of less than two weeks. [xxvii]

Boarding house. A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit. [xxvii]

Bona fide farm.[xv, xix] The production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture:

(1) The cultivation of soil for production and harvesting of crops, including but not limited to fruits, vegetables, sod, flowers and ornamental plants.
(2) The planting and production of trees and timber.
(3) Dairying and the raising, management, care, and training of livestock, including horses, bees, poultry, and other animals for individual and public use, consumption, and marketing.
(4) Aquaculture as defined in G.S. 106-758.
(5) The operation, management, conservation, improvement, and maintenance of a farm and the structures and buildings on the farm, including building and structure repair, replacement, expansion, and construction incident to the farming operation.
(6) When performed on the farm, "agriculture", "agricultural", and "farming" also include the marketing and selling of agricultural products, agritourism, the storage and use of materials for agricultural purposes, packing, treating, processing, sorting, storage, and other activities performed to add value to crops, livestock, and agricultural items produced on the farm, and similar activities incident to the operation of a farm.
(7) A public or private grain warehouse or warehouse operation where grain is held 10 days or longer and includes, but is not limited to, all buildings, elevators, equipment, and warehouses consisting of one or more warehouse sections and considered a single delivery point with the capability to receive, load out, weigh, dry, and store grain.

For purposes of determining whether a property is being used for bona fide farm purposes, any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes:

a. A farm sales tax exemption certificate issued by the Department of Revenue.
b. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to G.S. 105-277.3.
c. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.
d. A forest management plan.

A building or structure that is used for agritourism is a bona fide farm purpose if the building or structure is located on a property that (i) is owned by a person who holds a qualifying farm sales tax exemption certificate from the Department of Revenue pursuant to G.S. 105-164.13E(a) or (ii) is enrolled in the present-use value program pursuant to G.S. 105-277.3. Failure to maintain the requirements of this subsection for a period of three years after the date the building or structure was originally classified as a bona fide farm purpose pursuant to this subsection subjects the building or structure to applicable zoning and development regulation ordinances adopted by a county pursuant to G.S. 160D-702 in effect on the date the property no longer meets the requirements of this subsection. For purposes of this section, "agritourism" means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, hunting, fishing, equestrian activities, or natural

activities and attractions. A building or structure used for agritourism includes any building or structure used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting. [xxvii]

***Building*.** Any structure used or intended for supporting or sheltering any use or occupancy. [xxv]

***Building, principal*.** A building in which is conducted the main or principal use of the lot on which said building is situated.

Building height [xxi]**.** In measuring a building [xxiii], or part thereof, to determine compliance with the maximum height provisions, measurement will be taken from the level of the highest point, or part thereof, and shall not include ornamental cupolas, weathervanes, belfries, chimneys, flag or radio poles, unless otherwise defined.

Carwash. An area or structure equipped with facilities for washing vehicles. [xxvii]

***Cemetery*.** Land used or intended to be used for the interment of the dead and dedicated for cemetery purposes.

***Church, Synagogue, Temple, Or Other Religious Building*.** A building used for public religious worship.

Club, public or private. Buildings or facilities owned or operated by a corporation, association, or persons for a social, educational, or recreational purpose; but not for profit or to render a service that is customarily carried on as a business.

Cluster Development. A type of major subdivision that is intended is to allow smaller than minimum lot sizes with dwelling units clustered in smaller areas in order to preserve larger areas of open space and environmental resources.

Community Recreation Center. A place, structure, area, or other facilities used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

Convenience Stores, Including those that sell petroleum and petroleum products. Small franchised or un-franchised stores or markets that sell groceries, consumer goods, foods and petroleum products such as gasoline, diesel fuel, and motor oil.

***Customary home occupation, Class I*.** Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof, and in connection with which there is no display and no person, not a resident on the premises, is employed specifically in connection with the customary home occupation, except that not more than one (1) assistant may be employed; provided further, that no mechanical equipment is installed or used except such that is normally used for domestic or professional purposes, and that not over twenty-five (25) percent of the floor space of any structure is used for home occupations.

***Customary Home Occupation, Class II*.** Includes uses conducted entirely within dwellings as permitted under Customary Home Occupation, Class I, and adds permitted uses that are conducted entirely within an accessory building of:

(1) No greater than 2,500 square feet on a parcel size of 1 to 1.5 acres; or

(2) No greater than 4,000 square feet on a parcel size of over 1.5 acres.

Use restrictions as to mechanical equipment applicable to Customary Home Occupation, Class I shall not apply to uses conducted entirely within an accessory building. Permitted uses must be clearly incidental and secondary to the primary use of the parcel for residential purposes and should not change the character thereof. Outdoor displays are not permitted.

Permitted uses must be carried on by at least one occupant of the dwelling with no more than four nonresident employees.

Any uses allowed as a Special Use (S) in the Permitted Use Table (Article VI) will require a Special Use Permit. Uses that are blank in the Permitted Use Table are not permitted for Customary Home Occupation, Class II. [xxvii]

Reference Section 4.6, 4.7, 4.9 and 4.10 for Parking Requirement.

