

**AN ORDINANCE AMENDING THE TOWN OF STEM UNIFIED DEVELOPMENT
ORDINANCE TO ADD AN AGRICULTURAL RESIDENTIAL ZONING DISTRICT
AND RELATED CHANGES**

WHEREAS, a public hearing to consider the amending Town of Stem Unified Development Ordinance ("UDO") to add an Agricultural Residential zoning district and to make related changes to the UDO was held at the Stem Town Hall at 7:00PM on May 15, 2023, after due notice as required by law; and

WHEREAS, the Planning Board has considered the consistency of the proposed UDO amendments with the Town's Comprehensive Plan and has determined them to be consistent with the Comprehensive Plan and to be in the best interests of the Town of Stem and its residents because the proposed amendments are consistent with State law and will promote the orderly development at the perimeter of the town's corporate limits the Town of Stem by ensuring compatibility with the existing Granville County zoning regulations adjacent to the Town so that, should the Town establish an extraterritorial zoning jurisdiction as currently allowed by law, there would be minimal effect on property owners ; and

WHEREAS, the Town of Stem Board of Commissioners likewise finds that the adoption of the proposed UDO amendments will be consistent with the Town of Stem's Comprehensive Plan and will foster and contribute to the orderly development of land in and around Stem.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Stem, North Carolina that:

Section 1. Section 5.02(C) of the Town of Stem Unified Development Ordinance is amended by adding the AR Agricultural Residential use district to the table of zoning districts (copy attached hereto).

Section 2. A new Section 5.04, entitled "Regulations Specific the Agricultural Residential (AR) District" (copy attached hereto), is added to the Town of Stem UDO.

Section 3. Section 7.01(C), the Table of Uses, is amended to add a column for the uses allowed in the AR Agricultural Residential zoning district, and to add the uses entitled "Ground Mounted Solar Facilities" and "Wind Energy Facilities" as uses allowed in the Town's zoning jurisdiction as indicated on the amended Table (copy attached hereto).

Section 4. Section 7.01(D), the Dimensional Standards Table, is amended to add a new column establishing the dimensional standards applicable to parcels zoned, or to be zoned, to the AR Agricultural Residential zoning district. (Copy of amended Dimensional Standards Table is attached hereto).

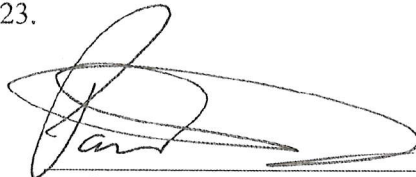
Section 5. Section 7.02(C) of the Town of Stem UDO is amended to add an additional sentence at the end of the section, which reads: "A bona fide arm is defined by NCGS 160D-903."

Section 6. Section 8.04 of the Town of Stem UDO, entitled "Family Care Home", is amended to add the word "impairment" in the second line of the second paragraph of that section. A copy of the amended Section 8.04 is attached hereto.

Section 7. All provisions of any Town ordinance in conflict with this Ordinance are repealed.

Section 8. This Ordinance shall become effective upon adoption.

Adopted this 15th day of May, 2023.




Paul C. Dover, Mayor

ATTEST:



Vicki Garrett, Clerk

APPROVED AS TO FORM:



Town Attorney

Article 5. Zoning Districts

5.01 Purpose

This Article establishes various zoning districts deemed suited to carry out the purpose of this Ordinance and to implement the comprehensive plan. Each district has corresponding regulations (Article 7: District Regulations) on the construction, alteration, repair, or use of buildings, structures, and lands within the Town's jurisdiction.

5.02 Establishment of Zoning Districts

A. Use District

The Town's territorial jurisdiction is divided into various residential and nonresidential districts that establish the types of uses permitted in each district.

B. Overlay Districts

Overlay districts apply to special situations that require additional regulations to protect the public health, safety, and welfare. Overlay district regulations are in addition to or in the place of the underlying use district regulations.

C. Establishment of Zoning Districts

The zoning districts and their purpose are established in the following table.

