

MEMORANDUM

TO: Polk County UDO Advisory Committee  
FROM: T. Dale Holland, AICP *TDH/c*  
DATE: February 14, 2011  
SUBJECT: Unified Development Ordinance Preparation

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In consideration of the comments/input received to date, I recommend the following:

- Draft, for committee consideration, a Green Sector Zoning District which mirrors the 20/20 Vision Plan.
- Consider modification to the existing Multiple Use Zoning District.
- Ultimately consider modifications to the existing zoning map which may result in reductions in the existing multiple use district area.

A table is enclosed for the multiple use district which includes the following columns: (1) the multiple use district as it currently exists; (2) a multiple use district modified/suggested by me following the last committee meeting; and (3) the multiple use district as included in the current draft UDO distributed on 11/18/10.

In your review of the enclosed use table, please consider the following:

1. The draft UDO includes a greatly expanded list of uses. For example, the current zoning ordinance does not identify accounting agencies. However, the existing ordinance does allow professional services offices in the multiple use district, which could be interpreted to include accounting agencies. Those uses which are included as Class II Residential Business uses in the Column 2 MU district option are indicated with a check mark (✓).
2. The multiple use district included in Column 2 is heavily based on a division of home occupations into Class I Residential Businesses and Class II Residential Businesses. Before you assess the enclosed use table, please read the enclosed Class II Residential Business description. The Class II Residential Business represents a liberalization of home occupations which may not eventually be used in all zoning districts. The Class II Residential use in the multiple use district would enable residents wide latitude to use their property but limit wide-spread non-residential or non-agricultural use by non-residents.

3. The multiple use district in Column 2 is presented as a starting point for discussion. I believe that what is ultimately done with the multiple use district is crucial to the success of the UDO process.
4. The approach to the Column 2 multiple use district is intended to aid in the preservation of individual property rights and support the strong entrepreneurial business objectives of the 20/20 Vision Plan while not opening the district to unbridled development.
5. Many uses which are currently permitted in the existing multiple use district are included as Class II Residential Businesses in the Column 2 version of the multiple use district.

At the February 17, 2011, meeting, I recommend that we discuss:

- The draft multiple use district included in Column 2 and the Residential Business (Class II) category, including the overall impact of the treatment of the multiple use district on the UDO process. A final decision of the multiple use district at the February 17, 2011, meeting is not expected.
- Examples of potential revisions to the zoning map.
- Time permitting, the conditional use permit requirements for major subdivisions included in Section 4.5, page 4-16 through page 4-20 and Section 11.1, page 11-3 through page 11-6.

TDH:cma

cc: Ms. Cathy Ruth, County Planner  
Mr. Mike Egan, County Attorney

## SECTION 6.5 TABLE OF USES AND ACTIVITIES

P - Permitted Use      PS - Permitted Use with Supplemental Regulations      N/A - Not Applicable  
 C - Conditional Use      CS - Conditional Use with Supplemental Regulations  
 S - Special Use      SS - Special Use with Supplemental Regulations

Uses	Column 1 MU (Existing Ordinance)	Column 2 MU (TDH Markup)	Column 3 MU (11/18/2010 Draft)
Accessory Buildings (primary structure required on site)	P	P	P
Accounting Agencies		✓	P
Achievable Housing			CS
Adult Care Home			SS
Advertising Agencies		✓	P
Agriculture		P	P
Airport, Private			
Airport, Public			
Ambulance Services		P	P
Amusement Park			
Arboretums and Botanical Gardens		✓	P
Arcades			S
Art Galleries		✓	P
Assisted Living Residence		P	S
Athletic Field, Non-Commercial			P
Attorneys		✓	P
Audio and Video Production Services			P
Automatic Teller Machine			P
Automobile Lubrication Shop (all vehicle parking in rear of building and work conducted completely inside)		✓	
Automobile/Motorcycle Repair Shop (all vehicle parking in rear of building and work conducted completely inside)		✓	
Automobile, Truck, and Farm Implement Sales & Service	P	✓	S
Automotive Towing		✓	
Bakery (retail)		✓	S
Banks/Financial Services			S
Barber and Beauty Shops		✓	P
Bed & Breakfast	P	P	P
Boat Sales, Repairs (service totally enclosed)			
Boathouse, Private (accessory)			P
Book and Periodical Store			P

Highlighting denotes uses included in existing Polk County Zoning Ordinance.

