

ARTICLE 5.
ZONING DISTRICTS

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Section 5.1 Purpose Statement

In accordance with the requirement of NCGS 160A-382 that zoning regulation be by districts, the City, as shown on the Zoning Map, is hereby divided into the following districts which shall be governed by all of the uniform use and dimensional requirements of this Ordinance.

The purposes of establishing the following zoning districts are:

- (A) To implement adopted plans;
- (B) To promote public health, safety, and general welfare;
- (C) To provide for orderly growth and development;
- (D) To provide for the efficient use of resources;
- (E) To facilitate the adequate provision of services.
- (F) To establish and protect industrial areas.
- (G) To establish standards for industrial development.

Section 5.2 Interpretation

- (A) No use is permitted in any zoning district unless it is listed as a permitted ("P") or conditional ("C") use in Section 5.5. Permitted and conditional uses may also be listed as subject to supplemental development standards ("S") established in Article 6. The development review process for permitted and conditional uses is established in Article 9.
- (B) Uses not specifically listed in Section 5.5 shall be interpreted pursuant to Section 1.10.

Section 5.3 Primary Zoning Districts

For the purposes of this Ordinance, the City of Boiling Spring Lakes, North Carolina is hereby divided into the following primary zoning districts:

- (A) R-1 Single-Family Residential District: This zoning district is intended for detached single-family dwellings and primarily located in close proximity to City lakes and the golf course.
- (B) R-2 Single-Family Residential District: This zoning district is intended for detached single-family dwellings and is located primarily on the periphery of the R-1 zoning district and just west of NC 87.
- (C) R-3 Single-Family Residential District: This zoning district is intended for detached single-family dwellings.
- (D) R-3A Single-Family Residential District: This zoning district is intended for detached single-family dwellings and doublewide manufactured housing, with a minimum living area per dwelling unit for manufactured housing of 1,000 square feet.
- (E) R-4 Single-Family/Duplex Residential District: This zoning district is intended for detached

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single-family and two-family dwellings (duplex).

- (F) R-5 Single-Family Residential District: This zoning district is intended for detached single-family dwellings and manufactured housing. The minimum living area for manufactured housing is 750 square feet.
- (G) R-6 Rural Residential District: This zoning district is intended for large lots and rural land uses. The minimum lot size is five (5) acres and the district accommodates single-family and single/double-wide manufactured homes. Agricultural uses may be permitted as a principal use in accordance with Section 5.5 Table of Permitted/Conditional Uses. The minimum living area per dwelling unit for manufactured housing is 750 square feet.
- (H) PRD Planned Residential Development District: This floating zoning district allows for a single development operation or a definitely programmed series of development operations according to an approved Master Development Plan. All PRDs require an amendment to the City's Official Zoning Map, Master Development Plan approval, followed by the Major Subdivision approval process as specified in this Ordinance. The minimum amount of land (unified control to be planned and developed as a whole) required for a PRD district shall be at least ten (10) contiguous acres and shall include the creation of at least five (5) new lots. Single-family, two-family, and multi-family residential housing types are permitted. The minimum living area per dwelling unit is 750 square feet (minimum square footage requirement does not apply to any structures subject to regulation under the North Carolina Residential Code for one and two-family dwellings).
- (I) C-1 Commercial Mixed Use District: This zoning district is intended for retail, office, and multi-family residential uses. The preferred land use mix is primarily commercial/retail and office with multi-family residential uses and vertical and horizontal mixed use development. The minimum living area per dwelling unit is 750 square feet.
- (J) C-1A Commercial/Service District: This zoning district is intended for commercial/retail/office/trades and associated crafts in accordance with Section 5.5 Table of Permitted/Conditional Uses. This district also allows for Mixed Use, in accordance with Section 5.5 Table of Permitted/Conditional Uses.
- (K) C-C City Center District: This zoning district allows for a concentration of commercial, service, institutional, and residential uses that will serve both residents of Boiling Spring Lakes and the county. The zoning district allows for a mix of high intensity, pedestrian-oriented uses, compatibly designed, and arranged around development nodes on each side of NC 87. The zoning district is intended to promote social activity and the cultural value of the City Center. Commercial, retail, and a vertical mixture of uses are permitted. The minimum living area per dwelling unit is 750 square feet.
- (L) I-1 Light Industrial District: This zoning district allows for light industrial operations and heavy commercial uses such as building material suppliers, auto repair, auto sales, and other establishments with extensive outdoor storage or those that will have an impact on neighboring properties. Residential uses are not permitted within this zoning district.
- (M) CON Conservation District: This zoning district contains state-owned conservation lands, flood hazard areas, and significant concentrations of wetlands. Limited uses with minimal impact are permitted in this zoning district. Residential uses are not permitted within this zoning district.