Data processing facilities. [xxvii] A building or dedicated space within a building used to house a large group of computer systems and associated components, such as telecommunications and data processing systems, to be used for the remote storage, processing, or distribution of large amounts of data. Such facilities may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support operations.

1) Submittal Requirements:
    a) A narrative describing the proposed data processing facility including an overview of the project;
    b) A site plan showing the proposed location and dimensions of all equipment, existing and proposed structures, screening, fencing, property lines, access roads, and turnout locations;
    c) A study prepared by an acoustical engineer that describes the anticipated noise level of the facility and any proposed mitigation efforts such as sound walls, baffles, ventilation silencers, additional separation from surrounding uses, etc.;
2) All roads shall be of sufficient width to accommodate emergency vehicle access as determined by the Polk County Fire Marshal.
3) The entire perimeter of the facility shall be screened from adjoining properties by a buffer yard.
4) No grid-connected data processing system shall be installed until evidence has been provided by the operator that installation of the system has been approved by the electrical utility provider. Off-grid systems shall be exempt from this requirement.
5) Security fencing, a minimum of eight (8) feet in height, shall be provided along the entire perimeter of the facility.
6) No signage shall be permitted on the perimeter fence, with the exception of one (1) sign not to exceed thirty-two (32) square feet that displays the name, address, and emergency contact information of the facility as well as appropriate warning signs.
7) The facility shall not impose a negligible impact on the surrounding environment by noise, vibration, smoke, dust or pollutants.
8) All exterior lighting shall be designed and constructed with cutoff and fully shielded fixtures that direct light downward and into the interior of the property and away from adjacent roads and adjacent properties.
9) It is the responsibility of the owner to notify Polk County and to remove all obsolete or unused systems. Any structure or equipment associated with the facility that is not operated for a continuous period of three hundred sixty-five (365) days shall be considered abandoned. The County may require

the owner to remove such structures and equipment within ninety (90) days after notice from the County. If the abandoned structure or equipment is not removed within ninety (90) days, the County may remove it and recover its costs from the owner. If the owner of the abandoned structure or equipment cannot be located or is no longer in business, the requirements of this section shall be the responsibility of the landowner on whose property the structure or equipment is located.

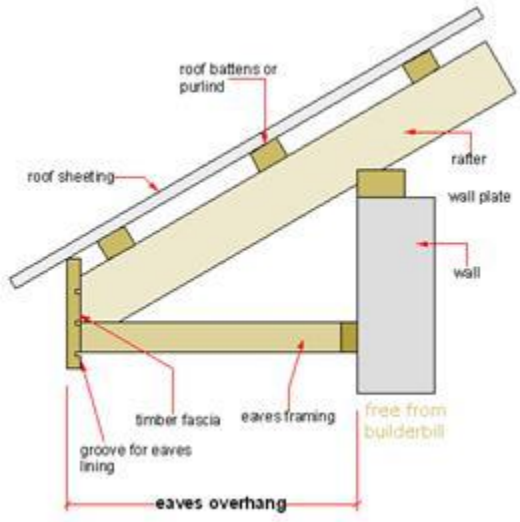
Day Care Facility. A place that provides for the care of children or adults. Those receiving care do not reside in the facility, are present primarily during daytime hours, do not regularly stay overnight, are not all related to each other by blood or marriage and are not legal wards or foster children of those providing care.

Dormitory. [xxvii] A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same family group, under joint occupancy and single management, as in college dormitories or fraternity houses.

Duplex. A single building consisting of two separate dwelling units (other than a two-family dwelling including accessory apartment), providing the two dwelling units are not simply attached by an unenclosed passageway (e.g., covered walkway). [xxv]

Dwelling Unit. A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. [xxv]

Eaves. [xv] The projecting overhangs at the lower edge of the roof, located at the bottom of the fascia; not including dormers, chimneys or ornamental features (non-habitable).



Equestrian centers & facilities, multi-discipline. A building or group of building, structures, place, area or other facilities providing uses and services necessary or incidental to horsemanship/horse activities, shows, events, races, competitions, auctions, stabling (whether permanent structures or temporary or semi-permanent structures, such as tents); care and upkeep, including, but not limited to, Hunter, Jumper, Polo, Dressage, Cross Country, Western, Driving, Fox Hunting, Breed Shows, Young Horses, and endurance events.

Equestrian Village Development. [xiv] A group of two or more buildings built in a mixed-use village or resort format, either incorporating or located within one thousand feet of the main arena of a bona fide Equestrian center & facility, multi-discipline use. The Equestrian Village Development must be upon an area of land that includes not less than twenty-five (25) acres; that has direct and immediate access to a State road; that has both public

water and public sewer service; that has multifamily residential units constituting a minimum of 20% of the total units in the area; and that has Open Space dedicated on a recorded site specific plan constituting a minimum of 15% of its total area.