\* Use was eliminated in 11/18/2010 draft UDO.

✓ Uses which would be allowed in Class II Residential Business use category.

P - Permitted Use  
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Uses	Column 1 MU (Existing Ordinance)	Column 2 MU (TDH Markup)	Column 3 MU (11/18/2010 Draft)
Campground			P
Car Wash			S
Cemetery	P	P	P
Child Care Center	P	P	P
Child Care Center (as an accessory use for a principal business)			P
Children's Camp			SS
Chiropractic		✓	P
Christmas Tree Lot Sales, Temporary		✓	P
Church, Synagogue, Temple, or Other Religious Building, including accessory services	P	P	P
Cinema Complex			
Circuses, Carnivals, Fairs (or similar type of temporary events)			S
Clubs, Public or Private	P	P	P
Coin-Operated Amusements			
Community Recreation Centers	P	P	P
Computer Sales and Repair		✓	
Contractors Offices		✓	P
Convenience Stores (including those that sell petroleum and petroleum products)	P	CS	SS
Correctional Facilities			
Crafts and Hobby Shops (Toy and Games)		✓	
Dancing and Bingo			
Deli		✓	
Dinner Theaters			
Dock/Pier/Bulkhead (accessory)			P
Dog Grooming		✓	P
Drive-Thru Window (accessory)			P
Drug Stores			S
Dwelling, Duplex	P	P	P
Dwelling, Manufactured Home (Individual)	P	P	PS
Dwelling, Modular	P	*	*
Dwelling, Multi-Family (less than 10 units)	P	P	P
Dwelling, Multi-Family (10 units or more)			C
Dwelling, Single-Family	P	P	P

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Uses	Column 1 MU (Existing Ordinance)	Column 2 MU (TDH Markup)	Column 3 MU (11/18/2010 Draft)
Dwelling, Single-Family (as an accessory for a principal business)			P
Electrical Equipment Sales and Repair			P
Electrical Repair or Contractor (no open storage)		✓	S
Electrical Repair or Contractor (open storage allowed)			S
Engine Repair (small including motorcycle)		✓	S
Engineering/Surveying/Architectural Services – General		✓	P
Entertainment Complex			
Exercise and Physical Fitness Centers			S
Exterminating and Pest Control Services		✓	S
Family Care Home		P	PS
Family Child Care Home		P	PS
Family Foster Home		P	PS
Farm and Garden Supply		✓	P
Farm Implement Sales and Service only		P	
Farmers Market		✓	P
Fire and Rescue Station		P	P
Flea Market		✓	P
Flower Shops		✓	P
Forestry		P	P
Forestry Support Services		✓	P
Fuel Oil Distribution and Sales			
Fuel Pumps (accessory)			
Funeral Home or Crematorium		P	P
Furniture Retail		✓	S
Garage, Residential			P
Gate and/or Guardhouse (accessory)			P
General Contractors (no open storage)		✓	P
General Contractors (open storage)		✓	S
Gifts and Souvenirs		✓	P
<b>Golf Courses and/or Country Clubs</b>	P	P	P
Government Offices		P	P
Governmental Recreational Facilities		P	P

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Greenhouse (accessory)		✓	P
Greenhouse, nursery and/or landscape business	P	✓	P
Groceries/Food Store			S
Guest House	P	P	P
Hardware Store			S
Heating and Air Condition Installation and Repair (no open storage of materials)		✓	P
Heating and Air Condition Installation and Repair (open storage allowed)			S
Heliport (private accessory)			SS
Home Appliance Dealers			
Home Appliance Repair		✓	S
Home Building Supply (Retail-Contractor)			S
Hospitals	P	P	C
Ice Cream Stand or Store		✓	P
Insurance Office		✓	P
Interior Decorating Service		✓	P
Jewelry		✓	P
Kennel		✓	S
Kindergarten/Nursery Schools		P	SS
Land Clearing Debris and Inert Debris Storage or Disposal			
Landfill, Public or Private			
Landscaping Materials Sales and Storage		✓	
Laundry & Dry Cleaning Services	P		S
Leather Goods (sales)		✓	S
Libraries, Public or Private	P		P
Loading Bay (accessory)			P
Locksmith		✓	P
Manufactured Home Parks	P	CS	CS
Manufactured Home Sales			S
Manufacturing	C		SS
Manufacturing, Light	P	✓	*
Marina			
Materials Recovery Facilities (Recycling)			

