AN ORDINANCE MAKING REVISIONS TO THE BURKE COUNTY ZONING ORDINANCE

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF BURKE IN REGULAR SESSION ASSEMBLED:

The following changes are hereby made to the Burke County Zoning Ordinance. These changes shall be considered effective on the date that this ordinance is approved by the Burke County Board of Commissioners. Additions are indicated by underlined text, and deletions are indicated by ~~struck through text~~.

2.2 Definitions.

(a) When used in this ordinance the following words and phrases shall have the meaning given in this section:

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Dwelling, Tiny Home

In coordination with the NC State Building Code, a Tiny Home is a residential, single-family detached dwelling intended as a primary residence or ADU for permanent occupancy. To be considered a Tiny Home, the structure must be built to the North Carolina Residential Building Code and meet the following provisions:

- A maximum of 400 square feet.
- Built on an approved foundation and not on wheels.
- Meets the specific ceiling height provisions for kitchens and lofts as outlined in Appendix Q of the North Carolina Residential Code.
- Adheres to all other applicable structural, plumbing, mechanical, electrical, and energy codes.

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Solar farm, utility-scale

A ground-mounted PV, concentrating PV (CPV), or concentrating solar power (CSP or solar thermal) project capable of generating 2 megawatts AC (MW AC) or more directly connected to the local or regional electrical grid with the ability to deliver power to the electrical grid. Such projects are subject to and shall meet the requirements of NC GS 130A-309.240, as amended.

Article 3.0 Table of Uses

Residential Uses

	R-1	R-2	R-3	R-MU	PRMU	O-I	N-B	G-B	L-I	IND	CON
Dwelling Units, ~~Multiple Family~~ Multi-Family, Townhouse and Condominium		S	X	X	S			S			S

	R-1	R-2	R-3	R-MU	PRMU	O-I	N-B	G-B	L-I	IND	CON
Community Master Plan by Conditional Zoning	CZ	CZ	CZ	CZ	CZ			CZ	CZ	CZ	CZ

Industrial Uses

	R-1	R-2	R-3	R-MU	PRMU	O-I	N-B	G-B	L-I	IND	CON
Utility Scaled Solar Farm				S				S	S	X	

Article 5.0 Use Standards

5.1 Accessory Dwelling Units

A detached accessory dwelling unit or attached accessory dwelling unit may be permitted as an accessory use on lots with an existing primary dwelling and shall comply with the following requirements:

a. The accessory dwelling unit and the primary dwelling must be owned by the same person.

b. No more than one accessory dwelling unit shall be permitted on a single deeded lot in conjunction with the primary dwelling unit.

c. Accessory dwellings shall be connected to the same electrical, water, and wastewater disposal system as the primary dwelling if practical.

- Approval from the Burke County Environmental Health Department is required.

d. Accessory dwellings are limited to one thousand (1 ,000) heated square feet ~~of total square footage~~.

e. Accessory dwellings must be constructed to current NC State Residential Building Code standards and must receive a Certificate of Occupancy prior to being ~~habited~~ occupied.

f. Detached ~~A~~ accessory dwelling units must be located to the side or rear of the primary dwelling and meet all applicable setbacks.

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g. Accessory dwellings are recommended to be constructed of like materials ~~and must~~ to resemble the primary structure in appearance ~~to the greatest extent possible~~.

h. The accessory dwelling unit ~~must~~ may share a driveway with the primary dwelling.

i. No on-street parking is permitted for accessory dwellings.