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- (N) REC Recreation District: This zoning district is intended to allow for recreation uses and supporting services in accordance with Section 5.5 Table of Permitted/Conditional Uses. Residential uses are not permitted within this zoning district.

For a detailed table of specified permitted/conditional uses in the above listed zoning district, see Section 5.5.

Section 5.4 Overlay Districts

Reserved for future use.

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Section 5.5 Table of Permitted/Conditional Uses

Uses	R-1	R-2	R-3	R-3A	R-4	R-5	R-6	PRD	C-1	C-1A	C-C	I-1	CON	REC	Supplemental Regulations
Single-family dwelling	PS	PS	PS	PS	PS	PS	PS	PS							Section 6.8
Two-family dwelling (duplex)					PS			PS							Section 6.8
Manufactured home - single wide						PS	PS								Section 6.7
Manufactured home - double wide				PS		PS	PS								Section 6.7
Multi-family residential, including townhouses								PS	CS		CS				Section 6.40
Accessory dwelling Unit	PS	PS	PS	PS	PS	PS	PS	PS							Section 6.3
Accessory buildings	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		PS	Section 6.2
Accounting agencies									P	P	P				
Adult businesses												CS			Section 6.11
Adult care home									P						
Advertising agencies									P	P	P	P			
Alcoholic beverages, retail									P		P				
Agriculture							P							P	
Animal Shelter							P					P			Section 6.12
Antique shop									P	P	P				
Arboretums & botanical gardens														P	
Arcades									P	P	P				
Archery range, indoor/outdoor									PS	PS		PS			Section 6.9
Art galleries									P	P	P	P			
Assisted Living Residence									C		C				
Attorneys									P	P	P	P			
Auction House									PS	PS	PS	PS			Section 6.13

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Uses	R-1	R-2	R-3	R-3A	R-4	R-5	R-6	PRD	C-1	C-1A	C-C	I-1	CON	REC	Supplemental Regulations
Audio & video production services									P	P		P			
Automobile dealerships, new & used									PS	PS		PS			Section 6.14
Automobile lubrication shop									CS	PS		PS			Section 6.15
Automobile/motorcycle repair shop									PS	PS		PS			Section 6.16
Automobile parts and supply									P	P		P			
Bakery (retail)									P	P	P	P			
Banks									PS		PS				Section 6.17
Bank teller machines (ATM), attached									P						
Bank teller machines (ATM), freestanding									P	P	P	P			
Barber & beauty shops									P	P	P	P			
Bed & breakfasts									PS	PS	PS				Section 6.18
Boat ramp (motorized and un-motorized)														C	Section 6.19
Boat sales, repairs									PS	PS		PS			Section 6.20
Bodywork therapy (see massage therapist)									P	P	P	P			
Book & periodical store									P	P	P	P			
Bowling alley or skating rink									P						
Bulk hazardous/flammable material storage												CS			Section 6.21
Car wash									PS						Section 6.22
Cemeteries and mausoleums									PS						Section 6.23
Crematory												C			
Chiropractic									P	P	P				
Religious Institutions									PS		PS				Section 6.45
Club									C		C	C			
Computer sales & repair									P	P	P	P			
Community center									P		P				