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Meat Butcher		✓	P
Medical and Dental Offices/Clinics		✓	P
Medical Support Offices (Testing Labs)			P
Metal Working (no outside allowed)		✓	
Metal Working (outside storage allowed)			
Miniature Golf Course or Driving Tees/Ranges (operated for commercial purposes)			
Mining and Extraction Operations			
Mixed Use			CS
Model Home Sales Office, Temporary		P	P
<b>Motels and Hotels</b>	C	C	
Motor Vehicle Sales or Leasing (internet)		✓	
Movie Production			S
Multi-Unit Assisted Housing with Services		P	SS
Museums			P
Music Instrument and Service		✓	P
Music Studio		✓	P
Novelty Shops		✓	
Nursing Home		P	S
<b>Offices, Business, Institutional, Professional &amp; Public</b>	P	✓	P
<b>Offices Pertaining to Permitted Use</b>	P	✓	P
Opticians		✓	P
Outdoor Sale Display Areas (as an accessory use)			P
Outdoor Storage ≥5000 sq ft (accessory)			
Outdoor Storage ≤5000 sq ft (accessory)			S
Packaging and Labeling Services		✓	
Paint/Glass/Wallpaper		✓	
Park, Public		P	P
Parking Garage (accessory)			
Parking Garage or Lot (requiring payment)			
Pawn			
Photo Studios		✓	P
Physical Fitness Center			S
Picture Framing		✓	

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Place of Assembly, Small			S
Place of Assembly, Large			S
Plumbing Repair Contractor (open storage allowed)		✓	P
Plumbing Repair Contractor (no open storage)		✓	
Pool Hall			
Portable Storage Container		P	P
Pottery Products		✓	P
Printing, Publishing, & Engraving Establishments	P	✓	S
Private Postal Shipping and Receiving		✓	S
Produce Stand, General Retail		✓	S
Produce Stand, Selling Products Grown On-Site	P	✓	P
Public Safety Facilities (fire, police, etc.)	P	P	P
Radio & TV stations/studios	C		S
Rail Transportation Facilities and Support Activities			
Real Estate Office/Appraisal		✓	P
Recreational Facilities, For Profit (bowling alleys, skating rinks, etc.)	C		S
Recreational Facilities, Non-Profit (parks, playgrounds, nature centers, equestrian courses, etc.)	C	P	S
Recreational Vehicle & Travel Trailer Parks, Service	C	C	S
Recycling Centers, Drop-Off Facilities			S
Rental Equipment (no outside storage)		✓	
Rental Equipment (outside storage)		✓	
Research and Development Operations (Non-Hazardous Materials)			
Research and Development Operations (Hazardous or Biological Materials)			
Home Occupation, Customary Residential Businesses (Class I)	P	P	P
Residential Businesses (Class II)	P	P	
Residential Child Care Facility			SS
Restaurants, excluding fast food & drive thru services	P	✓	S

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Restaurants, including fast food & drive thru services	P		S
Rest & convalescent homes, sanitariums	P	P	*
Retail Business customarily serving residential neighborhoods & conducted within an enclosed building	P	✓	S
Retail trade, commercial services, and sales	P	✓	S
Rooming and Boardinghouse			P
Salvage Yard			CS
Sawmill	P	P	S
School, Public or Private	P	P	P
School, Sports Instructional			S
School, Vocational, Business, & Special Schools	P	P	S
Self-Storage Warehousing		✓	S
Septic Tank and Related Services			
Service Stations	P	CS	SS
Sexually Oriented Establishments			
Shoe Store or Repair		✓	S
Shooting Ranges, Indoor			S
Shooting Ranges, Outdoor			S
Shopping Mall			
Slaughterhouse			
Solar Collector (accessory)		P	PS
Solid Waste Combustors and Incinerators			
Solid Waste Facility, County Owned/Operated			
Spas and Health Clubs			P
Spectator Sport Facilities Less Than 500 Spectators	C	CS	S
Spectator Sport Facilities 500 or More Spectators	C	CS	C
Sporting Goods and Services			S
Stables, Commercial		P	P
Stables, Private (accessory)	P	P	P
Stationary		✓	P
Storage & Warehousing	C	✓	C
Storage Shed (as an accessory use)		P	P
Subdivisions, Cluster		P	CS