Abbreviation	Title	Purpose
Use Districts		
R1	Single-family Residential	To accommodate low density single-family residential development and complementary uses compatible with the rural character of Stem.
R2	Mixed Residential	To allow a compatible mix of attractive housing types and neighborhoods with convenient access to amenities that enhances the quality of life of residents.
AR	Agricultural Residential	To promote a compatible mixture of agricultural, forestry, conservation and very-low-density residential uses.
CC	Community Commercial	To meet the retail and service needs of the community and promote economic opportunities for locally-owned businesses in the downtown core.
MU	Mixed Use Residential and Commercial	To allow for higher density multifamily housing and more parking intensive business opportunities than are feasible in the downtown core.
LI	Light Industrial	To accommodate light industrial and warehousing activities that provide quality job opportunities to residents, expand the local economy, and preserve community resources.

- 5) Parallel: Boundaries indicated as parallel to, or extensions of features indicated in the above paragraphs shall be so construed.
- 6) Determination: Where the scale, lack of detail, or legibility of the zoning map creates uncertainty or conflict as to the intended location of a zoning district using the above means, the board of adjustment shall interpret the exact location after a quasi-judicial hearing.

5.04 Regulations Specific to Agricultural Residential (AR) District

A. Applicability

Only areas located outside of the municipal boundaries shall be eligible for the AR zoning designation.

B. Restrictions on Subdivision

No lot in the AR zoned district shall be subdivided into more than 5 lots except as allowable under NCGS 160D-802(a). The minimum lot size for newly subdivided properties shall be 40,000 square feet to connect to well and septic; the minimum lot size for newly subdivided properties shall be 25,000 square feet to connect to a public water and sewage system. The default impervious surface limit in the AR zoned district is 12% built-upon area.

C. Water and Sewer Connection

Lots in the AR zoned district shall be exempt from section 6.07 of this ordinance. Lots that are 40,000 square feet or larger are eligible for well and septic if otherwise approved by Granville County.

D. Accessory uses, residential.

Residential uses may have accessory buildings provided they conform to the following standards:

- 1) Generally. Accessory structures shall meet the following standards:
 - a) Freestanding structures shall be located in the side or rear yard of all lots, except that accessory structures shall only be permitted in the rear yard of corner lots. Accessory structures may be placed in the side yard of corner lots that are not adjacent to a street right-of-way. On parcels containing ten or more acres, the accessory structure may be placed in the front yard provided that it is located a minimum of 100 feet from any street right-of-way and minimum of 25 feet from any side property line.
 - b) No accessory structure or recreational structure may extend within ten feet of a lot line, nor within 20 feet of a street right-of-way line.
 - c) No accessory building shall exceed 35 feet in height, nor shall any accessory building exceed the height of the principal structure.
 - d) An accessory building shall be allowed on a lot upon which no primary dwelling exists. No electricity supplied by a utility company may be attached to the building nor available on the lot itself until a primary dwelling is established. In addition, all future buildings and utilities shall be required to meet all ordinances and regulations.
- 2) Fences and walls. Fences and walls shall be permitted as accessory structures, provided

they comply with the following:

- a) No wall more than three feet in height, or retaining wall more than five feet in height may be placed in any front yard unless required or authorized by another section of this chapter.
 - b) Fences may not exceed eight feet in height unless required or authorized by another section of this chapter.
 - c) Fences and walls are exempt from the setback requirements of this chapter. Road right of way setbacks must be observed in all cases.
- 3) An Special Use Permit application for a proposed wind energy facility located at a residence must meet the following standards as an accessory use requiring a minor special use permit:
- a) A wind energy facility must be setback from all property lines a distance equal to one linear foot for every foot of height of the highest structure that is part of the facility or the minimum setback for the zoning district, whichever is greater.
 - b) A wind turbine shall not be allowed in major subdivisions as defined by the land development chapter.
 - c) A wind turbine may only be located in the rear yard of the dwelling. A turbine cannot be located on a corner lot.
 - d) Rotor blades on wind turbines must maintain at least 24 feet of clearance between their lowest point and the ground.
 - e) Maximum height of wind turbines shall be 40 feet.
 - f) Application for a minor special use permit related to a wind energy facility shall follow the Granville County permit application process in effect at time of application.
 - g) Installation and design.
 - i) The installation and design of the wind energy facility shall conform to applicable industry standards, including those of the American National Standards Institute.
 - ii) All electrical and mechanical components of the wind energy facility shall conform to relevant and applicable local, state and national codes.
 - iii) Any onsite transmission or power lines shall, to the maximum extent possible, be installed underground.
 - iv) Attachment to a building of any kind shall be prohibited.
 - h) The visual appearance of wind energy facilities shall:
 - i) Be constructed of a corrosion resistant material that will not fade, show rust spots or otherwise change the appearance as a result of exposure to the elements and be a non-obtrusive color such as white, off-white or gray;
 - ii) Not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety; and;
 - iii) Any wind energy system that is not functional shall be repaired by the owner

