

# ORDINANCE NUMBER UDO-19-02

## AN ORDINANCE AMENDING THE BRUNSWICK COUNTY UNIFIED DEVELOPMENT ORDINANCE

The Brunswick County Board of Commissioners in regular session duly assembled does hereby ordain:

The Brunswick County Unified Development Ordinance is hereby amended as follows:

**1. Amend the following Sections to provide clarity and extend temporary housing for major disasters, as follows:**

- **Amend Article 5, Section 5.5.3.,**

**B. Emergency Temporary Housing Associated with a Major Disaster**

In order to provide Emergency temporary housing following a hurricane or other significant natural disaster, major disaster will be allowed temporarily on a case-by-case basis, a mobile-home, FEMA emergency housing, Temporary housing and/or other relief organization housing may be placed anywhere in the County with permission of the property owner for a period of up to 120 days 4 months without obtaining a temporary use permit. The 4 month period begins with the official declaration of the major disaster. After the expiration of the original 120-day 4 month period, the temporary housing may remain on the lot for a period of 6 months with only through the issuance of a temporary use permit. The Zoning Administrator may extend the temporary use permit on a case-by-case basis, up to a maximum of eighteen (18) months from the date of the official major disaster declaration.

**C. Emergency Temporary Housing Associated with a Minor Disaster**

Temporary use permits Permits for temporary housing associated with emergency, construction- or repair residences to be occupied by persons intending to live in such permanent residence- pending the construction, repair, or renovation, or restoration work of the permanent residential building on a site shall expire within six (6) months after the date of issuance and must be occupied by persons intending to live in permanent residence. Additionally, the Zoning Administrator may renew such permit extend the Temporary Use Permit for one additional period not to exceed three months on a case-by-case basis, up to a maximum of eighteen (18) months from if it is determined that such the renewal is reasonably necessary to allow the proposed occupants of the permanent residential building to complete the construction, repair, renovation- or restoration work necessary to make such the building habitable.

- **Amend Definitions Section, to add the following definitions related to major disasters, minor disasters, and temporary housing, as follows:**

Major Disaster: Any natural catastrophe in any part of Brunswick County, which causes damage of sufficient severity and magnitude to warrant the declaration of major disaster by the President of the United States (including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought or, regardless of cause, any fire, flood, or explosion). An event of this nature typically causes the

displacement of residents and warrants the issuance of a temporary use permits for temporary housing.

*Minor Disaster:* Any natural catastrophe or, regardless of cause, any fire, flood, or explosion, in any part of Brunswick County, which causes damage affecting one or more residence and does not receive the declaration of a natural disaster. An event of this nature typically causes the displacement of residents and may warrant the issue of a temporary use permit for temporary housing while the displaced work towards the construction, repair, or restoration.

*Temporary Housing:* Any camper, trailer, motor home, mobile home, FEMA emergency housing, or other structure used for human shelter and designed to be transportable and not intended as a permanent dwelling

**2. Amend the following Sections to allow multiple principal dwellings within commercial zoning districts (NC, CLD, & CI), as follows:**

- Article 5, Section 5.4.3 Multiple Principal Dwellings on a Single Parcel, to allow multiple principal single-family dwellings on a single lot in all residential and commercial zoning districts.

**5.4.3 Multiple Principal Dwellings on a Single Parcel**

Multiple principal single-family dwellings on a single lot shall be permitted in all residential **and commercial** districts subject to the following requirements:

A. The lot size shall be minimum one acre in size, unless modified by the Planning Director.

- Amend Article 5, Section 5.2.3., Use Table, to allow multiple principal dwellings within commercial zoning districts (NC, CLD, & CI), as follows:

**5.2.3. Use Table**

Use Grouping	Use	R-750	R-600	SBR-6000	MR-3200	C-LD	N-C	C-I	RU-I	I-G	CP	Standards
KEY: Blank Cell = Not Allowed; "P" = Permitted; "L" = Limited Use Standards (Section 5.3); "SUP" = Special Use Permit												
	Accessory Dwelling Units	L	L	L	L	L	L	L		L		5.4.2
	Multiple principal dwellings on single parcel	L	L	L	L	L	L	L				5.4.3

**3. Amend Article 4, Section 4.14.4.E.3.i., Permitted Obstruction in Required Yards, to allow uncovered at-grade structures (patios, decks, or terraces) to extend to the side and rear property line, as follows:**

**E. Permitted Obstruction in Required Yards**

3. In any Required Side or Rear Yard:

- i. When screened from adjacent residential dwellings, at-grade patios, decks or uncovered terraces may extend up to four feet into any required side yard, or within ten feet of a rear property line uncovered at-grade structures (patios, decks, or terraces) may be located anywhere between the edge of the structure and the property line.

**4. Amend Article 5, Section 5.4.1.C., Accessory Structures, as follows:**

- C. In all Residential districts except RR, the height of an accessory building shall not exceed 15 feet when the building is within five feet of a lot line. In the RR district, the height of an accessory building shall not exceed 20 feet when the building is within 5 feet of the property line. Accessory buildings or structures may not exceed the height limit for the zoning district. Setback requirements are as follows:

Zoning District	Yard	Setback Requirement
R-7500; R-6000; SBR-6000; MR-3200	Front	<ul style="list-style-type: none"> <li>Per Zoning District and behind front wall of home <sup>[1]</sup></li> </ul>
	Side/Rear	<ul style="list-style-type: none"> <li>5' if less than 15' in height from the property line.</li> <li>10' if 15' in height or greater</li> <li>Maximum building height = 35'</li> </ul>
RR	Front	<ul style="list-style-type: none"> <li>Per Zoning District</li> </ul>
	Side/Rear	<ul style="list-style-type: none"> <li>5' if less than 20' in height from the property line.</li> <li>Zoning District if 20' in height or greater</li> <li>Maximum building height = 35'</li> </ul>
NC; C-LD; C-I; RU-I; I-G; CP	Front/Side/Rear	<ul style="list-style-type: none"> <li>Per Zoning District</li> <li>Maximum building height = 50'</li> </ul>

<sup>[1]</sup> Exception in instances where designated Viewshed Protection Overlay is adjacent to a parcel. See Section 5.4.1.A. for details.