Events, shows & festivals. A building or group of buildings, structures, place, area or other facilities providing or facilitating uses and services necessary or incidental to any fair, festival, show, event, concert, performance, auction, pageant or similar activity where patrons are admitted to enjoy, engage or participate in entertainment or competitions.

Event venues. [xxvii] A facility that is leased or operated for special events that are typically private in nature, including but not limited to weddings, reunions, retreats, and organized gatherings.

Family. Any number of individuals living together as a single housekeeping unit and doing their cooking on the premises, as distinguished from a group occupying a boarding or rooming house or hotel.

Food trucks. [xxvii] Establishments that sell food and may include drive-in or drive-up facilities for ordering.

Funeral homes [xxvii]**.** An establishment where the dead are prepared for burial or cremation and/or visitations.

Golf Courses & Country Clubs**.** Land, buildings, and related facilities owned or operated by a for-profit or nonprofit corporation, association, or group of individuals or a municipality, operated for the social and/or recreational sports use of its public or private membership.

Group Development. A group of two (2) or more principal buildings built on a plot of land not less than two (2) acres not subdivided into the customary streets and lots and which will not be subdivided. Examples would be: row houses, apartment courts, housing projects, school and hospital campuses, shopping centers and industrial parks.

Guest House**.** A separate and complete dwelling unit located on the same lot as the structure of a single-family dwelling but not intended for year-around use.

Heliport, public or private**.** A building, place, area, structure, or other facilities, private or open to the public, designed or used for any or all phases of operation of helicopters, such as take-off, landing, taxiing, terminal operation, loading, unloading, hangar storage, maintenance, repair, and service thereof.

Hospitals & Clinics**.** Institutions designed for the diagnosis, treatment and care of human illness or infirmity and providing health services, primarily for inpatients and including as related facilities, laboratories, outpatient departments, training facilities and staff offices.

Internet cafes. [xxvii] *See Arcades*.

Kennels**.** Any premises, except where accessory to an agricultural use, where domestic animals, such as dogs and cats, are boarded, trained, or bred.

Laundry & Dry Cleaning Services**.** A dry cleaning, self-service laundry and/or laundry establishment which may have a pick-up and drop-off window for customer service and provided the operation and all chemicals related thereto shall be in compliance with all applicable standards and requirements of the Environmental Protection Agency (EPA) and all other applicable agencies.

Law Enforcement Center. [xvi] Law enforcement administration, training and detention facility.

***Libraries, Public or Private*.** Facilities or buildings where literary, musical, artistic, or reference materials are kept for public or private reference use.

Lot. A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.

Lot of record. A lot which is a part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds of Polk County, North Carolina, or a lot described by metes and bounds, the description of which has been so recorded.

Lot width. The distance between side lot lines measured at the building line.

***Major Subdivision*.** Major Subdivision shall have the same meaning, and shall be defined, as set forth in the Subdivision Ordinance of Polk County as now adopted or as may be hereafter amended.

Manufactured home (Mobile home). A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein.

For manufactured homes built before June 15, 1976, "manufactured home" means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width. "Manufactured home" also means a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width. [xxv]

Manufacturing. [xxvii] Any manufacturing other than light manufacturing as defined herein.

Manufacturing, Light. The manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment, including research activities, conducted entirely within an enclosed structure, with no outside storage, serviced by a modest volume of trucks or vans and imposing a negligible impact on the surrounding environment by noise, vibration, smoke, dust or pollutants. (International Zoning Code ICC 2003)

Mobile home. *See Manufactured home.* [xxv]

Mobile Home Park. A parcel or contiguous parcels of land which have been so designated and improved that it contains four (4) or more manufactured or mobile home lots available to the general public for placement thereon of manufactured or mobile homes for occupancy.

***Modular Home*.** Single-family, detached housing of which the principal structural components are prefabricated off-site and in conformity with the North Carolina Residential Code IRC, and shall include structures commonly known as modular homes. As used in this Zoning Ordinance, regulations and provisions regarding "modular homes" only apply to single-family residences and do not restrict or regulate the construction of buildings for commercial, multifamily residential, or other uses[xiv].

Motels & Hotels. Any buildings or portions thereof containing ten or more lodging units, with or without separate restaurant facilities, primarily for transients, including hotels, tourist cabins and tourist courts, but not including bed and breakfast inns as defined herein.

Multifamily Residences. Buildings or portion thereof designed for occupancy by three or more families living independently in which they may or may not share common entrances and/or other spaces. Individual dwelling units may be owned as condominiums, or offered for rent.

Museum. A building or group of buildings, structures, place, area or other facilities operated as an institution for the acquisition, preservation, study and/or exhibition of works, materials or data of artistic, scientific and/or historical value.