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Subdivisions, Major		P	CS
Subdivisions, Minor (Family, Two-Lot)		P	P
Swim and Tennis Club		P	S
Swimming Pool, Spa, Hot Tub (Residential)		P	P
Tailor/Dressmaker/Seamstress		✓	P
<b>Telecommunication Towers</b>	P	P	CS
Temporary Construction Project Buildings		P	P
<b>Theaters</b>	P		
Therapeutic Foster Home		P	SS
Tire Recapping			
Transit and Ground Passenger Transportation			
Travel Agencies		✓	
Truck Stop			
<b>Truck Terminals</b>	P		S
Truck Wash			
Upholstery – Furniture Repair		✓	
<b>Utility Buildings and Facilities, Public</b>	P	P	PS
<b>Veterans' Affairs Office</b>	P		P
<b>Veterinarian Clinics, Animal Shelters</b>	C		S
Veterinary Services (Livestock)		✓	P
<b>Waste Handling, Treatment, Processing, Management or Disposal Facility</b>			
Wastewater Treatment Plant, Small Accessory			
<b>Wholesale Sales, Retail Sales &amp; Supply Houses</b>	P	✓	S
Wind Energy Generator (accessory)		P	PS
Woodworking (Retail)		✓	S
Yard Sale		P	P
Youth Center			S

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- (A) *Class II Residential Business.* Class II residential businesses are those, which by their nature are not compatible on small lots near other residences, and may require an outdoor storage area(s) for goods and materials associated with the business. These home occupations may provide goods and/or services which are routinely needed within the zoning district in which they are located.
- (1) Class II residential businesses may be allowed on parcels, which are no smaller than one acre in size.
  - (2) Such occupations shall be engaged in only by residents of the premises and not more than five additional on-site employees who may be non-residents of the premises. The total number of resident and non-resident employees working on-site shall not exceed seven. Permanent single-family residential use of the premises is required.
  - (3) No more than 25% of the single-family residence heated living space shall be used for Class II residential businesses. Basements and garages, either attached or detached residential accessory structures, may also be used for Class II residential businesses and shall not count toward the 25% limit specified herein.
  - (4) One non-illuminated sign is allowed which shall not exceed twenty square feet in area.
  - (5) No equipment or process shall be used in such Class II residential businesses, which creates noise, vibration, glare, fumes, odors, or electrical interference that is a nuisance off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or which causes fluctuation in line voltage off the premises.
  - (6) Non-residential accessory buildings may be used for Class II residential businesses on parcels two to five acres in size provided the building is not larger than 2,500 square feet gross floor area. If multiple buildings are used, the total combined square footage shall not exceed 2,500 square feet gross floor area. For parcels larger than five acres in size, the accessory buildings may be up to 8,000 square feet for one building or a total of 8,000 square feet for multiple buildings.
  - (7) At the discretion of the Administrator and/or NCDOT, commercial driveway permits may be required to assure traffic hazards are minimized. The driveway shall be located and improved such that it provides all weather access and does not interfere with other traffic using said drive. Any need for parking generated by the conduct of such Class II residential business shall be met off the street in compliance with the business parking space requirements included in Section 9.13.
  - (8) Buildings, material storage, and operations used for Class II residential businesses shall, at a minimum, comply with the Mixed Use district yard requirements contained in Section 6.6. No Class II residential business or any portion of such function shall be located within 500 feet of a residence located on an adjacent parcel.
  - (9) To lessen the impact on adjacent properties, visual screening shall be installed to provide at a minimum a 15-foot wide opaque buffer. This may include but not be

limited to a 6-foot high opaque fence and/or the planting of vegetation that at a minimum provides a continuous all season opaque screen at least 6 feet in height within four years of planting. Planting shall be a minimum of 3-gallon shrubbery or 10-gallon trees.