**5. Amend Article 4, Section 4.5.3.B., Dimensional Standards (Table 4-1) to remove the opaque wall requirement in the CI Zoning District, as follows:**

**4.5.3. Development Standards**

**B. Dimensional Standards**

Projects shall meet the following standards.

Commercial Districts	C-LD	N-C	C-I
<i>Lot Dimensions (w/o water/wastewater)</i>			
Lot area (min. s.f.)	15,000	15,000	20,000
Lot width (min. ft.)	100	100	100
<i>Lot Dimensions (with water/wastewater)</i>			
Lot area (min. s.f.)	7,500	15,000	10,000
Lot width (min. ft.)	100	100	100
<i>Yards (min. ft.)</i>	25	25	50

Front Yard	6	6	50 <sup>1</sup>
Rear Yard			
Side yard	10	10	10 <sup>1</sup>
One Yard <sup>4,3</sup>	22	22	25
Total (sum of both side yards)	25 <sup>2,1</sup>	25 <sup>2,1</sup>	10 <sup>1+2,1</sup>
Street Side Yard			
<i>Height</i> (maximum feet)	50 <sup>3,2,5,4</sup>	50 <sup>3,2,5,4</sup>	50 <sup>3,2,5,4</sup>
<p>Notes:</p> <p><sup>1</sup> Completely opaque walls with a minimum height of six feet required if the abutting land is in a residential or C-LD District (see Section 6.10.5).</p> <p><sup>2,1</sup> In cases where a Street Side Yard is required, the minimum interior side yard is equal to the One Yard dimension.</p> <p><sup>3,2</sup> Structures exceeding 30 feet or three stories in height shall provide at least three means of fire apparatus access. International Fire Code with appendices and International Building Code with North Carolina Amendments apply. Structures above 75 feet subject to Fire Marshal approval.</p> <p><sup>4,3</sup> The "Total Side Yard" requirement is the sum of both side yards, added together. The "One Yard" requirement is the smallest that one of the yards has to be. In order to provide flexibility, side yard requirements are sometimes presented as "One Yard" and "Total Side Yard". This approach allows the owner or developer to move the house a little to one side of the lot or the other to preserve trees, add driveways, or other things. It also reduces the number of variances.</p> <p><sup>5,4</sup> Additional Building Height above the maximum up to 75 feet is allowed by right and above 75 feet with the Planning Board approval at the following rates:</p> <p>Non-Viewshed Protection Overlay areas at a rate of one additional foot of height for every one foot of additional yard depth (front, rear, and sides);</p> <p>Viewshed Protection Overlay (see Section 4.8.7) areas at a rate of one additional foot of height for every two foot of additional yard depth (front, rear, and sides).</p>			

**6. Amend Article 8, Section 8.8.1.G.2, Separation Between Signs, to add NC 906, as follows:**

G. Separation Between Signs

2. On NC 87, NC 133, NC 130, NC 179, and NC 904, **and NC 906**, the minimum separation between off-premise signs is 2,000 linear feet.

**7. Amend the follows Sections related to outdoor lodging, as follows:**

- **Amend Article 5, Section 5.3.8.C.1., to update amend and move commentary to the beginning of Section 5.3.8. to provide clarity and to be consistent with the Definition Section, as follows:**

**5.3.8. Outdoor Lodging**

Commentary: For the purpose of this Ordinance, see Definitions of the Unified Development Ordinance (UDO), under the subheading of "~~Camper~~" **"Outdoor Lodging Camping Unit"** for the definition of a recreational vehicle and a travel trailer.

A. Campground (including Government-Operated)

- **Amend the Definitions Section, to modify the definition of Campground by reducing the minimum number of campsite spaces required from 15 space to 10 spaces to be consistent with Section 5.3.8.A.4.iv., as follows:**

*Campground:* Any lot upon which 15 10 or more campers or tent spaces are provided for temporary occupancy according to requirements as set forth in this Ordinance. A campground shall also be known as a recreational vehicle park, or travel trailer park.

- **Amend the following Definitions, to clarify terms related to outdoor lodging, as follows:**

*Cabin:* A permanent structure constructed to the NC Building and Fire Codes for residential use with water and wastewater services. Cabins may be used for recreational purposes and shall provide a sleeping area, a bathroom, and an indoor kitchen/cooking area. Cabins maybe site built or modular in construction.

*Camper* Outdoor Lodging Camping Unit: A folding structure manufactured of metal, wood, canvas, plastic, or other materials, or any combination thereof, ~~mounted on wheels and designed~~ or meant for temporary residential shelter for travel, camping, recreation, seasonal, and/or vacation use. Outdoor lodging camping units are ~~A camper is not designed or intended to be used as a permanent dwelling as they are not constructed to NC Building and Fire Codes. Campers may also~~ and include the following types:

- (a) *Travel trailer:* A vehicular, portable structure built on chassis, designed to be towed by a self-propelled vehicle for use for travel, recreation, or vacation purposes. ~~A travel trailer is not designed or meant to be used as a permanent dwelling.~~ Also known as campers, tiny houses/homes on wheels, popup campers, and fifth-wheels under this Ordinance.
- (b) *Recreational Vehicle:* A self-propelled vehicle or portable structure mounted on ~~such a vehicle designed as temporary dwelling for travel, recreation, and vacation.~~ Also known as campers and motor home under this Ordinance.
- (c) *Tent:* A portable shelter of canvas, plastic, or skins stretched over a supporting framework of poles with skins stretched over a supporting framework of poles with ropes and pegs.
- (d) *Yurt:* A recreational structure consisting of a round domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hook-up or internal cooking appliance.
- (e) *Park Model:* A towable RV designed to provide temporary living quarters. Park Models are built according to the American National Standards Institute (ANSI) Park Model Recreational Vehicle Standards and built on a single chassis, mounted on

wheels and have a gross trailer area not exceeding 400 square feet in the set-up mode. Also known as Park Model Recreational Vehicle (PMRV), park homes, and recreational park trailers under this Ordinance.

(f) *Camping Cabin*: A permanent structure used on a temporary basis for recreational purposes and not for permanent residency that typically has a sleeping area and limited facilities. Outdoor meal preparation area and access to a common bathhouse is common. A camping cabin may have facilities such as electrical services, bathrooms, heating and air conditioning units, and/or an indoor kitchen.