within a three-month period or be removed. In the event that the county becomes aware of any wind energy system that is not operated for a continuous period of three months, the county will notify the landowner by certified mail and provide 45 days for a written response. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the county deems the timetable for corrective action as unreasonable, the county shall notify the landowner and such landowner shall remove the turbine with 120 days of receipt of said notice. Any disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

- 4) An application for a proposed solar collector/energy system located at a residence must meet the following standards as a limited accessory use:
 - a) Solar collector. All solar energy collectors, whether ground mounted or mounted on an existing structure, shall meet the minimum accessory structure zoning setbacks for the zoning district in which located. The height of the structure shall not be taller than the maximum allowed height of a structure in the zoning district in which located. A ground-mounted solar collector shall meet the location standard in subsection (1)a.
- 5) Accessory dwelling located within a stick built dwelling.
 - a) Definition. An addition (such as a mother-in-law suite) to an existing single family stick-built dwelling, containing separate sleeping, kitchen, and bathroom facilities.
 - b) Standards. No more than one accessory dwelling located within a principal dwelling per lot.
- 6) Temporary health care structures (as defined in G.S. 160D-915).
 - a) Standards. Use shall comply with all development standards as established by G.S. 160D-915.
 - b) Permit revocation. Local government may revoke permit following the revocation process in G.S. 160D-915.
- 8) There is no limitation on the number of accessory use structures per lot in the AR district. Total impervious surfaces on the lot must remain below the 12% threshold for Falls Lake WS-II; no single accessory use building may disturb more than ½ acre of land.

D) Manufactured Homes

All manufactured homes located in AR zoning district shall be required to meet:

- 1) Exterior finishes shall be in good repair and shall be residential in appearance, including but not limited to weatherboard such as conventional vinyl or metal siding, wood siding, shingles, shakes or similar material, but excluding ribbed or corrugated tin or plastic panels.
- 2) A continuous uniform foundation enclosure, unpierced except for required ventilation and access, shall be installed. The enclosure may consist of brick, stone or concrete block, wood, vinyl paneling, or metal fabricated for this purpose. Any wood framing for foundation skirting shall be constructed with treated lumber.
- 3) Permanent or precast steps shall be constructed or placed at all exterior doors as necessary in compliance with all provisions of state residential building code, G.S. 143-143.15,

section 4.8.2.

- 4) The towing hitch shall either be removed or permanently screened with shrubbery or with the extension of materials specified in subsection (2) of this section.
- 5) All areas not used for parking, the mobile home, or required porches, decks or steps shall be suitably landscaped or graded to prevent soil erosion or to remove surface water without damage to street rights-of-way and surrounding properties.
- 6) Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the manufactured home shall be installed or constructed in accordance with the standards set by the North Carolina Building Code, free standing or attached firmly to the primary structure and anchored securely to the ground.
- 7) All standards of this section must be met prior to final inspection by the county inspection department

E) Manufactured Home Park or Subdivision

Mobile home units shall all meet the following:

- 1) All mobile homes shall have skirting completely enclosing the perimeter of the trailer in materials compatible with the exterior of the unit or shall be enclosed by other building materials and in a manner approved by the county building inspector. Every mobile home shall have a 24-inch by 36-inch access door to crawl space under the trailer.
- 2) No living compartment or structure other than a Florida room, or other prefabricated structure specifically designed for mobile home use or extension shall be added to any mobile home.
- 3) No more than one mobile home or trailer, whether occupied or not, shall be parked on any one mobile home space.
- 4) No mobile home park shall permit a recreation vehicle as defined by this chapter to locate within its boundaries for periods greater than 48 hours if used for any dwelling purposes whatsoever.
- 5) All mobile homes shall have two complete sets of steps made of precast concrete, concrete blocks with mortar, metal or wood steps as approved by the county building inspector.