5.2 Accessory Structures (Residential)

For the purpose of this section of the ordinance the calculation of an accessory structure includes any section of the structure that is under roof. Accessory structures may be permitted if the unit complies with the following requirements:

a. Accessory structures may be located at least fifteen (15) feet from the side property line and at least twenty (20) feet from the rear property line. No accessory structure shall be located in the front yard of a residential lot less than one (1) acre in size.

b. Accessory structures on corner lots shall meet the front setback of the primary dwelling for the side street on which it is located. However, as the size of the accessory structure increases the required setback increases ~~also~~. The following table gives the required setbacks:

~~Size in Sq. Feet Required Setback~~

~~1,200 or Less Fifteen (15) Feet~~
~~1,201 to 2,000 Twenty (20) Feet~~
~~The setback shall increase fifteen (15) feet for every additional one thousand (1,000) square feet above 2,000 square feet. For all structures greater than two thousand (2,000) square feet the setback shall increase fifteen (15) feet for every additional one thousand (1,000) square feet.~~

Setback	1,500 Sq. Ft. standard setbacks up to 2,399 Sq.Ft.	2,400 Sq. Ft., up to 3,999 Sq. Ft.	4,000 Sq. Ft. or larger
Front	35	50	65
Side	15	30	45
Rear	20	35	50

(Note) In no event shall the front yard setback for an accessory structure be less than the required setback for a residential structure.

c. ~~On lots that are less than one (1) acre in size, the total maximum square footage of all accessory structure(s) shall be one thousand two hundred (1,200) square feet. On lots greater than one acre in size, the maximum square footage allowed shall be one thousand five hundred (1,500) square feet. Any lot greater than three (3) acres in size may be approved for additional square footage from the Board of Adjustment. Additional setbacks and screening requirements may apply.~~ Size Standards for Accessory Structures: For parcels greater than one-half (0.5) acre, an exemption of up to 1,000 square feet may be applied to the footprint of accessory structures already in existence. This exemption allows these existing structures to be excluded from the cumulative square footage calculation for the lot. This exemption shall not be calculated as a credit to allow any single new structure to exceed the maximum square footage limits established below nor shall it result in a negative square footage calculation.

Lot size	Maximum square footage of accessory structure
Less than one acre	1,500 Sq. Ft.
➢ 1 acre, but < 3 acres	2,400 Sq. Ft.
➢ 3 acres	4,000 Sq. Ft.

Any accessory structure which deviates from this table or is greater than 4,000 Sq.Ft. must be approved by the Board of Adjustment

d. No accessory structure shall be rented or occupied for financial gain nor used for human habitation.

e. Under no circumstances may a vehicle, enclosed trailer, manufactured home, recreational vehicle, ~~POD, or similar container~~ be used as an accessory structure.

(image) ~~POD~~ Shipping Container

f. ~~Mailboxes, newspaper boxes, may be placed in any yard. No zoning permit is needed for these structures.~~ A shipping container may be used as an accessory structure with the following standards:

(a) May not be stacked on top of one another.

(b) May not exceed a height of 10 feet.
(c) Shall be painted to match the color of the primary dwelling on the property or be painted a neutral earth tone color or utilize siding to blend in with the local environment.
(d) Shall be placed and inspected as required for footings and electrical service as applicable.

g. Accessory structures will not be permitted on vacant lots without a primary structure unless the lot is two (2) acres or larger. The maximum combined square footage allowed for all accessory structures in this case is one thousand five hundred (1,500) square feet. All other applicable regulations will apply. In such cases the accessory structure shall have a minimum setback of eighty (80) feet from the front right-of-way or edge of pavement where no right-of-way exists. Screening shall be required between the structure and adjacent properties ~~where existing vegetation or distance is insufficient to provide adequate screening. Screening shall consist of a ten (10) foot opaque evergreen hedge row~~ meeting the standards for perimeter landscaping found in Section 6.4 of this chapter. Accessory structures on vacant residential lots may be used for storage purposes only. Only electric service may be provided to the accessory storage structure. Water and septic shall not be permitted.

(Note) Temporary structures may be permitted in any zoning district when used in conjunction with construction work or when permitted for a temporary event.

5.4 ~~Reserved~~ Utility Scale Solar Farm Regulations

Utility scale solar farms are subject to the following requirements:

Parcel Size

The minimum parcel size to be considered for a utility scale solar farm is 10 acres

Setbacks

The solar panels and other structures related to the operation of the utility scale solar farm shall be setback a minimum of 50 feet from external property lines.

Landscape Buffering

A minimum planted landscape buffer shall be provided along all property lines except for properties zoned Industrial or Light Industrial. The buffer standards shall meet the requirements of Section 6.4 Landscape and Screening Standards. Existing tree and shrub material may be protected and maintained to meet the intent of this ordinance.