*Camper*: See definition for Outdoor Lodging Camping Unit.

*Tiny House/Home on a Foundation*: See definition for Site Built Home.

*Tiny House/Home on Wheels*: See definition for Outdoor Lodging Camping Unit.

*Park Model*: See definition for Outdoor Lodging Camping Unit.

**8. Amend the Definitions Section, to remove the definition of Major Thoroughfare Plan, as follows:**

***Major Thoroughfare Plan***: The most recently adopted Brunswick County Thoroughfare Plan prepared by the North Carolina Department of Transportation in cooperation with the United States Department of Transportation.

**9. Amend the following Sections to update plan name, as follows:**

- **Amend Section 4.6.1.B. to update the name of the transportation plan.**

4.6.1 Districts

B. I-G: Industrial-General

The I-G District is intended to provide locations for enterprises engaged in a broad range of manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembly of goods, merchandise or equipment. Lands in this District are to be located on or near Major Thoroughfares as identified in the ~~Major Thoroughfare Plan or Cooperative Transportation Plan~~ **Brunswick County Comprehensive Transportation Plan**; to rail service; and to in-place infrastructure such as water, sewer, and/or natural gas.

- **Amend Article 6, Section 6.13.4.A., to update the name of the transportation plan, as follows:**

6.13.4. Access to Major Thoroughfare Restricted

- A. With the exception of bona fide farming activities, all uses located adjacent to a Major Thoroughfare identified on the ~~NCDOT Major Thoroughfare Plan for Brunswick County~~ **Brunswick County Comprehensive Transportation Plan** shall require a driveway permit from NCDOT prior to the issuance of a building permit by Brunswick County.

- **Amend Article 6, Section 6.4.5.D., Areas to be Reserved, to use the appropriate language in referring to the Brunswick County Trail Plan.**

- D. Greenways, waterways, parkland, and other public use areas shown on the most recently adopted ~~County-Wide Greenways Master Plan~~ Brunswick County Trail Plan or other adopted plan related to parks, greenways, and trails. Copies of the most recent Plan may be obtained from the Planning Department. The following standards shall apply to lands so reserved:

*Commentary: The Brunswick Tomorrow Plan and the Greenways Master Plan ~~Brunswick County Trail Plan or other adopted plan related to parks, greenways, and trails~~ envision an interconnected network of land and waterway trails and parks across the County. These should provide safe access for both users of the system and emergency responders.*

1. Greenways, waterways, and trails reserved in conformance with the ~~County-wide Greenways Master Plan~~ Brunswick County Trail Plan or other adopted plan related to parks, greenways, and trails shall be situated to best implement the plan's intent of the ~~Greenways Master Plan~~.
2. Greenways, waterways, parkland, and other public use areas shown on the most recently adopted ~~County-Wide Greenways Master Plan~~ Brunswick County Trail Plan or other adopted plan related to parks, greenways, and trails shall be made accessible to the general public.

**10. Amend the following Sections to reflect and comply with changes in the North Carolina General Statutes, as follows:**

- **Amend Article 3, Section 3.4.1.I., Subdivision Waivers, to comply with recent NC General Statutes changes for subdivision waivers related to court activity (S.L. 2017.10.), as follows:**

3.4.1. Activities Eligible for Waiver

I. Subdivision activity resulting for Court Activity.

3. 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 General Statutes as specified in G.S. 153A-335.

- **Amend Article 5, Section 5.3.2.C.5., to reflect Senate Bill 615 Session Law 2017-108, as follows:**

C. Bona Fide Farms

Bona fide farms shall be permitted in accordance with the use tables in 5.2, subject to the following:

5. Residential structures are exempt from ~~shall conform to the base zoning district requirements.~~

- **Add Section 9.11.10., Statute of Limitations for Legal Action, to address changes to North Carolina General Statutes that provides statutes of limitation for land use related violations, as follows:**

#### 9.11.10. Statute of Limitations for Legal Action

Legal action cannot be taken against the owner of an interest in real property by a unit of local government for a land use violation related to a land use statute, ordinance, or permit or any other official action concerning land use carrying the effect of law (NCGS 1-51 and 1-49).

##### 1) Five Years Limitation

Legal action cannot be taken against the owner of an interest in real property for a violation if the violation is known to the governing body, an agent, or an employee of the unit of local government or if the violation can be determined from the public record of the unit of local government.

##### 2) Seven Years Limitation

Legal action cannot be taken against the owner of an interest in real property for a violation if the violation is apparent from a public right of way or the violation is in plain view from a place to which the public is invited.

##### 3) This section does not limit any of the following:

- a) Enforcement remedies for violations that are injurious or dangerous to the public health or safety.

- **Amend the Definitions Section, to reflect changes related to agriculture and farming by Senate Bill 615 Session Law 2017-108, as follows:**

*Agricultural Tourism Business:* An enterprise or activity operated in conjunction with a bona fide farm that is offered to the general public (or to invited guests and groups) for the purpose of enjoyment, education, recreation, entertainment, or active involvement in the activities of the farm or operation. This definition may include farm stands, farmers markets, wineries, corn mazes, and other enterprises that are associated with a bona fide farm but not located on a bona fide farm property.

*Agritourism:* Any activity carried out on a farm or ranch that allows members of the 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.

*Bona Fide Farm:* A property or portion of property that is actively used for agriculture as defined in N.C.G.S. 106-581.1. Agriculture includes but is not limited to the production, harvesting, cultivation of crops, fruits, vegetables, ornamental/flowering plants, shrubs, and the operation, management, raising, care, and training of dairy, livestock, poultry, bees, horses, and aquaculture as well as any associated structure or building related to the agriculture operation. When performed on the bona fide farm, agriculture also includes the marketing and selling of agricultural products, agritourism, packing, treating, processing, sorting, storage and other activities performed to add value to agricultural items produced on the farm. 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



(the burden of proof lies with the owner of the subject property or a designated agent):

- (A) A copy of the property tax listing showing that the property is participating in the farm present-use-value taxation program established by N.C.G.S. 105-277.2 through 105-277.7; or
- (B) A copy of the farm owner's or operator's Schedule F from the owner's or operator's federal income tax return; or
- (C) A farm sales tax exemption certificate issued by the Department of Revenue; or
- (D) A forest management plan; or
- (E) A Farm Identification Number issued by the United States Department of Agriculture-Farm Service Agency.