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Uses	R-1	R-2	R-3	R-3A	R-4	R-5	R-6	PRD	C-1	C-1A	C-C	I-1	CON	REC	Supplemental Regulations
Community garden	C	C	C	C	C	C	P	C							
Continuing care facility									C			C			
Contractors offices									P	P		P			
Crafts & hobby shops (toy & games)									P	P	P	P			
Dancing & bingo									P		P				
Daycare, Adult and children's									PS						Section 6.10
Deli									P		P	P			
Dinner theaters									P		P				
Docks/piers/bulkheads/waterside structures	PS	PS	PS	PS	PS	PS	PS	PS	PS		PS		PS	PS	Section 7.7
Dog grooming									P	P	P	P			
Drug stores									P		P				
Dry cleaning & laundromats									P			P			
Electrical equipment sales & repair									P	P	P	P			
Electronic Game Operations												CS			Section 6.24
Electrical repair or contractor									P	P		P			
Engine repair (small, including motorcycle)									P	P		P			
Engineering/surveying/architectural services									P	P	P	P			
Exercise & physical fitness centers									P		P	P			
Exterminating service									P	P		P			
Farm Building							P								
Farm & garden supply									P	P		P			
Farmers market									P		P				
Financial services									P	P	P	P			
Fire stations	C	C	C	C	C	C	C	P	P	P		P			
Firing Range										CS		PS			Section 6.25
Flea market, indoor									P	P					

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Uses	R-1	R-2	R-3	R-3A	R-4	R-5	R-6	PRD	C-1	C-1A	C-C	I-1	CON	REC	Supplemental Regulations
Flea market, outdoor									P	P					
Flower shops									P		P	P			
Food stores									P		P	P			
Funeral home									C						
Furniture retail									P		P				
Gas station & convenience stores									C						Section 6.26
General contractors									P	P		P			
Gifts & souvenirs									P		P	P			
Golf course, club house/pro shop/driving range, golf course restaurant, bar, banquet, catering &	CS	CS						PS						PS	Section 6.27
Golf courses (including driving ranges)	CS	CS						PS	P					PS	Section 6.27
Governmental offices and buildings	P	P					P		P		P		P	P	Section 6.28
Greenhouse and plant nursery (retail)									P	P		P	P		
Grocery Store									P	P	P	P			
Gunsmith, including repair									P	P					
Handicapped/aged/infirm services									P	P	P				
Hardware									P	P		P			
Heating and air condition installation and repair									P	P		P			
Home appliance repair)									P	P					
Home appliance dealers									P	P	P	P			
Home building supply (retail-contractor)									P						
Home occupation	PS	PS	PS	PS	PS	PS	PS	PS							Section 6.29
Hospital									CS		CS				Section 6.30
Hotels & motels									C		C				
Ice cream stand or store									P	P	P				

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Uses	R-1	R-2	R-3	R-3A	R-4	R-5	R-6	PRD	C-1	C-1A	C-C	I-1	CON	REC	Supplemental Regulations
Indoor theaters or auditoriums									P		P				
In-home adult/daycare center	PS	PS	PS	PS	PS	PS	PS	PS							Section 6.31
Insurance office									P	P	P	P			
Interior decorating service									P	P	P	P			
Jewelry									P	P	P	P			
Junkyard/salvage yard												CS			Section 6.32
Kindergarten/nursery schools							PS	PS	PS						Section 6.34
Landscaping service									P	P		P			
Leather goods									PS	PS	PS	PS			Section 6.35
Library									P		P				
(renamed "Alcoholic beverages")															
Locksmith									P	P	P	P			
Manufacturing, artisan									P	P		P			
Manufacturing, general												P			
Manufacturing, intensive												P			
Manufacturing, limited									P	P		P			
Marketing Promotion Display	PS	PS	PS	PS	PS	PS	PS	PS	PS						Section 6.58
Massage therapist (licensed per GS 90-623)									P	P	P	P			
Meat butcher									P	P	P	P			
Medical & dental offices/clinics									PS	PS	PS				Section 6.36
Medical & dental offices/clinics (greater than 10,000 sf)									PS	PS					Section 6.36
Medical support offices (testing labs)									P		P	P			
Metal working									P	P		P			
Microbrewery/micro-distillery									PS	PS	PS	PS			Section 6.37
Mini storage units (indoor)									PS			PS			Section 6.38