Site Plan

A site plan for a utility scale solar farm shall be prepared for review and meet the requirements of Section 7.10 of this ordinance. Other site development and access needs will comply with Section 6 of this ordinance.

Upon Decommissioning

Upon decommissioning of the Utility-scaled solar farm, the site shall be restored to the condition of the land before the solar farm was constructed so that the land can be used for other activities allowed under the zoning ordinance. All waste or by products of the solar farm must be removed from the premises and disposed of in an industrial or municipal solid waste landfill.

Local, State and Federal Requirements

A utility-scaled solar farm must meet the requirements of local, state and federal requirements including that of NC Session Law 130A-309.240 and successors. This covers registration, plan approval, reports and decommissioning of the solar farm at the cessation of its useful life.

5.5 Manufactured Home Parks

Watershed Protection Ordinance

All manufactured homes as well as regular homes must comply with the Burke County Watershed Protection Ordinance. Manufactured home parks are urged to consider cluster ~~or planned unit~~ development.

Permit for Manufactured Home Parks Required

It shall be in violation of this ordinance for any person to establish or make on-site improvements for any manufactured home park before a plan has been approved by the Board of Adjustment and the proper permits have been obtained. ~~A manufactured home park permit may be revoked by the Board of Adjustment upon violation of the requirements of this ordinance exists; provided that: 1. the owner, lessee, or other responsible person is notified in writing of the violation and, 2. five (5) days has passed since the written notice was received by the owner/developer. It shall be unlawful for any person, firm, or corporation to continue the use of a manufactured home park or manufactured home lot after a permit has been revoked. (For penalties refer to Article 8, Administration, Appeals and Enforcement)~~

Manufactured Home Spaces

All manufactured homes within the park shall be located in designated manufactured home spaces. There must be at least three (3) manufactured home spaces available at first occupancy to qualify as a manufactured home park. ~~All manufactured home parks must meet the minimum lot size requirements.~~

~~Setback Requirements~~

~~Setbacks within manufactured home parks shall be twenty (20) feet from front yard, ten (10) feet side yard, twenty (20) feet corner side yard and ten (10) feet rear yard. 0 All porches and decks must meet setbacks.~~

Manufactured Home Placement

Each manufactured home shall be set up and installed within the park in accordance with the State of North Carolina regulations for the installation of manufactured homes adopted and published by the North Carolina Department of Insurance. Each manufactured home space shall contain at least five thousand (5,000) square feet of ground area and be clearly defined by concrete or iron pipe markers placed at all corners.~~or by establishing concrete patios.~~ ~~Each manufactured home space shall be graded to prevent any water from ponding or accumulating on the premises. All drainage of the park must be confined or piped in such a way that it will not endanger any water supply.~~ Each manufactured home space shall have a site number, and permanent lettering two and one-half (2 ½) inches high attached or painted on the electrical service.

Responsibility

Every manufactured home must be maintained by its owner in good order meeting all applicable local, state, and federal minimum housing standards.

~~It shall be the responsibility of the manufactured home park owner on which a manufactured home park is located to ensure that each manufactured home setup meets all local, state, and federal regulations.~~

~~Off-Street Parking Requirements~~

~~Each manufactured home space shall have two (2) off-street parking spaces with a stone or gravel base on top of a well compacted sub-base. These parking areas shall be provided and maintained by the owner or operator of the park. Alternatively, community off-street parking areas may be provided within the manufactured home park.~~

~~Public Street Access~~

~~No manufactured home space within a manufactured home park shall directly access a public road. A driveway permit must be obtained from the North Carolina Department of Transportation for access to a public road. Access to all manufactured homes and accessory structures within the manufactured home park shall be made using internal streets.~~