**11. Amend the following Sections to correct errors and to provide clarification on existing procedures and requirements, as follows:**

- **Amend Article 3, Section 3.4.14.A.3., Improvement Guarantees, to remove the Electric Utilities Certificate reference as electric is required to be addressed prior to final plat recordation with an electric certificate on the final plat, as follows:**

3.4.14. Improvement Guarantees

~~3. Certification of Electric Utilities~~

~~A written statement by the utility company, authorized to serve the subdivision, stating their commitment to install electric utilities with projected completion dates may be accepted in lieu of guarantees set forth in paragraphs 1 and 2 of this section.~~

- **Amend Article 3, Section 3.1.1., Development Permit Required, to remove language as follows:**

3.1.1. Development Permit Required

No land shall be used or occupied and no building hereafter constructed, structurally altered, erected or moved shall be used or its use changed until a Development Permit is issued by the Planning Director. The purpose of the Development Permit is to guide the applicant in carrying out their improvement plans and avoid potential pitfalls by ensuring that the appropriate approvals are obtained in the most efficient and effective manner possible. ~~There shall be no fee charged for Development Permits. Additional administrative provisions pertaining to Development Permits are outlined in Section 9.3 of 8.4~~ **Article 9**, Administration, Enforcement and Penalties **Administration and Enforcement**, of this ordinance.

- **Amend the following Sections related to Dumpers, as follows:**

- **Article 6, Section 6.18.2., Location of Trash Facilities, to clarify that dumpsters and/or trash handling facilities shall not be located within any required yard, as follows:**

6.18.2. Location

**A.** All utilities (including heating or air conditioning units and other mechanical equipment) dumpsters and trash handling facilities shall be located on the same lot as the use served unless shared facilities are approved by the Planning Board. No such facilities shall be located in any required front yard.

**B.** Dumpsters and/or trash handling facilities shall not be located within any required buffer or within five feet of any property line, whichever is greater.

- **Amend Article 6, Section 6.4.2., Screening Standards, to clarify that enclosures are required around dumpsters to reduce trash and debris from blowing around, as follows:**

6.4 Screening

6.4.2. Standards

A. All Uses

**6.** Enclosures shall be required around all dumpsters except temporary construction dumpsters.

- **Amend Article 8, Section 8.8.1.C., to clarify that Outdoor Advertising Structures are allowed in the CI Zoning District, as follows:**

8.8.1. Outdoor Advertising Structures and Off-Premises Signs

C. Location Restricted

Permits for new outdoor advertising structures may only be issued in the C-LD, **C-I**, and I-G zoning districts.

- **Amend Article 6, Section 6.10.3., Placement, to clarify that vehicle stacking is required for gates for fences and walls and to add a reference to Section 6.12.8, as follows:**

6.10.3. Placement

**F.** Vehicle stacking spaces are required for gates for fences and walls (See Section 6.12.8).

- **Amend Article 6, Section 6.12.5.E., Off-Street Parking Requirements, to clarify that one-way drive aisles must have angled parking to guide traffic flow and ensure safety, as follows:**

6.12.5 Design Standards

E. Dimensional Requirements

**2.** One-way drive aisles shall have angled parking to better guide the flow of traffic.

- **Amend Article 6, Section 6.12.10.E.3.ii., Required Interior Landscaping, to correct typo, as follows:**

3. Required Interior Landscaping

- ii. For off-site **off-street** parking facilities with 20 or more parking spaces at least one landscaped island must be located within 150 feet of every parking space.

- **Remove Article 9, Section 9, Abatement of Nuisance Caused by Abandoned Mobile Homes, to remove reference to the former County Registration Program, as follows:**

~~9.9 — ABATEMENT OF NUISANCE CAUSED BY ABANDONED MOBILE HOMES~~

#### 9.9.1.—Findings

The Board of Commissioners finds that:

- A. The number of mobile homes in Brunswick County has risen dramatically as available land becomes scarce and the housing market has become more expensive.
- B. Mobile homes may be difficult and expensive to repair when they begin to deteriorate. Often consumers simply buy another mobile home rather than refurbish a mobile home in need of repair.
- C. Abandoned mobile homes are a visual blight on the landscape of Brunswick County, which is in large part economically dependent upon tourism.
- D. Abandoned mobile homes create a public health and environmental problems, pose fire hazards, safety hazards to unsupervised children, and are a potential source of toxic or hazardous materials that may escape into the atmosphere. As a result, abandoned mobile homes constitute a nuisance.

#### 9.9.2.—Certain Mobile Homes Exempt

This Section shall not apply to:

- A. A retail business where mobile homes are sold; or
- B. A properly permitted mobile home salvage and storage yard (see Section 5.2, Use Table).
- C. A solid waste disposal facility, provided that no more than 5 mobile homes are located at the facility at any given time and that no mobile home may remain on the premises for 1 year or longer from the date of receipt.

#### 9.9.3.—Process for Abatement

##### A. Determination of Abandonment

The Inspector shall make a determination that a mobile home is abandoned as defined in this Ordinance.

##### B. Notification

Upon determination that a mobile home is abandoned, the County shall notify the registered owner in writing that the home constitutes a nuisance and that said home must be properly disposed of within 90 days. The notice shall be in writing and served in accordance with N.C.G.S. 1A-1 Rule 4(j) of the Rules of Civil Procedure and by a prominent notice posted on the home.

##### C. Failure to Comply

1. If the abandoned mobile home is not removed by the registered owner before the expiration of the initial 90 day period, the County shall order the removal of the abandoned mobile home.
2. If the abandoned mobile home is not removed by the registered owner before the expiration of the initial 90 day period, the County shall take any action it deems reasonably necessary to abate the nuisance, including entering upon the property where the abandoned mobile home is located and/or arranging to have the abandoned mobile home removed and properly disposed of. If the registered owner for the nuisance is not the owner of the property where the abandoned mobile home is located, the County may order the property owner to permit entry onto the subject property to permit the removal and proper disposal of the abandoned mobile home.