Nature-Oriented Non-Motorized Outdoor Recreation.[vi] Recreational uses of land conducted outside of a building, characterized by moderate impacts on the natural environment. Such uses may be for-profit, not-for-profit or provided by a governmental entity and may be composed of a place, structure, area, or facility providing nature-oriented non-motorized recreational activities generally open to the public and designed to accommodate and serve significant segments of the community. Examples of nature-oriented non-motorized outdoor recreational activities include, but are not limited to, hiking, noise-suppressed zip-lining, canoeing, kayaking, mountain biking, horseback-riding and orienteering.

Nonconforming lot. A lot existing at the establishment or revision of this Ordinance (and not created for the purposes of evading the restrictions of this Ordinance) that does not meet the minimum area requirements of the district in which the lot is located.

Nonconforming use. A structure or land lawfully occupied by an existing use which does not conform with the permitted uses for the zoning district in which it is situated, either at the effective date of this ordinance or as a result of subsequent amendments to this ordinance. This term also refers to the activity that constitutes the use made of the property.

Nonconforming situation. A situation that occurs when, at the establishment or revision of this Ordinance, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and land (in such matters as density and setback requirements) is not in conformity with this Ordinance, or because land or buildings are used for purposes made unlawful by the Ordinance.

Nursery, Landscape Business, & Greenhouse. A nursery is a place where plants are propagated and grown to usable size. They can be retail nurseries which sell to the general public, wholesale nurseries which sell only to other nurseries and to commercial landscape gardeners and private nurseries which supply the needs of institutions or private estates.

A greenhouse is a permanent structure, designed to protect plants. This structure may or may not have a permanent heating system installed in it. For the purposes of this Ordinance, cold frames (temporary structures covered with plastic or other materials, supported by metal pipes) are included in this definition.
Landscaping is the business of improving the appearance of a piece of land by planting flora or altering the contours of the ground.

***Offices, Business, Medical, Professional, & Public buildings including banks*.** Land, buildings, and other facilities used by establishments primarily engaged in providing goods or services to business establishments or individuals on a contract or fee basis.

Open Space.[xiv] Areas having a predominantly pervious land surface providing spaces for landscaping and other visual enhancements, pedestrian circulation, waterways and water features, and wildlife habitat. Open space does not include automobile roadways, parking lots, paved service and maintenance areas, and buildings. Amenities and trails (whether pervious or impervious) accommodating pedestrians, bikes, golf carts and other low-speed vehicles, and horseback traffic are permitted in open spaces.

Parking space. A storage space of not less than one hundred sixty two (162') square feet for one (1) automobile plus the necessary access space. It shall always be located outside the dedicated street or highway right-of-way.

Planning board. The Polk County Planning Board.

Printing, Publishing, & Engraving Establishments. Establishments primarily engaged in rendering services to business establishments or individuals on a contract or fee basis such as**,** but not limited to, engraving**,** advertising, mailing, photocopying, duplicating, and providing business signs and plaques.

Public sewage system. A common sewer directly controlled by a public authority. [xxv]

Public Safety Facilities. Buildings and facilities used in providing public safety services such as police, fire, ambulance, and emergency services.

Public water supply system.

a. A system for the provision, to the public, of piped water for human consumption if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Such term includes:
   1. any collection, treatment, storage, and distribution facility under control of the operator of such system and used primarily in connection with such system; and
   2. any collection or pre-treatment storage facility not under such control which is used primarily in connection with such system.

b. A public water system is either a "community water system" or a "non-community water system":
   1. "Community water system" means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.
   2. "Non-community water system" means a public water system which is not a community water system.

Quarantine Facility. A facility at which animals regulated by local, state, or federal agencies are restricted and tested prior to being permitted to enter into the general population.

Radio & TV Stations & Studios. Land, buildings, and equipment used for the production, transmittal, or reception of signals or programming over the airwaves as a commercial or public service, including, without limitation, telephonic, radio, television, or cable television. For purposes of this ordinance, the term shall not include a non-commercial individual use such as residential television antennas, satellite dishes, or ham radio antennas, or a commercial use that is purely incidental to other business activities of the owner. The facilities may

include a tower, pole, or similar structure which supports or incorporates, or is intended to support or incorporate, one or antennas operated for commercial or public purposes above ground, whether freestanding, guyed, or affixed to a building. *Refer to Wireless Telecommunications Ordinance, if applicable. [xxv]

Recreation Facilities, Centers. [xxvii] A place, structure, area, or other facilities operated and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

Recreational Vehicle. A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are travel trailer, camping trailer, truck camper, motor home, recreational park trailer and park trailer (park models).

Recreational Vehicle (RV) Park and/or Camp Areas. An establishment primarily engaged in operating sites to accommodate camping (tent and/or cabin), park model homes and/or recreational vehicles. These establishments may provide access to facilities, such as laundry rooms, recreational halls, playgrounds, stores and snack bars. An RV park will generally contain two (2) or more park model homes or recreational vehicles.