Internal Street Standards

~~Internal streets shall be a minimum width of twenty (20) feet wide constructed of asphalt, concrete, pavement, or gravel/stone, and be maintained to provide access. Permanent dead- end streets shall have a cul-de-sac forty (40) feet in diameter. The park developer must have an engineer licensed in the State of North Carolina to certify that these minimum road standards have been met. Traffic control signs and street name signs shall be installed where necessary. Street lighting shall be required throughout the park.~~ Standards for manufactured home parks will comply with section 6.3 Access Management and Parking Standards

Underpinning

All manufactured homes in the park shall have continuous underpinning of wood, masonry, or some other similar exterior grade material which is non-combustible in nature, unpierced except for required ventilation. If the tongue, axles, transporting lights, and removable towing apparatus are not removed, it shall be screened from view from any adjoining public street right-of-way. Such screening shall be in the form of natural plantings or opaque walls or fences.

Screening

All proposed manufactured home parks shall provide a screen or buffer between the park and any property adjacent to the park. If a landscape buffer is used, it shall meet the standards of *perimeter landscaping* described in Section 6.4 Landscape and Screening Standards. ~~Compliance with this section shall constitute either planting a double row of evergreens staggered a maximum of six (6) feet apart and being a minimum of three (3) feet in height, or erection of a fence, or screen, a minimum of seven (7) feet in height to block visual access.~~If fencing is used for screening it must meet the standards found in the Fences section of 6.4.

Steps & Decks

All manufactured home spaces in proposed parks shall have a solid, well-constructed set of steps and decks as required by the building code. ~~for use by tenants. Loosely stacked brick, block, and the like, do not meet the requirements of this section. It shall be the responsibility of the park owner to furnish the steps.~~

~~Ground Maintenance~~

~~The grounds of a manufactured home park shall be kept free of trash, liter, and debris. Grounds, buildings, and storage areas shall be properly maintained to prevent the infestation of rodents, vermin, and insects. It shall be the responsibility of the manufactured home park owner to maintain the manufactured home park in accordance with these standards at all times.~~

Site Plan Requirements

A site plan application shall be submitted ~~plat at a scale no greater than on hundred (100) feet to one (1) inch shall be completed by a registered surveyor and submitted to the Zoning Administrator and~~ must ~~shall~~ include the following information:

1. The proposed name of the park
2. The name of the owner/owners of the parcel
3. The name of the designer/surveyor of the park
4. The tax identification number of the parcel
5. The deed book and page of the parcel
6. ~~Boundaries of the tract shown with bearings and distances~~
7. ~~Streets, driveways, open areas, parking spaces, service buildings, water courses, easements, flood plains, setbacks, the right-of-way of the interior driveway, manufactured home spaces and all existing structures~~
8. ~~Vicinity map showing the location of the park and the surrounding land usage~~
9. ~~Date, graphic scale, and approximate north arrow~~
10. ~~Location of public water and sewer if available~~
11. ~~Acreage in total tract, acreage in park for other land usage and site calculations for each manufactured home space~~
12. ~~12.~~6. Total number of manufactured home spaces

In addition to the above site-specific requirements a site plan prepared by a registered architect, engineer, landscape architect, or land surveyor licensed in the State of North Carolina is required. All site plans must comply with the requirements set forth in ~~Please see~~ Section 7.10 ~~for site plan requirements~~.

~~Issuance of a Zoning Permit.~~

~~After the park plan has been approved, the Zoning Administrator shall issue a Compliance Permit. If the construction of the park has not begun within twelve (12) months from the date of issuance, the Compliance Permit will become null and void. However, the Zoning Administrator may grant an extension of the Zoning Permit if the developer shows cause.~~

Effects on Existing Manufactured Home Parks.

Existing m~~M~~anufactured home parks that do not meet all of the requirements of this ordinance, ~~are operating as existing approved parks~~ may continue to operate in their current state and will remain unaffected ~~by this ordinance~~, subject to the following:

a. ~~However,~~ Aany expansion~~, addition, or alteration of these parks~~ must conform to the regulations established in this ordinance for the affected area.

~~a~~b. If ~~such~~ an existing park~~s~~ should cease operation for a period of twelve (12) consecutive months then the park shall not reopen until it complies with the regulations contained in this ordinance, as well as all other applicable state and local laws.