- (10) All required permits from Polk County, the North Carolina Department of Transportation, or other local and state agencies must be obtained prior to the issuance of the Class II residential business permit.
- (B) *Special Use Permits for Class II Residential Businesses.* Class II residential businesses for which the number of non-resident and the number of total employees will exceed the standards contained in subsections (A)(1) and (2), above, or for which the aggregate square footage of non-residential buildings may exceed 8,000 square feet as specified in subsection (A)(6) above, may be authorized by means of a special use permit issued pursuant to Section \_\_ of this Ordinance. In any event, the number of non-residential employees shall not exceed ten (10) and the number of total employees shall not exceed twelve (12); and the aggregate square footage of non-residential buildings shall not exceed 12,600 square feet.
- (C) *Types of Class II Residential Businesses.* Class II residential businesses may including the following:
- (1) Retail business.
- (a) Bakery (retail)
  - (b) Computer sales and repair
  - (c) Crafts and hobby shops
  - (d) Dog grooming
  - (e) Farm and garden supply
  - (f) Flea market
  - (g) Flower shops
  - (h) Furniture retail
  - (i) Gifts and souvenirs
  - (j) Ice cream stand or store
  - (k) Jewelry
  - (l) Leather goods (sales)
  - (m) Meat butcher
  - (n) Music instrument and service
  - (o) Novelty shops
  - (p) Paint/glass/wallpaper
  - (q) Photo studios
  - (r) Picture framing
  - (s) Pottery products
  - (t) Shoe store or repair
  - (u) Stationary
  - (v) Tailor/dressmaker/seamstress
  - (w) Upholstery - furniture repair
  - (x) Woodworking (retail)
- (2) Produce stand, selling products grown on-site.
- (a) Farmers market
  - (b) Produce stand, general retail

- (3) Automobile, truck, and farm implement sales and services.
  - (a) Automobile lubrication shop
  - (b) Automobile/motorcycle repair shop
  - (c) Automotive towing
  - (d) Engine repair (small including motorcycle)
  - (e) Motor vehicle sales or leasing (internet)
  
- (4) Offices, business, institutional, professional, and public.
  - (a) Accounting agencies
  - (b) Advertising agencies
  - (c) Art galleries
  - (d) Attorneys
  - (e) Barber and beauty shops
  - (f) Chiropractic
  - (g) Contractors offices
  - (h) Engineering/surveying/architectural services – general
  - (i) Insurance office
  - (j) Interior decorating service
  - (k) Medical and dental offices/clinics
  - (l) Music Studio
  - (m) Opticians
  - (n) Real estate office/appraisal
  - (o) Travel agencies
  
- (5) Greenhouse, nursery and/or landscape business.
  - (a) Arboretums and botanical gardens
  - (b) Christmas tree lot sales, temporary
  - (c) Forestry support services
  - (d) Greenhouse (accessory)
  - (e) Landscaping materials sales and storage
  
- (6) Restaurants, excluding fast food and drive through.
  - (a) Deli
  
- (7) Retail trade, commercial services, and sales.
  - (a) Electrical repair or contractor
  - (b) Exterminating and pest control services
  - (c) General contractors (no open storage)
  - (d) General contractors (open storage)
  - (e) Heating and air condition installation and repair
  - (f) Home appliance repair
  - (g) Kennel
  - (h) Locksmith
  - (i) Metal working (no outside allowed)
  - (j) Packaging and labeling services
  - (k) Plumbing repair contractor (open storage allowed)
  - (l) Plumbing repair contractor (no open storage)
  - (m) Private postal shipping and receiving
  - (n) Rental equipment (no outside storage)
  - (o) Rental equipment (outside storage)
  - (p) Veterinary services (livestock)

- (8) Manufacturing, light.
- (9) Storage and warehousing.
  - (a) Self-storage warehousing
- (10) Wholesale sales, retail sales, and supply houses.
- (11) Printing, publishing, and engraving.
- (12) Offices pertaining to permitted use.