GCCO TABLE 03.110A

Use Category	R-1	R-2	AR	CC	MU	LI	OC	Specific Use
Residential use								
Single-family detached dwelling	P	P	P	--	--	--	--	
Family Care Home	P	P	P	--	--	--	--	See 8.04
Temporary Health Care Structure	P	P	P	P	P	--	--	See 8.11
Duplexes (two-family) dwellings	S	P	--	--	--	--	--	
Multi-family and Townhomes	--	S	--	S	S	--	--	
Manufactured homes (Class A)	--	P	P	--	--	--	--	See 8.07(B)
Manufactured homes (Class B)	--	--	P	--	--	--	--	See 8.07(B)
Manufactured Home Park	*	*	*	--	--	--	--	*"S" in MHP Overlay District
Commercial uses								
Administrative and support services	--	--	--	P	P	--	--	
Agricultural supply stores	--	--	--	S	P	--	--	
Automotive sales and service	--	--	--	S	P	P	--	
General retail up to 10,000 sqft	--	--	--	P	P	--	--	
General retail over 10,000 sqft	--	--	--	S	P	--	--	
Indoor recreation facilities	--	--	--	S	P	--	--	
Childcare Center	--	--	--	P	P	--	--	
Gas Station	--	--	--	P	P	--	--	
Equipment rental and leasing	--	--	--	S	P	--	--	
Financial Institutions (banks, credit unions, etc.)	--	--	--	P	P	--	--	
Fitness centers or health clubs	--	--	--	P	P	--	--	
Funeral services	--	--	--	S	S	--	--	
Grocery stores	--	--	--	P	P	--	--	
Hardware/building supply up to 10,000 sqft	--	--	--	P	P	--	--	
Hardware/building supply over 10,000 sqft	--	--	--	S	P	--	--	
Kennels	--	--	--	--	S	S	--	See 8.06
Recreational firing range	--	--	--	--	S	S	--	
Medical offices or clinics	--	--	--	P	P	--	--	
Mini-storage	--	--	--	S	P	--	--	
Personal care services	--	--	--	P	P	--	--	
Pharmacy (Drug Store)	--	--	--	P	P	--	--	
Professional services	--	--	--	P	P	--	--	
Real estate agents and brokers	--	--	--	P	P	--	--	
Restaurant without drivethrough	--	--	--	P	P	--	--	
Restaurant with drivethrough	--	--	--	--	S	--	--	
Event Venue	--	--	--	P	P	P	--	

Sexually oriented business	--	--	--	--	--	S	--	See 8.09
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Use Category R-1 R-2 AR CC MU LI OC Specific Use

Industrial Uses

Food & Beverage Manufacturing	--	--	--	--	--	P	--	
Ground Mounted Solar Facilities	--	--	S	--	S	S	--	
Wind Energy Facilities	--	--	S	--	S	S	--	
Light Industrial Manufacturing	--	--	--	--	--	P	--	
Heavy Industrial Manufacturing	--	--	--	--	--	S	--	
Junkyards or Salvage Yards	--	--	--	--	--	S	--	
Recycling drop-off facility	--	--	--	--	--	S	--	
Warehousing and Storage	--	--	--	S	S	P	--	

Public and Institutional uses, Utilities and Communications

Cemeteries	S	S	S	S	S	S	--	
Civic, social, or fraternal organizations	S	S	S	P	P	P	--	
Community Center	S	S	S	P	P	P	--	
Government offices	S	S	S	P	P	P	--	
Hospitals	--	--	--	S	S	S	--	
Museums	S	S	S	P	P	P	--	
Park and recreation facilities	S	S	S	P	P	P	S	
Postal services	--	--	--	P	P	P	--	
Public Library	--	--	--	P	P	P	--	
Public safety (fire, police, EMS, etc.)	S	S	S	P	P	P	--	
Religious Institutions	P	P	P	P	P	P	--	Parking/road capacity allowing
Schools (elementary and secondary)	S	S	S	P	P	P	--	
Utility, Power Transmission, and Communication Infrastructure	S	S	S	S	S	P	--	
Water/Sewage Treatment and Storage	S	S	S	S	S	S	--	