~~b~~c. If ~~such~~ an existing park~~s~~ have a manufactured home space(s) that becomes vacant ~~or~~ ~~ceases to have electrical service for a period of twelve (12) consecutive months,~~ and if taxes cease to be paid for the space, then the space shall cease to exist as a usable space within the park. ~~If the loss of a space reduces the number of spaces required to constitute a manufactured home park, then the park shall cease to exist.~~

Note: Having an existing septic does not guarantee ~~a~~ the use of an existing manufactured home space which may still be subject to septic verification, compliance and maintenance as applicable.

Other Applicable Statutes and Requirements

Class A, B, C, & D manufactured homes may be placed in properly permitted manufactured home parks. Issuing a permit under the provisions of this section shall in no way affect any other type of approval required by any other statute or ordinance of the local, state, or federal government, but shall be construed as an added requirement.

5.6 Multi-Family, Townhouse, and Condominium

Multi-family, townhouse, and condominium developments shall be subject to the following requirements:

General/Specific Requirements

a. Minimum lot or overall project area shall be two (2) acres.

b. Minimum lot area per building is fifteen thousand (15,000) square feet for the first unit and three thousand (3,000) square feet for each additional unit.

c. Setbacks shall follow the residential setbacks listed in Article 3. ~~Minimum front yard depth for each building is thirty-five (35) feet.~~

~~d. Minimum rear yard depth for each building is thirty (30) feet.~~

~~e. Minimum side yard depth for each building when adjacent to street is thirty (30) feet.~~

~~f. Minimum side yard depth for each building when adjacent to a private drive or side lot line is fifteen (15) feet.~~

~~g. Minimum side yard depth for each building when adjacent to another building in the project area is twenty (20) feet.~~

d. ~~h.~~Minimum distance between buildings is ~~forty (40) feet~~ set by the NC Building Code.

~~i. Maximum area covered by all buildings is thirty (30%) percent, unless utilization of the 10/70 option as allowed per the Burke County Watershed Protection Ordinance is permitted.~~

e. ~~j.~~Minimum of ~~five (5%)~~ ten (10%) percent of the project area, ~~excluding~~ including swimming pool and all related facilities, is to be designated and developed as a recreational open space.

Site Plan Requirements

In addition to the above site-specific requirements a site plan prepared by a registered architect, engineer, landscape architect, or land surveyor licensed in the State of North Carolina is required. Please see Section 7.10 for site plan requirements.

Off Street Parking Requirements and Interior Access Standards

~~There shall be two (2) parking spaces for each dwelling unit.~~

Off Street Parking Requirements and Interior Access Standards shall meet the parking and access standards found in Article 6.3 *Access Management and Parking Standards.*

5.7 ~~Planned Unit Development~~ Reserved

~~**Intent**~~

~~The Planned Unit Development (PUD) District encourages the master planning of multiple and/or mixed uses with flexibility in development of land and creative designs that are not possible under conventional zoning regulations. A PUD allows for the adjustment of changing demands to meet the current needs of the community by meeting one or more of the following:~~

~~1. Encourages well planned development that promotes economical and efficient land uses~~

~~2. To provide for recreation and/or open space opportunities for public use~~

~~3. Allows a planned and coordinated mix of land uses that are compatible but were previously discouraged by conventional zoning~~

4. Promotes clustering of structures and others uses in order to preserve natural amenities and environmental assets such as woodlands, wetlands, floodplains, view corridors and scenic areas
5. To protect or preserve existing historical buildings, structures, features or places
6. To provide an appropriate balance between the intensity of development and the ability to provide adequate public facilities and services; or
7. To provide appropriate housing, employment, service and shopping opportunities to suit the needs of the residents.

In order for a lot to qualify as a Planned Unit Development it must meet the following criteria:

a. This option may not be used for the purpose of avoiding the applicable zoning requirements.

b. The PUD shall provide a public improvement that would protect existing and future uses from the impact of the proposed use or alleviate an existing or potential problem relating to public facilities. The Planned unit Development shall also meet one or more of the following objectives:

1. To provide open spaces, such as parks, and market or festival spaces for public use
2. To provide infrastructure, such as streets, sidewalks, and lighting consistent with the Master Plan.
3. To promote the goals and objectives of the Master Plan.