#### 9.9.4.—Liability for County Expenses

- A. ~~When the County removes and disposes of an abandoned mobile home (whether directly or through a party contracted with the County) pursuant to Subsection 9.9.3.C.2 above, the registered owner of the abandoned mobile home shall be liable for:~~
  - 1. ~~Any unpaid property taxes due on the home;~~
  - 2. ~~Any actual costs incurred by the County (directly or indirectly) for the abatement activities; and~~
  - 3. ~~Any administrative and legal expenses related to the abatement activities.~~
- B. ~~Nonpayment of any unpaid property taxes or any or all portions of the actual costs incurred by the County for the abatement activities shall result in the imposition of lien on any real property in the County owned by the registered owner of the abandoned mobile home.~~

- Update all references to the NC Building Code and Fire Code Throughout the UDO to “North Carolina Building Codes as the names change over time.

Building Code (8)  
 International Building Code with North Carolina Amendments (31)  
 International Fire Code (1)  
 International Fire Code with Appendices (5)  
 NC Building Code (1)  
 NC Fire Code (1)  
 North Carolina Building Code (10)  
 North Carolina Building Code (Section 3.6.2) (2)  
 North Carolina Fire Code (6)  
 North Carolina Fire Code (NC Fire Code Section 503) (2)  
 North Carolina State Building Code (1)  
 Section 106 of the North Carolina Fire Code (2)  
 Section 602 of the North Carolina Building Code (1)  
 Section 906 of the North Carolina Fire Prevention Code (1)  
 The North Carolina Building Code (Accessibility Code) and ICC/ANSI A117.1 (1)  
 Uniform Residential Code (1)  
 2006 Edition of the North Carolina Fire Code Appendix D (2)  
 Chapters 10, 11, and 31 of the North Carolina Building Code (1)

- (1) Amend Section 4.3.1.J.2., Limits on Modification Standards, as follows:
  - 2. The minimum lot width and minimum yard requirements may be modified by the Planning Director or Planning Board through the PD process. However, the minimum distance between structures shall be as required by International Building Code with North Carolina Amendments **North Carolina Building Codes**.
- (2) Amend Section 4.3.3.B. Table 4-1, as follows:
  - <sup>6</sup> Structures exceeding 30 feet or three stories in height shall have at least three means of fire apparatus access. International Fire Code with appendices and International Building Code with North Carolina amendments **North Carolina Building Codes** apply. Structures above 75 feet subject to Fire Marshal approval.
- (3) Amend Section 4.4.4.A., Dimensional Standards Table, as follows:
  - <sup>2</sup> Buildings or facilities exceeding 30 feet or three stories in height shall provide at least three means of fire apparatus access for each structure. International Fire Code with appendices and International Building Code with North Carolina Amendments **North Carolina Building Codes** apply. Structures above 75 feet subject to Fire Marshal approval.

- (4) Amend Section 4.5.3.B., Dimensional Standards in Commercial Districts Table, as follows:  
<sup>3</sup> Structures exceeding 30 feet or three stories in height shall provide at least three means of fire apparatus access. ~~International Fire Code with appendices and International Building Code with North Carolina Amendments~~ **North Carolina Building Codes** apply. Structures above 75 feet subject to Fire Marshal approval.
- (5) Amend Section 4.6.3.B., Dimensional Standards Industrial Districts Table, as follows:  
<sup>2</sup> Structures exceeding 30 feet or three stories in height shall provide at least three means of fire apparatus access. ~~International Fire Code with appendices and International Building Code with North Carolina Amendments~~ **North Carolina Building Codes** apply. Structures above 75 feet subject to Fire Marshal approval.
- (6) Amend Section 4.7.1.C.2., Dimensional Standards Table, as follows:  
<sup>1</sup> Additional Building Height above 40 feet up to a maximum height of 75 feet is allowed at the following rates:  
Non-Viewshed Protection Overlay areas at a rate of one additional foot of height for every one foot of additional yard depth (front, rear, and sides);  
Viewshed Protection Overlay (see Section 4.12.6.) areas at a rate of one additional foot of height for every two foot of additional yard depth (front, rear, and sides).  
~~International Fire Code with appendices and International Building Code with North Carolina Amendments~~ **North Carolina Building Codes** apply.
- (7) Amend Section 4.13.2.B., Height, as follows:  
B. Any building or structure intended for human occupation exceeding 40 feet in height must obtain approval from the fire marshal prior to the issuance of a building permit. The fire marshal may stipulate special fire protection measures in accordance with National Fire Protection Association and ~~International Building Code with North Carolina Amendments~~ **North Carolina Building Codes** criteria as a condition of approval of a structure.
- (8) Amend Section 4.13.5.A, Standard Minimum Separation between Buildings, as follows:  
A. The minimum required separation between buildings shall be in accordance with ~~the latest edition of the International Building Code with North Carolina Amendments~~ **North Carolina Building Codes**.
- (9) Amend Section 5.3.3.A.3., Family Care Home, as follows:  
3. The home shall meet all State requirements, and all applicable housing and ~~International Building Code with North Carolina Amendments~~ **North Carolina Building Code** requirements.
- (10) Amend Section 5.3.3.B.4., Group Care Home, as follows:  
4. The home shall meet all State requirements, and all applicable housing and ~~International Building Code with North Carolina Amendments~~ **North Carolina Building Code** requirements.
- (11) Amend Section 5.3.3.C.2., Mobile Homes Constructed prior to October 27, 1987, as follows:  
2. Mobile Homes Constructed prior to October 27, 1987  
Mobile homes constructed prior to October 27, 1987 may not be moved into the County from outside the County's geographic boundaries. Mobile homes constructed prior to October 27, 1987 and currently set-up within the County may be relocated provided the unit complies with ~~building code~~ **North Carolina Building Codes** and other applicable requirements. Inspection by a Licensed Home Inspector in North Carolina is recommended and in some instances may be required by the Building Inspector.