Agricultural uses

Farming (crop production)	P	P	P	P	P	P	--	
Nurseries or Greenhouses	P	P	P	P	P	P	--	
Boarding Stables	S	--	P	--	S	S	--	
Bona Fide Farms	P	P	P	P	P	P	--	
Farmsteads	P	P	P	P	P	P	--	

D. Dimensional Standards

Zoning District	R1	R2	AR	CC	LI
Maximum Density/built-upon area	Shall comply with density and built-upon limitations of Watershed Regulations.				
Minimum frontage (feet)	25	20	25	25	25
Minimum lot width (feet)	100	70	100	No minimum width	
Minimum setback (feet)					
Front yard	25	20	50	20	25
Side yard	15	10	15	10	20
Rear yard	25	20	25	15	20
Maximum building height (feet)	45	45	35	45	45

7.02 Exemptions

A. Generally

The following structures are exempted from the requirements of this ordinance: water and sewer pump stations, utility facilities, curbing, play apparatus other than in a park or with a multi-family residential use. The following structures are exempted from the setback and set-in requirements: gate attendant sheds and industrial loading docks. The following uses are specifically not excluded from (but are included within) this ordinance: statues, sculptures or other artistic objects exceeding eight (8') feet in height (including pedestals) above ground level which are not set back at least 1 foot (1') per linear foot in height from any property line, fences, gates, swimming pools, storage sheds, garages, accessory workshops. Some improvements such as roof mounted solar panels or gravel driveway additions are not discussed in this ordinance but must still go through the town's permitting process.

B. State-Owned Land

In accordance with N.C.G.S. 160D-913, this Ordinance is applicable to the erection, construction, and use of buildings by the State of North Carolina and its political subdivisions. Notwithstanding the provisions of any general or local law or ordinance, except as provided in Article 9, Part 4 of N.C.G.S. 160D, no land owned by the State of North Carolina may be included within an overlay district or a conditional zoning district without approval of the Council of State or its delegate.

C. Bona Fide Farms

The provisions of this Ordinance shall not apply to existing bona fide farms. A bona fide farm is defined by NCGS 160D-903.

D. Subdivision Exemptions

The following are not included within the definition of a subdivision, and are not subject to the regulations of this Ordinance:

- 1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the municipality as shown on its subdivision regulations.
- 2) The division of land into parcels greater than ten acres where no street right-of-way decision is involved.
- 3) The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
- 4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality, as shown in its subdivision regulations.
- 5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the N.C.G.S.

8.04 Family Care Home

Family care home means a home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident persons with disabilities.

Persons with disabilities means a person with temporary or permanent physical, emotional, or mental disability including but not limited to mental **impairment**, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in N.C.G.S. 122C-3(11B).

A family care home shall be deemed a residential use of property for zoning purposes and shall be a permissible use in all residential districts. No local government may require that a family care home, its owner, or operator obtain because of the use, a special use permit, or variance from any such zoning regulation provided however, that a local government may prohibit a family care home from being located within a one-half mile radius of an existing family care home.

A family care home shall be deemed a residential use of property for the purposes of determining charges or assessments imposed by local governments or businesses for water, sewer, power, telephone service, cable television, garage and trash collection, repairs or improvements to roads, streets and sidewalks, and other services, utilities and improvements.

No family care home shall be permitted within a one-half mile radius of an existing family care home.

8.05 Home Occupations

A. Purpose

The purpose of this section is to: (1) allow home occupations as an accessory use in an occupied dwelling unit; (2) ensure that such home occupations are compatible with nearby residential properties; (3) ensure that public infrastructure is not burdened beyond what is normally associated with residential uses; and (4) allow residents to use their homes as places to enhance their economic well-being.

B. Standards

- 1) The occupation shall be secondary to the residential occupancy of the dwelling.
- 2) The principal dwelling shall not be altered in a way that changes the residential character of the dwelling.
- 3) The total area used for the home occupation shall not exceed 30 percent of the gross floor area of the dwelling.
- 4) The use shall be conducted entirely inside the dwelling.
- 5) The home occupation must primarily employ a resident of the home; no more than 1 nonresident shall be employed at the site of the home occupation.
- 6) Outdoor storage of equipment or materials used in connection with a home occupation is prohibited.