Planned Development Unit Site Plan

In addition to the above site-specific requirements a site plan prepared by a registered architect, engineer, landscape architect, or land surveyor licensed in the State of North Carolina is required. Please see Section 7.10 for site plan requirements.

Density

A Planned Unit Development may permit densities or lot sizes that are different from the applicable zoning district. This may be achieved through clustering of lots. A PUD may also permit the mixing of land uses that would not otherwise be permitted.

A Cluster Subdivision shall not contain more lots than a conventional subdivision would allow.

Utilities

Planned Unit Developments must have access to public water and sewer connections. All electric, cable, and other utilities shall be underground in a planned development. In proposed cluster subdivisions where public water and/or sewer are not available and some or all of the proposed lots are smaller than the minimum lot size, each proposed lot shall be provided safe and adequate water and sewer service.

Minimum Lot Area

The minimum lot area required to establish a Planned Unit Development shall be 2 acres.

a. Common areas for preservation, recreation and/or open space are provided in an amount equivalent to the total reduction in lot size. Common areas shall not be less than 20% of the development's total acreage.

b. The common area can be used for a well and septic system.

Open/Recreational Space

Open space for recreation is required in a Planned Unit Development for residential uses. The amount of open space shall be based on the number of units in the development.

Commercial Building Design Requirements

All commercial construction shall meet the minimum standards of this ordinance.

5.20 ~~Residential Fences~~ Reserved

~~**Fences**~~

~~A fence or retaining wall in any residential use district may be erected provided the wall or fence does not exceed eight (8) feet in height. For retaining walls, the height limitations specified in this ordinance shall apply only to the height above the top of the soil retained by the wall.~~

~~Fencing and retaining walls shall be maintained in a safe condition and shall be kept in good repair. All fences shall be uniform in construction and painted or stained with natural earth tone colors, or specially treated for protection from the weather.~~

~~Any retaining wall over 48 inches in height shall require a building permit (see example below).~~

~~Fences and retaining walls shall contain no writing, graffiti, murals or secondary Messages.~~

~~**Zoning Requirements**~~

~~Fences, or retaining walls are required whenever a non-residential use, abuts an established residential use or residential zoning.~~

~~**Fences in residential Use Districts**~~

~~Fences or retaining walls in any residential use district, may be erected provided the wall or fence does not exceed eight (8) feet in height. For retaining walls, the height limitations specified in this ordinance shall apply only to the height above the top of the soil retained by such wall.~~

~~Any fence or retaining wall placed in the front yard must be outside of any rights-of-way or easements.~~

~~**Administrative Requirements**~~

~~Each application for a zoning permit or certificate of occupancy shall include the location and type of buffer strip, fence, or retaining wall to be erected.~~

Article 6.0 - Site and Building Development and Design Standards

6.4 Landscape and Screening Standards

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Residential Fences

A fence or retaining wall in any residential use district may be erected provided the wall or fence does not exceed eight (8) feet in height.

For retaining walls, the height limitations specified in this ordinance shall apply only to the height above the top of the soil retained by the wall.

Fencing and retaining walls shall be maintained in good repair. All fences shall be uniform in construction and painted or stained with natural earth tone colors, or specially treated for protection from the weather.

Any retaining wall over 48 inches in height shall require a building permit (see example below).

Note: Fences and retaining walls shall contain no writing, graffiti, murals or secondary Messages.

Zoning Requirements Fences, or retaining walls are required whenever a non-residential use, abuts an established residential use or residential zoning.

6.6 Special Developments

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B. Cluster Developments – Watershed Overlay Areas

Watersheds are managed in Article 4.4 of this development code, and this section is designed to align with NC regulations surrounding drinking water shed area protection. Development in watershed areas should be undertaken with special care of the water resources and special land features adjacent to and draining into watershed areas.