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Uses	R-1	R-2	R-3	R-3A	R-4	R-5	R-6	PRD	C-1	C-1A	C-C	I-1	CON	REC	Supplemental Regulations
Miniature golf									P					P	
Mixed Use									PS	PS	PS				Section 6.39
Mobile Food Truck	PS	PS	PS	PS	PS	PS	PS		PS		PS			PS	Section 6.56
Multi-unit Housing with Services									C			C			
Museum									P						
Music studio									P	P	P	P			
Musical instrument and service									P	P	P	P			
Novelty shops									P	P	P	P			
Nursing homes									PS		PS				Section 6.41
Office complex									P	P	P	P			
Office, general									P	P	P	P			
Opticians									P	P	P	P			
Outdoor display									PS	PS	PS	PS		PS	Section 6.6
Outdoor storage (includes open storage)									PS	PS		P		PS	Section 6.4 & 6.5
Paint/glass/wallpaper									P	P	P	P			
Pawn									P	P		P			
Photography studios									P	P	P	P			
Picture framing									P	P	P	P			
Plumbing repair contractor									P	P		P			
Pool hall									P	P	P				
Postal shipping & receiving									P	P	P	P			
Pottery products									P	P	P	P			
Print shop (quick copy, cards, letterheads, etc.)									P	P	P	P			
Private clubs or lodges (operated for the members and not for profit)									P	P	P			P	

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Uses	R-1	R-2	R-3	R-3A	R-4	R-5	R-6	PRD	C-1	C-1A	C-C	I-1	CON	REC	Supplemental Regulations
Produce stand									P						
Propane/Acetylene Wholesale/ Retail or Distribution Psychological services									P	P	P	P			
Public & private schools, colleges, and universities								PS	CS						Section 6.42
Public parks and recreation areas	P	P	P	P	P	P	P	P	P	P	P		P	P	
Public utility, excluding sewer treatment facilities	P	P	P	P	P	P	P	P	P	P	P	P	C		
Radio/TV station									P	P	P				
Real estate office/appraisal									P	P	P	P			
Recreational Vehicle Campground									PS						Section 6.43
Recycling center												CS			Section 6.44
Recycling center (municipal)	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		PS	Section 6.44
Rental equipment									P	P		P			
Research and development business									CS			PS			Section 6.46
Residential domestic and farm animals							PS								Section 6.33
Restaurants (drive through/in)									PS						Section 6.47
Restaurants (eat in, no drive through)									P		P				
Retail complex – mini unit center/mini mall									P	P	P				
Retail trade									P	P	P				
Satellite dish antennas	PS	PS	PS	PS	PS	PS	PS	PS	P	P		P		P	Section 6.48
Seafood markets									P	P	P				
Self-service ice vending machines									PS						Section 6.49
Sewer treatment facilities												C			
Shoe store or repair									P	P	P	p			
Solar farms												CS			Section 6.50

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Uses	R-1	R-2	R-3	R-3A	R-4	R-5	R-6	PRD	C-1	C-1A	C-C	I-1	CON	REC	Supplemental Regulations
Spas & health clubs									P	P	P				
Specialty training schools (driving, modeling, flying, photography, etc.)									P	P					
Sporting goods and services									P	P	P	P			
Stationary									P	P	P	P			
Storage units/containers	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS			Section 6.2
Substations/pump/telephone stations	CS	CS	CS	CS	CS	CS	CS	PS	P	P	CS	P			Section 6.51
Swimming pool (accessory)	PS	PS	PS	PS	PS	PS	PS	PS	PS		PS			PS	Section 6.52
Swimming pool									CS		CS			CS	Section 6.52
Tailor/dressmaker/seamstress									P	P	P	P			
Taverns									P	P	P				
Tattoo and body piercing									C	P		C			
Temporary construction buildings	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS			Section 6.2
Temporary housing unit	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS			Section 6.57
Tobacco shop									P	P					
Travel agencies									P	P	P	P			
Upholstery – furniture repair									P	P	P	P			
Veterinarian – animal clinics (excluding kennels)									P	P	P	P			
Warehouses – wholesale use (enclosed)									P	P		P			
Wireless Telecommunication Facility or Complex, Freestanding and Substantial Modifications							CS		CS			CS			Section 6.53
Wireless Telecommunication Facility, Collocation or Collocated Small/Micro Wireless Facility	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	Section 6.54
Woodworking (retail)									P	P		P			
Youth center									PS	PS		PS		PS	Section 6.55