Residential Vacation Rental (Tourist Homes). [xii] The rental of any single-family dwelling, duplex, guest house, timeshare, accessory/garage apartment or multi-family or any portion thereof, for occupancy, dwelling, lodging or sleeping purposes for any period of time less than 90 days. The term does not include other transient lodging such as hotels and motels, and bed & breakfast establishments, which are otherwise authorized under these regulations.

Exceptions. The following activities and / or uses shall not be deemed residential vacation rentals and the requirements of this section shall not apply to them.
- Incidental residential vacation rentals, defined to mean no more than two such rentals in any calendar year where the total annual rental period for both rentals does not exceed two weeks provided no advertisement of the availability of unit.

Restaurants, Excluding Fast Food & Drive-Through Services. Establishments that sell food not already prepared for consumption on or off the premises and do not include drive-in or drive-up facilities for ordering.

Restaurants, Including Fast Food & Drive-Through Services. Establishments that sell food already prepared for consumption, packaged in paper, Styrofoam or similar materials, and may include drive-in or drive-up facilities for ordering.

Rest & Convalescent Homes. [xxvii] Facilities for the care of the aged and infirm whose principal need is a home with such sheltered and custodial care as their age and infirmities require. Medical care is only occasional, such as may be required in the home of any individual.

Retail Trade, Commercial Services, Sales, & Rental of Merchandise & Equipment. Establishments engaged in selling or renting goods, merchandise, or services to the general public or businesses for personal, household, or commercial consumption. The establishments may also render services incidental to the sale of such goods. The establishment may process some of the products which it sells so long as such is processing incidental to such retail sales. The term shall not be deemed to include establishments in which the sale of goods or merchandise is incidental to another use, such as junk yards and wrecking yards as defined by NCGS 136-143.

Retail Business Customarily Servicing Residential Neighborhoods & Conducted within an Enclosed Building. Establishments engaged in selling goods, merchandise, or services to the general public for personal or household consumption. The establishments may also render services incidental to the sale of such goods. The establishment may process some of the products which it sells so long as such is processing incidental to such retail sales. The term shall not be deemed to include establishments in which the sale of goods or merchandise is incidental to another use, such as junk yards and wrecking yards as defined by NCGS 136-143.

Right of way (Easement). A grant by the property owner of a strip of land for a specified purpose and use by the public, a corporation, or persons, including access easements. For the purposes of this ordinance, right of way is included in the measurement of setbacks on federal, state, county, and municipal roads only. [xxv]

Roadside Stands Selling Home-Grown Products. A business establishment selling primarily home-grown or home manufactured products, operated next to a dedicated public or private right-of-way for vehicular traffic which affords the principal means of access to abutting property.

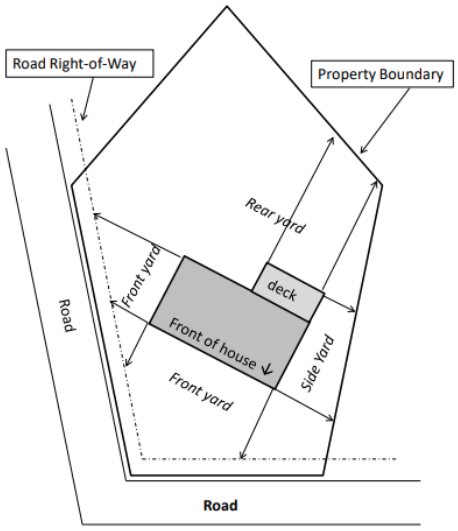
Sawmill. A facility in which logs are converted to lumber by running them through a saw.

Schools, Public or Private. Land, buildings, and facilities operated by publicly or privately elected or appointed school officials in which the complete educational curriculum program and activities are under the control of these officials and which is supported primarily by public or private funds.

School; Vocational Schools, Business Schools, & Special Schools. [xvii, xxvi] Land, buildings, and facilities that do not offer a complete educational curriculum.

Service Station. An establishment where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles. Such an establishment shall be permitted to offer for sale at retail other convenience items as a clearly secondary activity and shall be permitted also to include a free-standing automatic car wash.

Setback. A continuous strip of land, measured perpendicular from the plane of the building out to the closest property line or road right-of-way. [xxv]



Shooting range – indoor. [xxvii] An area totally enclosed designed and operated for the use of rifles, shotguns, pistols, silhouettes, , or any other similar sport shooting. This includes any such area owned and/or operated by an entity which requires membership dues to be a member, or which requires any remuneration (including "donations") in exchange for access to the area.

Shooting range – outdoor. [xxvii] An area outdoor designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting. This includes any such area owned and/or operated by an entity which requires membership dues to be a member, or which requires any remuneration (including "donations") in exchange for access to the area. Private shooting that does not meet the above standards for commercial shooting ranges shall be allowed by right without a zoning permit.