- (12) Amend Commentary in Section 5.3.3.C.3.iv., Class A Mobile Home (Doublewide), as follows:  
Commentary: "Solid Underpinning" means that one cannot see through the underpinning to objects on the other side. Consistent with the North Carolina Building Code (Section 3-6.2) North Carolina Building Codes, skirting must be of material that is acceptable for exterior construction, durable and suitable for exterior exposures. Any wood framing used in the support skirting must be approved pressure treated wood. Manufactured skirting material should be installed in accordance with the skirting manufacturer's instructions.
- (13) Amend Commentary in Section 5.3.3.C.4.v., Class B Mobile Home (Singlewide), as follows:  
Commentary: "Solid Underpinning" means that one cannot see through the underpinning to objects on the other side. Consistent with the North Carolina Building Code (Section 3-6.2) North Carolina Building Codes, skirting must be of material that is acceptable for exterior construction, durable and suitable for exterior exposures. Any wood framing used in the support skirting must be approved pressure treated wood. Manufactured skirting material should be installed in accordance with the skirting manufacturer's instructions.
- (14) Amend Section 5.3.3.D.3.vii., General Standards, as follows:  
vii. All structural additions to mobile homes other than those which are built into the unit and designed to fold out or extend from it shall be erected only after a building permit shall have been obtained, and such additions shall conform to the International Building Code with North Carolina Amendments North Carolina Building Codes and the setback requirements of this Ordinance. An Existing Septic system check shall be required to ensure the proposed addition(s) do not encroach on any part of the septic system.
- (15) Amend Section 5.3.3.K.5., Upper Story Residential, as follows:  
5. All International Building Code with North Carolina Amendments requirements of North Carolina Building Codes shall apply; and
- (16) Amend Section 5.3.4.Q.4.b., Installation and Design, and associated commentary as follows:  
(b) Compliance with Building and Electrical Code – All solar farms shall meet all requirements of the International Building Code with North Carolina Amendments North Carolina Building Codes.  
Commentary: Compliance with the International Building Code with North Carolina Amendments North Carolina Building Codes includes meeting the wind load requirements for Brunswick County, which are 120 miles per hour on the western side of US 17 (Ocean Highway) and 130 miles per hour on the eastern side of US 17.
- (17) Amend Section 5.3.4.R.7.b., Installation and Design, and associated commentary as follows:  
(b) All electrical, mechanical and building components of the Wind Farm shall be in conformance with the International Building Code with North Carolina Amendments North Carolina Building Codes.  
Commentary: Compliance with the International Building Code North Carolina Building Codes includes meeting the wind load requirements for Brunswick County, which are 120 miles per hour on the western side of US 17 (Ocean Highway) and 130 miles per hour on the eastern side of US 17 (Ocean Highway).
- (18) Amend Section 5.3.5.K.6., Outdoor Sales or Display Areas, other than Mobile and Modular Home Sales Lots, and Vehicle and Heavy Equipment Sales, Service and Rentals, as follows:  
6. Adequate public restrooms and/or toilet facilities in accordance with the requirements of the International Building Code with North Carolina Amendments North Carolina Building Codes apply.
- (19) Amend Section 5.3.5.V.9., Flea Market, as follows:

9. Adequate public restrooms and/or toilet facilities in accordance with the requirements of the ~~International Building Code with North Carolina Amendments~~ **North Carolina Building Codes** apply;

- (20) Amend Section 5.3.8.A.4.xiii., Design Standards, and Section 5.3.8.A.4. Commentary as follows:
- xiii. Service structures may also contain a retail sales counter and/or coin operated machine for the campground residents use, provided there is no exterior advertising. Vending machines also may be permitted in a sheltered area provided there is no exterior advertising on the structure. All service structures shall be maintained in a clean and sanitary condition and kept in good repair at all times. Structures shall be safely and adequately illuminated. Facilities shall be easily accessible and conveniently located to all users of the campground. All structures shall be constructed in accordance with the ~~International Building Code with North Carolina Amendments~~ and shall meet **Building Code North Carolina Building Codes** and/or UDO setback requirements.

xiv. Up to 40% of the campsites in a campground may contain camping cabins. Only one camping cabin per campsite is permitted.

Commentary: See the ~~International Building Code with North Carolina Amendments~~ **North Carolina Building Codes** for dependent and independent camper definitions.

- (21) Amend Section 5.3.8.A.5.iii.d.1, and associated commentary as follows:
- (d) Additional Internal Street Standards for Campgrounds.

(1) All internal streets within the campground shall be surfaced with a minimum of six inches of compacted stone and shall be capable of supporting the imposed load of fire apparatus in accordance with the Fire Apparatus Access Roads Standard in the ~~North Carolina Fire Code (NC Fire Code Section 503)~~ **North Carolina Building Codes** and be equipped with adequate and suitable drainage facilities.

Commentary: According to the ~~2006 Edition of the North Carolina Fire Code Appendix D~~ **North Carolina Building Codes**, Fire Apparatus Access Roads shall be capable of supporting the imposed load of the fire apparatus weighing at least 75,000 pounds.

- (22) Amend Section 5.3.8.A.5.iii.g., as follows:
- (g) All internal roads shall be subject to annual inspections by the Brunswick County Fire Marshal per Section 106 of the ~~North Carolina Fire Code~~ **North Carolina Building Codes**.

- (23) Amend Section 5.3.8.C.7.v. and Section 5.3.8.C.7.viii., General Design Standards, as follows:
- v. Some campsites within the Resort may be used for site-built or modular cabins. No RV/Travel Trailer may be parked on a cabin site. All cabins must conform to ~~International Building Code with North Carolina Amendments~~ **North Carolina Building Codes**.

viii. Each Outdoor RV Resort must meet the minimum standards and requirements set forth in the ~~International Building Code with North Carolina Amendments~~ **North Carolina Building Codes** for sanitation and plumbing installations, accommodations, use and any associated parking.

- (24) Amend Section 5.3.8.C.8., Outdoor RV Resort Perimeter Buffer Options Available Table, as follows:
- Note:

1. One or more of the applicable alternatives may be chosen for the perimeter buffer.
2. Cabins must conform to the ~~International Building Code with North Carolina Amendments~~ **North Carolina Building Codes**.



- 3. See Section 6.3.9 of the Brunswick County UDO.
- 4. See Section 6.3.10 of the Brunswick County UDO.

(25) Amend Section 5.3.8.C.9., as follows:

iii. Internal Street Standards for all Zoning Districts

(f) All internal roads shall be subject to annual inspections by the Brunswick County Fire Marshal per ~~Section 106 of the North Carolina Fire Code~~ **North Carolina Building Codes**.

iv. Additional Internal Street Standards for Outdoor RV Resorts in the RR and C-LD Zoning Districts.