Any scale of development in a watershed overlay area may utilize the options for cluster developments – watershed overlay areas. Developments will follow the watershed regulations for the amount of impervious built-upon area permitted and are subject to the following requirements:

- Cluster development is encouraged to utilize non-curb and gutter street system option to qualify; and
- The site will utilize stormwater BMPs if required by NC DEQ; and
- Setbacks will be required from blue-line mapped streams for development and disturbance determined by data on USGS 15-minute quadrangle maps and will be no less than 30' from top of bank for each side of the stream as applicable.

Subject to the provisions in the 4.4 Watershed, for projects allowed for and following the Special Intensity Allocation (SIA) 70/ 10 rules the impervious built upon area may be developed up to 70% of the lot area. Projects utilizing this rule will be mapped and acreage calculated accounting for the special intensity development.

Height

For residential developments utilizing this option, building height may be exceeded by 25% to accommodate vertical residential development.

Density

For residential, commercial and mixed-use developments utilizing this option, site densities may be exceeded by 20%. This density allowance can be either for lot size or number of units, as appropriate.

Parking and Site Access Standards

All parking and site access standards shall follow the regulations found in Article 6.3 Access Management and Parking Standards with the allowance for a parking reduction of up to 30% for uses in this section. Pervious paving is encouraged.

C. Development by Approved Community Master Plan

Development by community master plan utilizing available utilities provides unique opportunities for special developments for Burke County. This type of development may include a mix of uses that are coordinated together through access, placement, design elements, open space and environmental protection. Depending on the location of the proposal the uses may include residential, commercial and industrial uses through intentional community building.

Goals of a development by community master plan include:

1. Efficient use of the land
2. Utilization of public utilities where available
3. Protection of waterways, sensitive habitats and scenic areas
4. Compatibility with the surrounding community fabric

5. Enhance goals identified in the plans adopted for Burke County

Lot Area

The minimum lot area needed to establish a Development by Community Master Plan shall be 2 acres.

Individual development lots sizes within the master plan are not limited except as approved with the development plan.

Setback Standards

Setback standards shall follow the requirements of Article 3 and will be measured from external property lines.

In addition to these setbacks, setbacks will be required from blue-line mapped streams for development and disturbance areas determined by data on USGS 15-minute quadrangle maps and will be no less than 30' from top of bank for each side of the stream as applicable.

Access and Parking Standards

Access and parking requirements are outlined in Article 6.3 of this section. Parking shall be exempt from minimum standard parking numbers and shall be considered based on the master plan.

Landscape and Screening Standards

Landscaping and screening requirements will meet the standards outlined in Article 6.4 of this section.

Approval of a Community Master Plan

This type of development follows the approval process for 8.11.2 Conditional Zoning

Article 7.3 Uses Subject to Site Plan

The following types of development may be subject to the site plan review process:

1. All commercial and industrial facilities
2. All institutional facilities such as schools, hospitals, and clubs
3. All residential developments involving three (3) or more dwelling units in one building or on one lot
4. Manufactured (mobile) home park
5. Special exceptions when specified in this ordinance; include all developments subject to special overlay district requirements for site plan submittal
6. Multi-family, townhouse and condominium ~~Townhouse~~ development projects
7. Special ~~Planned unit~~ development projects, including cluster development and community master planned projects
8. Recreational vehicle parks are subject to special site plan requirements
9. Other uses when specified by the Planning Board or Board of Commissioners

Article 7.4 Minor Site Plan Review

A minor site plan review is required when any new construction, addition, renovation, or change in use involves one of the following categories:

a. Industrial developments involving five (5) or less acres of land
b. Commercial buildings, structures, or developments who's current or proposed gross floor area is less than 50,000 square feet
c. Any development that involves less than fifty (50) dwelling units consisting of duplexes, townhouses, or multi-family residential buildings
d. ~~Planned unit~~ Special developments that have less than five (5) separate building units and/or that meet any of the criteria listed in this section

e. Development meeting the criteria listed in this section and located in a special overlay district