Single family residence. A building or portion thereof providing complete living facilities for a family. The term "single family residence" shall not be deemed to include a motel, hotel, tourist home, mobile home, manufactured home, modular home or structure designed or, in fact, used for transient residence. A single family residence may also consist of another dwelling unit, such as an accessory apartment or garage apartment, provided the floor area of the accessory unit does not exceed forty percent of the floor area of the single-family dwelling unit, and further provided the accessory unit's exterior design and entry locations preserve the appearance of the single-family dwelling unit.

Single family residence (Multiple Use District Only). A building or portion thereof providing complete living facilities for a family. The term "single family residence" shall not be deemed to include a motel, hotel, tourist home, mobile home, manufactured home, modular home or structure designed or, in fact, used for transient residence.

Solar Energy Generating Facility.[xii] A solar electrical energy generating facility that is not an accessory solar energy device. The energy beneficiary(ies) shall not be located on the energy facility site. A *Solar Energy Generating Facility, Minor* tract shall not exceed twenty acres. A *Solar Energy Generating Facility, Major* tract shall measure more than twenty acres but shall not exceed fifty acres.

Special Use Permit. A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. This definition includes permits previously referred to as "conditional use permits" or "special exceptions." [xxv]

Spectator Sport Facility (500 or More Spectators). An indoor or outdoor place, structure, area, arena, or other facility used for providing spectator seating, sanitation facilities, food, or parking for 500 or more sports spectators.

Spectator Sport Facility (Less than 500 Spectators). An indoor or outdoor place, structure, area, arena, or other facility used for providing spectator seating, sanitation facilities, food, or parking for 500 or less sports spectators.

Stable. [xxvii] A building that is divided into separate stalls for individual animals.

Storage & Warehouse Facility. Structures or premises in which goods, merchandise or equipment are stored for eventual use or distribution.

Street or road. A dedicated and accepted public right-of-way for vehicular traffic which affords the means of access to abutting properties.

Structure. Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having more or less permanent locations on the ground, excluding a conventional rail, plank, board, picket or wire fence so long as it is not located within the public or maintenance right of way of any road.

Subdivision. Subdivision shall all have the same meaning, and shall be defined, as set forth in the Subdivision Ordinance of Polk County as now adopted or as may be hereafter amended.

Temporary Housing/Shelter. Detached accessory buildings constructed and installed per the requirements of North Carolina Administrative Code for use as temporary housing during recovery from a declared disaster, under the Authority of North Carolina General Statute 143-138.

Occupancy and use of a detached accessory building as temporary housing, due to damage from the declared disaster, shall be permitted upon submittal of an affidavit by the owner of the real property to the county building inspection department.

Occupancy and use of a detached accessory building for temporary housing shall be limited to 180 days from the first day of occupancy. In the event the State of Emergency and the rule remain in effect at the expiration of 180 days, occupancy and use of the structure may continue upon good cause shown to the chief building inspector and the submittal of a new affidavit.

Theater. An indoor or outdoor facility used primarily for the presentation of live stage productions, performances or motion pictures.

Timeshare. A type or form of ownership of real property in which multiple parties hold rights to use and occupy certain real property, and each user is allotted a period of time in which they may use and occupy the subject property and as further defined in Article 4 of Chapter 93A of the North Carolina General Statutes which is incorporated herein by reference as if fully set forth herein.

Tower. A tower, pole, or similar structure, exceeding 20 feet in height, which supports or incorporates, or is intended to support or incorporate, one or more private, commercial or public sign, antenna, light, or other item above ground, whether freestanding, guyed, or affixed to a building. The term shall include mobile towers. *Refer to Wireless Telecommunications Ordinance. [xxv]

Truck Terminal. A building or area where cargo is loaded to and discharged from trucks.

Utility Buildings and Facilities, Public. A structure or facility used by a public or quasi-public utility agency to store, distribute, generate electricity, gas, telecommunications, and related equipment, or to pump or chemically treat water. This does not include storage or treatment of sewage, solid waste or hazardous waste.

Veterans' Affairs Office. A building or structure, or portion thereof, whose purpose is to assist veterans and their families in the presentation and processing of claims as they may be entitled to under Federal, State or local laws, and otherwise assist veterans.

Veterinarian Clinics, Animal Shelters. Veterinarian clinics are facilities where professionals skilled in diseases and care of animals and/or reptiles provide outpatient or inpatient care of chronically ill animals or

reptiles. Animal shelters are private, governmental or nonprofit organization facilities devoted to the welfare, protection and humane treatment of animals. The boarding of animals is an incidental use in such facilities.

Video games. [xxvii] *See Arcades.*

Waste Handling, Treatment, Processing, Management or Disposal Facility. [xxvii] Includes, but is not limited to, Sanitary Landfill, Municipal Solid Waste Sanitary Landfill, Construction/Demolition Landfill, Dump, Open Dump, Waste Incineration Facility, Hazardous Waste Landfill or Processing Facility, Radioactive Waste Processing or Disposal Facility, Medical Waste Processing or Disposal Facility, Waste Transfer Facility, State Regulated Compost Facility, Industrial Process Waste Landfill or Processing Facility, Industrial Solid Waste Facility, Waste Treatment and/or Processing Facility and Septage Management Facility (not including state approved land application sites), and Junkyards (see Junkyard Ordinance for additional requirements). Reference shall be made to the North Carolina General Statutes and to the North Carolina Administrative Code for further definition of each of the foregoing. (Exempts Polk County Government from these restrictions when operating a facility for the citizens of Polk County). This definition does not include Animal Processing Facilities.