(a) All internal streets within the Outdoor RV Resort 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 Standard in the North Carolina Fire Code (NC Fire Code Section 503) **North Carolina Building Codes**.

Commentary: According to the 2006 Edition of the North Carolina Fire Code Appendix D **North Carolina Building Codes**, Fire Apparatus Access Roads shall be capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.

(26) Amend Section 5.4.11.E., Solar Collector (Accessory), and associated commentary as follows:

E. Compliance with Building and Electrical Codes – All solar collector systems shall be in conformance with the ~~International Building Code with North Carolina Amendments~~ **North Carolina Building Codes**.

Commentary: Compliance with the ~~International Building Code with North Carolina Amendments~~ **North Carolina Building Codes** includes meeting the wind load requirements for Brunswick County, which are 120 miles per hour on the western side of US 17 (Ocean Highway) and 130 miles per hour on the eastern side of US 17.

(27) Amend Section 6.12.5.G., Design Standards for Handicapped Accessible Parking, as follows:

G. Design Standards for Handicapped Accessible Parking

All off-street handicapped accessible parking spaces shall be designed in compliance with ~~Chapter 11 of the North Carolina Building Code in conjunction with ICC A117.1 current version~~ **North Carolina Building Codes**. See Appendix B for additional information.

(28) Amend Section 7.1.4.B.4.iv., Determinations for Existing Buildings and Structures, as follows:

iv. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the ~~NC Building Code~~ **North Carolina Building Codes** and this ordinance is required.

(29) Amend Section 7.1.5.G.4.ii., as follows:

ii. Wind loading values used shall be those required by the current edition of the North Carolina State Building Code **North Carolina Building Codes**.

(30) Amend Section 8.2.1.B.v., Application Requirements, as follows:

v. Two blueprints (one original and one copy) or scaled drawings of the plans and specifications of the sign to be erected or affixed. Such plans may include but shall not be limited to details of dimensions, materials, copy, and size of the proposed sign. For wall signs, dimensions of the building wall on which the sign is to be affixed and the location and the size of existing wall signs shall also be included. All signs shall meet the ~~International Building Code with North Carolina Amendments~~ **North Carolina Building Codes**;



- (31) Amend Section 8.2.1.C., Action by Zoning Administrator, as follows:

C. Action by Zoning Administrator

Following completion of the technical reviews by staff, the Zoning Administrator shall approve the sign permit provided the sign meets all requirements of this Ordinance, and all other applicable electrical and International Building Code with North Carolina Amendments requirements related to North Carolina Building Codes.

- (32) Amend Section 8.3.3., Construction and Maintenance Provisions, as follows:

8.3.3. Any sign permitted under this Ordinance must comply with any applicable requirements of the International Building Code with North Carolina Amendments, electric safety code, North Carolina Building Codes and other applicable federal, state or county codes.

- (33) Amend Commentary in Section 9.7.1., Applicability, as follows:

9.7.1. Applicability When uncertainty exists, the Planning Director shall be authorized to make all interpretations concerning the provisions of this Ordinance.

Commentary: All interpretations of matters relating to the International Building Code with North Carolina Amendments North Carolina Building Codes shall be made by the Building Official or designee.

- (34) Amend Section 10.5.3.B., Reconstruction of Damaged Signs or Sign Structures, as follows:

B. Reconstruction of Damaged Signs or Sign Structures Any nonconforming sign or sign structure which has been damaged may be repaired, subject to International Building Code with North Carolina Amendments North Carolina Building Codes, and used as before, provided all repairs are initiated within 90 days and completed within 120 days of such damage. However, if the County Building Inspector declares the sign structure unsafe, the owner of the sign or the owner of the property where the sign is located shall immediately correct all unsafe conditions to the satisfaction of the Inspector.

- (35) Amend Appendix B, Parking for the Disabled, as follows:

APPENDIX B PARKING FOR THE DISABLED

Disclaimer: The following requirements are the International Building Code with North Carolina Amendments standards set by North Carolina Building Codes at the time of adoption of this ordinance. It is recommended that the most current International Building Code with North Carolina Amendments North Carolina Building Codes be referenced to obtain the most up to date standards prior to development.

Design Standards for Handicapped Accessible Parking

1. The North Carolina Building Code (Accessibility Code) North Carolina Building Codes and ICC/ANSI A117.1.

2. All off-street handicapped accessible parking spaces shall be located on the shortest accessible route of travel from adjacent parking to an accessible building entrance. Where buildings have multiple accessible entrances with adjacent parking, accessible spaces shall be disbursed and located near the accessible entrances. Accessible spaces shall be no more than 250 feet from such entrance(s).

3. All off-street handicapped accessible parking spaces shall be designated by a sign or other means specified by State requirements.

4. All off-street handicapped accessible parking spaces must be surfaced with concrete or asphalt.

(36) Amend Appendix F, Requirements for Large Events with 1,000 Guests or More, as follows:

Code Administration – Fire

A. All temporary membrane structures and tents with an area greater than 400 square feet must be approved by a Fire Code Official. An operational permit may be required by the ~~North Carolina Fire Prevention Code~~ **North Carolina Building Codes**.

B. Tent permits are required for all tents.

C. All air-inflated and/or air-supported structures to include but not limited to bounce houses, slides, air-inflated or support structures, etc. that are more than 400 square feet are subject to approval by a Fire Code Official. An operational permit may be required by the ~~North Carolina Fire Prevention Code~~ **North Carolina Building Codes**.

D. All indoor and outdoor events are subject to a public safety plan where required by the ~~North Carolina Fire Prevention Code~~ **North Carolina Building Codes**.

E. All public assemblies and events are subject to fire watch personnel where in the opinion of the Fire Code Official it would be essential for public safety in accordance with the ~~North Carolina Fire Prevention Code~~ **North Carolina Building Codes**.

F. All recreational fires to include but not limited to bon fires are subject to approval and an operational permit as required by the ~~North Carolina Fire Prevention Code~~ **North Carolina Building Codes**.