Article 7.5 Major Site Plan Review

A major site plan review is required when any new construction, addition, renovation, or change in use which involves one of the following categories:

a. Industrial developments involving more than five (5) acres of land
b. Commercial buildings, structures, or developments whose current or proposed gross floor area is greater than 50,000 square feet
c. Institutional buildings, structures, or developments
d. Any manufactured housing park or recreational vehicle park
e. Any development that involves more than fifty (50) dwelling units consisting of duplexes, townhouses, or multi-family residential buildings f. Planned unit developments that have more than five (5) separate building units and/or that meet any criteria listed in this section.
g. Any development meeting the criteria listed in this section and locating in a special
f. ~~Planned unit~~ Special developments that have more than five (5) separate building units and/or that meet any criteria listed in this section.
g. Any development meeting the criteria listed in this section and locating in a special overlay district.~~, and~~
~~h.Any other uses specified by the Planning Board or Board of Commissioners.~~

Article 7.6 Site Plan Review Process

Pre-Application Conference

A pre-application conference with the Zoning Administrator, County Planner, or their designee is required for all major site plan reviews to determine the appropriate procedure to be followed and discuss the proposed project. All applicants submitting a plat subject to site plan review are encouraged to schedule a pre-application conference with the Zoning Administrator, County Planner, or their designee. The pre-application conference may include a discussion of the provisions affecting the proposed project that must be adhered to and any other appropriate item affecting the proposal.

Minor Site Plan Review Process

Any applicant required to submit a minor site plan for review shall submit ~~seven (7) paper copies~~ a digital set of the site plan to the Zoning Administrator. ~~The Zoning Administrator may require the applicant to provide additional copies of the site plan when deemed necessary.~~

~~If further review or consultation is necessary, the~~ The Zoning Administrator shall notify members of the site plan review committee within three (3) business days of submittal of a complete site plan. ~~Copies of the minor site plan shall be available for review by the site plan review committee until the applicant has been notified of a decision.~~ The site plan committee will be convened to review the plan and provide comment.

The Zoning Administrator shall notify the applicant of a decision within two (2) weeks of the site plan review submittal along with any comments from the site plan review committee.

Appeals of decisions of the Planning Administrator shall be made in accordance with this ordinance.

Major Site Plan Review Process

1. Any applicant required to submit a major site plan for review shall submit ~~seven (7) paper copies~~ a digital set of the site plan to the Planning Administrator.

2. The Planning Administrator ~~shall forward copies of the submitted~~ will share the site plan to the members of the site plan review committee within three (3) business days of submittal of a complete site plan. ~~members of the site plan review committee within three (3) business days of submittal of a complete site plan.~~
3. The site plan review committee shall convene to review the provided site plan and provide written comments to the Planning Administrator within fifteen (15) business days of plan submittal. Comments will be provided to the applicant.
4. ~~Within five (5) business days of receiving written comments from the site plan review committee, the Planning Administrator shall notify the applicant in writing the decision of the site plan review.~~ If adjustments to the plan are required, a revised plan may be submitted to the Planning Administrator before the site plan is scheduled for review by the approving body.
5. The major site plan proposal will be reviewed by the appropriate Burke County Board as follows:
    - The Board of Adjustment will review specific site plans for projects that are designated in Article 3 Table of Uses as 'S' requiring a special permit for that use and zoning district.
    - The Planning Board will review specific site plans for projects that are designated with an 'X', as permitted use by right for that use and zoning district.
    - Community master plans will be reviewed by the Planning Board for a recommendation and will have final review by the Burke County Board of Commissioners outlined in the process for conditional zoning in this ordinance.
6. After the board has reviewed the site plan, the outcome of the board's decision will be conveyed to the applicant. If the application is approved, the applicant can apply for a zoning permit and other site development permits depending on the proposal. If the application is denied, the applicant will be notified in writing of reasons of denial.

~~5.~~7. Appeals of decisions of the Zoning Administrator or specific review boards shall be made in accordance with this ordinance.

Adopted this 16th day of February 2026.

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Jeffrey C. Brittain, Chairman
Burke Co. Board of Commissioners

Attest:

_____
Kay Honeycutt Draughn, CMC, NCMCC
Clerk to the Board