Wholesale Sales, Retail Sales, & Supply Houses. Establishments engaged in retail sales of goods or merchandise directly to the general public for personal or household consumption or to retailers for resale to the general public and rendering services incidental to the sale of such goods. Such an establishment may process some of the products which it sells so long as such is processing incidental to such retail or wholesale sales.

Article XIII. Legal Status Provisions.

Section 13.1 Validity.

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 13.2 Conflict with other laws.

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals or general welfare of Polk County. Where the provisions of any other statute or local ordinance are in conflict, the more restrictive or that imposing the higher standards shall govern.

Section 13.3 Effective date.

This ordinance, and any amendment to it, shall take effect and be in force from and after its adoption by the Board of County Commissioners of Polk County, North Carolina.
Effective date of this ordinance shall be February 5, 2024; Adopted February 5, 2024.

_____
Chairman of the Board of Commissioners

ATTEST:

_____
Clerk to the Board of Commissioners

Approved as to content & form:

_____
County Attorney

Appendix

► Land uses not specifically addressed in this ordinance shall apply the standards for a land use that is listed in this ordinance most closely related to proposed use and impacts.

P = Permitted P* = Permitted with conditions S = Allowed as a Special Use Blank Space = Not Permitted	Examples of Uses (examples of some uses in Permitted Use Table, see Article VI)
Accessory buildings	Residential Garage (no living quarters) Pool House (no living quarters) Storage Shed Hobby workshop
Accessory dwelling unit	Pool House Apartment Garage Apartment Accessory SFR/MH Basement Apartment Apartment with separate entrance Barn Apartment
Agricultural building	Shed for equipment Silos Cold Storages Run-in shed Hay & Feed Storage Barns
Automobile, truck, & farm, implement sales & service	Farm Equipment Sales Vehicle Sales Vehicle services (alignment, auto body, auto paint, auto upholstery, towing service, auto detailing, battery Sales and installation, auto repair, brake repair, tire Sales and mounting)
Church, synagogue, temple, or other religious buildings	Church Synagogue Temple Place of Worship
Clubs, public or private	Kiwanis Club Rotary Club Lions Club 4-H Youth Club Bridge Club
Data processing facilities	Data processing Data mining

P = Permitted P* = Permitted with conditions S = Allowed as a Special Use Blank Space = Not Permitted	Examples of Uses (examples of some uses in Permitted Use Table, see Article VI)
Day care facility	In-Home Daycare Child Care Center Nursery School Preschool Adult Daycare
Hospitals & clinics	Blood/Plasma Donation Center Dialysis Center Rehabilitation Clinic Medical Center Medical Clinic Medical Laboratory Hospital Urgent Care/Emergency Medical Treatment Center
Kennels	Kennels Pet Daycares Overnight Pet Boarding
Motel, Hotels, Boarding Houses, & Dormitories	Motel Hotel Boarding House Dormitory Hostel Inn
Multifamily residences	Apartment Complex Condominiums Triplex Quadplex Townhomes
Offices, business, medical, professional & public including banks	Advertising Business Management Chiropractor Consulting Dental Financial Business Collection Agency Real Estate Insurance Medical Professional Services (Lawyer, accountant, bookkeeper, engineer, architect, sales office, travel agency, business incubator)

P = Permitted P* = Permitted with conditions S = Allowed as a Special Use Blank Space = Not Permitted	Examples of Uses (examples of some uses in Permitted Use Table, see Article VI)
Offices pertaining to permitted use	
Outdoor Recration, Motorized	Go Cart Race Car Motorcyle/Dirt Bike ATV
Outdoor Recreation, Nature-Oriented Non-Motorized	Hiking Noise-Suppressed Zip-Lining Canoeing Kayaking Mountain Biking Horseback Riding Orienteering Tubing Parks Playgrounds Nature Centers Equestrian Courses/Trails Walking Trails Non-Profit Gyms Memorial Gardens
Recreational Vehicle (RV)	RV Park Model RV 5th Wheels Motorhomes Campers Pop-ups
Recreational Facilities, Centers	Bowling Alleys Skating Rinks Gymnasiums Health Clubs Climbing/Jumping Gyms
Recreational Vehicle (RV) & Park and/or Camp Areas	RV Park Tent Sites Cabin Camping Treehouse Camping Yurt Camping Park model Homes Sites
Rest & convalescent homes	Nursing Home Assisted Care Facility Senior Home