G. All pyrotechnic special effects or firework displays are subject to mandatory permits as required by the ~~North Carolina Fire Prevention Code~~ **North Carolina Building Codes**.

H. All stages, platforms, and other fixed structures are required to meet the ~~North Carolina Fire Prevention Code~~ in addition to the ~~North Carolina Building Code~~ **North Carolina Building Codes**.

I. All carnival and fairs are subject to a mandatory permit as required by the ~~North Carolina Fire Prevention Code~~ **North Carolina Building Codes**.

J. All special amusement buildings are subject to a mandatory permit as required by the ~~North Carolina Fire Prevention Code~~ **North Carolina Building Codes**.

K. All exhibit and trade shows are subject to a mandatory permit as required by the ~~North Carolina Fire Prevention Code~~ **North Carolina Building Codes**.

L. The quantity, size, location, and type of each fire extinguisher shall be provided in accordance with Section 906 of the ~~North Carolina Fire Prevention Code~~ **North Carolina Building Codes**.

M. Adequate fire lanes, pedestrian or vehicular access, and handicap accessible routes must be provided inside the event.

N. There shall be at least two (2) means of ingress and egress for vehicular traffic related to the event.

O. Adequate crowd managers shall be provided as required by the ~~NC Fire Code~~ **North Carolina Building Codes** and addressed in the Event Security Plan.

Code Administration - Structures

A. All temporary structures shall include construction documents to include but not limited to a site plan, floor plan detailing means of egress, use, and occupant loads as required by the ~~North Carolina Building Code~~ **North Carolina Building Codes**.

B. All temporary structures shall be in accordance with Section 602 of the North Carolina Building Code **North Carolina Building Codes**.

C. All temporary structures shall conform to means of egress to a vehicle parking area of public way per Chapters 10, 11, and 31 of the North Carolina Building Code **North Carolina Building Codes**.

D. Any stage or platform shall be in accordance with Section 410 of the North Carolina Building Code.

E. Accessibility within the site or temporary structure shall be in accordance with Chapter 11 of the North Carolina Building Code.

F. All temporary power shall be in accordance with the National Electrical Code **North Carolina Building Codes**.

G. Pedestrian access and handicap accessible routes must be provided inside the event.

(37) Amend Definitions Section, as follows:

Group Care Home: A dwelling operated under State regulations that provides room and board for more than six, but less than 13 individuals who as a result of age, illness, handicap or some specialized program, require personalized services or a supervised living arrangement in order to assure their safety and comfort. Additional requirements may be imposed by the International Building Code with North Carolina Amendments **North Carolina Building Codes**.

Modular Unit or Modular Home: A factory-fabricated, transportable building or dwelling in compliance with the International Building Code with North Carolina Amendments **North Carolina Building Codes**, that is designed to be used by itself or to be incorporated with other units into a structure that will be a finished building on a permanent location on a permanent foundation. A modular unit shall not be considered a mobile home for the purpose of this Ordinance.

Site Built Home: A dwelling unit constructed in accordance with the standards set forth in the Uniform Residential Code **North Carolina Building Codes** for Single Family Dwellings and composed of components substantially assembled on site on a permanent foundation. A site built home is deemed to be a single-family dwelling as defined in this Ordinance.

## 12. Amend the following Appendixes

- **Amend Appendix C, Summary of Final Plat Certificates and Endorsements, to indicate when an electricity statement must be on final plats, as follows:**

Appendix C

5. Amend Appendix C, Summary of Final Plat Certificates and Endorsements Table, to indicate when electricity statement must be on final plats.

Summary of Final Plat Certificates and Endorsements					
Type of Certificate	Subdivision Exemptions or Waivers	Minor Subdivisions	Major Subdivisions	Planned Developments (PDs)	See Item
Certificate of Survey and Accuracy	✓	✓	✓	✓	A
Certificate of Purpose of Plat	✓	✓	✓	✓	B
Review Officer Certification	✓	✓	✓	✓	C

Certificate of Ownership		✓	✓	✓	D
Family Subdivision Exemption Statement	*				A
Certificate of Approval for Installed Improvements		*	*	*	B
Certificate of Approval for Financially Guaranteed Improvements		*	*	*	C
Certificate of Approval for Non-County Utility Providers		*	*	*	D
Road Maintenance Agreement Certificate	*	*			E
Engineers' Certificate of Road Construction			*	*	C
Maintenance Disclosure Statement Certificate for Public Subdivision Roads		*	*		F
Maintenance Disclosure Certificate for Private Subdivision/PD Roads		*	*		G
Electrical Service Certification			*	*	I
✓Required *If applicable					

- Amend, Appendix F, Requirements for Large Events with 1,000 Guests or More, to reflect changes in the NC Fire Prevention Code, as follows

#### Appendix F

##### Code Administration – Fire

- All temporary membrane structures with an area greater than 400 square feet and tents with an area greater than 400 800 square feet must be approved by a Fire Code Official. Both an operational permit and a construction permit ~~may be~~ are required by the North Carolina Fire Prevention Code.
- ~~Tent~~ Both operation permits and construction permits are required for all tents having an area in excess of 800 square feet.
- All air-inflated and/or air-supported structures to include but not limited to bounce houses, slides, air-inflated or support structures, etc. that are more than 400 square feet are subject to approval by a Fire Code Official. An operational permit ~~may be~~ is required by the North Carolina Fire Prevention Code.

#### 13. Add the following commentaries to provide clarification:

- Article 4, Section 4.14.4. Required Yards, to clarify that all permanent accessory structures must meet the setback requirements within Section 5.4.

##### 4.14.4 Yards

*Commentary: All permanent accessory structures must meet the setbacks requirements outlined in Section 5.4., Accessory Structures and Uses.*

- **Article 8, Section 8.8.1.G., Separation Between Signs**, to clarify how to apply sign separation requirements for outdoor advertising structures on frontage roads, as follows:

**G. Separation Between Signs**

*Commentary: Sign separation requirements apply to the primary road within a roadway facility and not to a secondary road (including frontage roads, on and off ramps, or turning roadways) as the primary road has higher traffic volumes and is the intended to be the area from which the traveling public will view the signage. For example, in situations where an outdoor advertising structure is located along a frontage road and viewable from the primary road, the sign separation requirements apply to the primary road and not the frontage road.*