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Section 5.6 Dimensional Requirements

Section 5.6.1 Required Yards and Building Setback Exceptions

- (A) The minimum yards, setbacks, or other open spaces required by this Ordinance for each and every building shall not be encroached upon by a building or considered as meeting the yard and open space requirements of any other building. Required yards and setback distances shall be measured from the property line or street right-of-way line to the nearest portion of any building or structure foundation/footprint, excluding:
- (1) For side yard the outermost four feet of any eave, gutter, canopy, or similar fixture.
 - (2) A deck or patio if no portion of the same extends more than 2 inches above grade, not to extend within five (5) feet of any lot line.
 - (3) Any structure that is a mere appendage to a building, such as a flagpole or fountain.
 - (4) Fences.

Section 5.6.2. Through Lots (Double Frontage) and Corner Lots

- (A) In the case of "through lots" (also referred to as "double frontage lots"), the lot shall be considered to have two front lot lines on each street frontage.
- (B) For corner lots, the side having the shortest street frontage is considered the front for setback purposes. The UDO Administrator may waive this requirement and determine the front yard to be on the street front that is in line with the prevailing pattern of front yards on the street in order to be consistent with the established pattern of the street.

Section 5.6.3 Height Limit Exemptions

Except as may otherwise be prohibited by the FAA regulations, the height limitations of this Ordinance shall not apply to public buildings, church spires, belfries, cupolas, and domes not intended for residential purposes, or to monuments, water towers, observation towers, power transmission towers, telecommunication towers, silos, grain elevators, chimneys, smokestacks, derricks, conveyors, flag poles, radio, masts, aerials, and similar structures, provided the structures meet the required State Building Code.

Section 5.6.4 Lot Coverage

- (A) In determining the percentage of building coverage permitted on a lot, the ground floor area of the dwelling, roofed porches, carports, garages, accessory buildings, and all impervious surfaces shall be included.
- (B) Not more than 30% of total lot area may be covered by impervious surfaces. This percentage may be exceeded with a solution prepared and sealed by a North Carolina Professional Engineer that meets the intent of the Stormwater Ordinance and is approved by the UDO Administrator.

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Section 5.7 Table of Area, Setback, Living Area, and Height Requirements

NOTE; Street yard and buffer requirements outlined in Section 7.31 and 7.34 may require more restrictive setbacks than those provided below.

Zoning District	Minimum Lot Area (SF) [1]	Minimum Lot Width (feet) [1]	Minimum Front Setback (feet) [2]	Minimum Side Setback (feet)	Minimum Rear Setback (feet)	Minimum Living Area per Dwelling (SF)	Maximum Building Height (feet)
R-1 Single-Family Residential	15,300	90	40	10	25	N/A	40
R-2 Single-Family Residential	15,300	90	40	10	25	N/A	40
R-3 Single-Family Residential	15,300	90	40	10	25	N/A	40
R-3A Single-Family Residential	15,300	90	40	10	25	1,000[3]	40
R-4 Single-Family/Duplex Residential	15,300	90	40	10	25	N/A	40
R-5 Single-Family Residential	15,300	90	40	10	25	750[3]	40
R-5 Manufactured Home (MH)	15,300	90	40	10	25	750[3]	40
R-6 Rural Residential	5 acres	N/A	50	10	50	750[3]	40
PRD Planned Residential District	N/A	N/A	N/A	N/A	N/A	750[3]	40
CON Conservation	5 acres	90	50	10	50	1,000[3]	40
C-1 Commercial Mixed Use	10,000	60	50	10	10	750[3]	48
C-1A Commercial/Service	10,000	60	50	10	10	750[3]	48
C-C City Center	10,000	60	15	10	10	750[3]	48
I-1 Light Industrial	20,000	90	50	25	50	N/A	48
REC Recreation	10,000	60	50	10	10	N/A	48

[1] Lots that do not meet the minimum lot area or width are subject to the provisions outlined in Section 12.2.

[2] Lots that front on NC 87 shall have a 75-foot minimum front setback.

[3] Minimum living area per dwelling (sf) does not apply to any structure subject to regulation under the NC Residential Code for one and two-family dwelling.

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