P = Permitted P* = Permitted with conditions S = Allowed as a Special Use Blank Space = Not Permitted	Examples of Uses (examples of some uses in Permitted Use Table, see Article VI)
Retail trade, commercial services, sales and rental of merchandise & equipment	Stores: Antiques, Appliances, Art Supplies, Baked Goods, Bicycles, Books, Cameras, Floor Coverings, Crafts, Clothing, Computers, Dry Goods, Electronics, Flowers, Furniture, Garden Supplies, Gifts, Groceries, Hardware, Home Improvement, Household Products, Jewelry, Medical Supplies, Musical Instruments, Online Sales, Nail Salon, Pets, Pet Supplies, Pharmaceuticals, Photo Finishing, Picture Frames, Plans, Printed Materials, Produce, Repographics, Sporting Goods, Stationery, Vehicle Parts, Farmers Market Services: Hair Salon, Tailor, Appliance/Computer Repair, Shoe Repair, Locksmith, Tattoos, Massages, Construction Contractors
Storage & warehousing	Self-Storage Warehouses Bulk Storage, including nonflammable liquids, feed and grain storage, cold storage plants, including frozen food lockers, household moving and general freight storage, separate warehouse used by retail store such as furniture or appliance store Bus Barn Outdoor Storage Yard Parcel Services Stockpiling of sand, gravel, or other aggregate materials Transfer and storage business where there are no individual storage areas or where employees are the primary movers of goods to be stored or transferred.
Theaters	Movie Theatre Performing Arts Center Amphitheatre
Utility buildings and facilities, public	Electrical Substation Gas meter & Regulator Stations Phone Exchange

P = Permitted P* = Permitted with conditions S = Allowed as a Special Use Blank Space = Not Permitted	Examples of Uses (examples of some uses in Permitted Use Table, see Article VI)
Waste Handling, Treatment, Processing, Management or Disposal Facility	Sanitary Landfill Dump Open Dump Waste Incineration Facility Hazardous Waste Landfill Processing Facility Radioactive Waste Processing or Disposal Facility Medical Waste Processing or Disposal Facility Waste Transfer Facility State Regulated Compost Facility Industrial Process Waste Landfill or Processing Facility Waste Treatment and/or Processing Facility Septage Management Facility
Wholesale sales, retail sales & supply houses	Wholesale sales of animals, animal products, agricultural chemicals, pesticides or fertilizers, chemicals and allied products, grain and field beans, livestock, lumber and other construction materials, construction and mining machinery, farm and garden machinery, minerals, petroleum and petroleum products, resins restaurant equipment, store fixtures, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, food, clothing, auto parts

[i] Replacing the use classification and definition of Child Care Facilities with Day Care Facility 8.31.09
[ii] Creating a new use classification of Veterans' Affairs Office 8.31.09
[iv] An Ordinance Amending the Zoning Ordinance of Polk County 8.16.10
[v] An Ordinance Concerning Zoning Administration and Enforcement. 10.3.11
[vi] An Ordinance Concerning Nature-Oriented Non-Motorized Outdoor Recreation 9.10.12
[vii] An Ordinance Concerning Solar Energy Generating Facilities 10.15.12
[viii] An Ordinance Establishing a New Zoning District Equestrian 4.22.13
[ix] An Ordinance Concerning Customary Home Occupation Class II and Residential Vacation Rentals 8.5.13
[x] An Amendment to Clarify and Modernize Zoning Ordinance Regarding Board of Adjustment 10.21.13
[xi] An Amendment to Define Parking Requirements for Customary Home Occupation Class I & II.2.3.14
[xii] An Amendment to Enlarge Equestrian District & Expanding Uses, Redefining Tourist Home, Parking.2.3.14
[xiii] An Amendment Concerning Accessory Dwelling Units; Authorize Dwelling Units in MU 4.20.15
[xiv]An Amendment Establishing Equestrian Village District, Amending Ordinance & Rezoning Map 11.16.15
[xv]An Amendment Concerning Bona Fide Farms, Recreational Vehicles & Eaves 2.8.16
[xvi]An Ordinance Establishing the Polk County Government and Public Facilities Zoning District 7.18.16
[xvii]An Ordinance Concerning Schools; Vocational Schools, Business Schools & Special Schools in RE1 10.3.16
[xviii]An Ordinance Rezoning Certain Areas EV 12.5.16
[xix] Zoning Ordinance Update 10.16.17
[xx] Shared Parking 12.18.17
[xxi] Agricultural Building 4.16.18
[xxii] E/EV Vet Clinics, Quarantine Facilities, Church, Schools & Map Amendment 4.16.18
[xxiii] Board of Adjustment Alternates; Building Height 2.4.19
[xxiv] Tower10.7.19
[xxv] 160D update.CU to SU.6.21.2021
[xxvi] Schools.7.18.2022
[xxvii] Zoning Ordinance Updates 8.21.2023
[xxviii] NC Automobile, truck sales and service; Special Use Permit 2.5.2024