

**TOWN OF SILER CITY  
ORDINANCE 09-07-2021 UDO**

**AN ORDINANCE AMENDING ARTICLE XI (SUPPLEMENTARY USE  
REGULATIONS) OF THE TOWN OF SILER CITY UNIFIED DEVELOPMENT  
ORDINANCE (UDO)**

**NOW THEREFORE**, be it ordained by the Board of Commissioners of the Town of Siler City, in the State of North Carolina, as follows:

**SECTION 1:**        **AMENDMENT** “148 Residential Uses” of the Town of Siler City Unified Development Ordinance (UDO) is hereby *amended* as follows:

**AMENDMENT**

148 Residential Uses

(a) **Family care homes.** The General Assembly finds it is the public policy of this State to provide persons with disabilities with the opportunity to live in a normal residential environment.

(1) As used in this section:

- a. “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 (6) resident persons with disabilities.
- b. “Person with disabilities” means a person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, 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 G.S. 122C-3(11)b.

(2) 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. The Town may not 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. A family care home shall be deemed a residential use of property for the purposes of determining charges or assessments imposed by the Town or businesses for water, sewer, power, telephone service, cable television, garbage and trash collection, repairs or improvements to roads, streets, and sidewalks, and other services, utilities, and improvements.

(b) **Manufactured Homes**

(1) Per 160D-910

- a. The General Assembly finds that manufactured housing offers

affordable housing opportunities for low- and moderate-income residents of this State who could not otherwise afford to own their own home. The General Assembly further finds that some Towns have adopted zoning regulations that severely restrict the placement of manufactured homes. It is the intent of the General Assembly in enacting this section that Towns reexamine their land use practices to assure compliance with applicable statutes and case law, and consider allocating more residential land area for manufactured homes based upon local housing needs.

- b. For purposes of this section, the term “manufactured home” is defined as provided in G.S. 143-145(7).
- c. The Town may not adopt or enforce zoning regulations or other provisions that have the effect of excluding manufactured homes from the entire zoning jurisdiction or that exclude manufactured homes based on the age of the home.
- d. The Town may adopt and enforce appearance and dimensional criteria for manufactured homes. Such criteria shall be designed to protect property values, to preserve the character and integrity of the community or individual neighborhoods within the community, and to promote the health, safety and welfare of area residents. The criteria shall be adopted by ordinance.
- e. In accordance with the Town’s comprehensive plan and based on local housing needs, the Town may designate a manufactured home overlay district within a residential district. Such overlay district may not consist of an individual lot or scattered lots, but shall consist of a defined area within which additional requirements or standards are placed upon manufactured homes.
- f. Nothing in this section shall be construed to preempt or supersede valid restrictive covenants running with the land. The terms “mobile home” and “trailer” in any valid restrictive covenants running with the land shall include the term “manufactured home” as defined in this section.

(2) The Town of Siler City Manufactured Home Park Ordinance is set forth as Appendix I to this Ordinance.

- a. All future manufactured home park communities shall have a minimum lot size of six thousand (6,000) square feet for each lot and a maximum density of seven (7) units per acre. House numbers shall be posted on each unit.
- b. All manufactured homes located on existing non-conforming lots shall be grandfathered. If a grandfathered manufactured home park is sold by the existing owner, the park will remain grandfathered.

(3) All manufactured homes shall satisfy each of the following additional criteria:

- a. Install steps and at minimum a four (4) feet by four (4) feet landing at every entrance/exit door. Steps and landings maybe wood or concrete.
- b. Manufactured home skirting shall be installed under every home:

1. Material shall be durable, weather resistant, continuous, unpierced (except for required ventilation and access);
  2. Materials should be selected from the normal industry standard such as vinyl skirting panel or composite rock/stone/brick veneer panel; and
  3. Materials not allowed include but are not limited to: OSB Board, or other materials subject to rot.
- c. Manufactured home, double wide shall satisfy each of the following additional criteria:
1. the pitch of the home's roof has a minimum vertical rise of three (3) feet for each twelve (12) feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;
  2. the exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction;
  3. a continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the home (if located outside of a manufactured home park);
  4. the tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy; and
  5. the home shall be placed so that the apparent entrance or front of the home faces or parallels the principal street frontage, except where the lot size exceeds one (1) acre.

(c) **Multi-family Downtown Development.** The following items are required and must be submitted with the application:

- (1) A site plan including phasing, building height, dimensions, landscaping, parking, etc.
- (2) Detailed floor plan of each level of a structure to be utilized including dimensions, entrances, exits, etc.
- (3) Each dwelling unit shall be self-sufficient and include the following rooms or items (complete kitchen, full bath, living, and bed).
- (4) Community laundry facilities are allowed.
- (5) Laundry shall not be visible from adjoining property or right-of-way.
- (6) Each dwelling shall have central heating and air conditioning. Window unit air conditions shall not be permitted.
- (7) All ground floor dwelling units shall be built in accordance with non-residential building code.
- (8) The on-site pedestrian circulation system must be lighted to a level where residents can safely use the system at night. Such lighting shall be subject to the lighting standards.
- (9) Sufficient garbage disposal facilities are required and shall be properly

screened. Outdoor storage shall not be permitted (junk, trash, or debris shall not be visible from an adjoining property or right-of-way).

(10) Parking Requirements

- a. One parking space for ~~each~~ one (1) bedroom units.
- b. One and twenty-five hundredths (1.25) parking spaces for two (2) or more bedroom units (rounded up to the next whole number for the development).
- c. Each required parking space shall be restricted to the appropriate residence. Signage designating restricted parking shall be installed. A contractual agreement for parking must always be maintained if the residential development is to continue operation.

(11) ~~Final plat, site plan, building plan, zoning permit, and building permit approval by Town Staff shall be required prior to any construction.~~

(12) All other applicable development regulations provided in the UDO shall apply.

**(d) Planned Residential Developments**

- (1) The purpose of this section is to provide flexibility, consistent with the public health and safety and without increasing overall density, to the developer who subdivides property and constructs buildings on the lots created in accordance with a unified and coherent plan of development.
- (2) Planned residential developments (PRDs) are permissible only on tracts of at least three (3) acres located within a R-1O or R-6 zoning district.
- (3) The overall density of a tract developed by a PRD shall be determined as provided in §168.
- (4) Permissible types of residential uses within a PRD include single-family detached dwellings, two-family residences, and multi-family residences. At least fifty (50) percent of the total number of dwelling units must be single-family detached residences on lots of at least 6,000 square feet.
- (5) To the extent practicable, the two-family and multi-family portions of a PRD shall be developed more toward the interior rather than the periphery of the tract so that the single-family detached residences border adjacent properties.
- (6) In a planned residential development, the screening requirements that would normally apply where two-family development adjoins a single-family development shall not apply within the tract developed as a planned residential development, but all screening requirements shall apply between the tract so developed and adjacent lots.
- (7) The developer may create lots and construct buildings without regard to any minimum lot size. Lot width, or setback restrictions except that:
  - a. Lot boundary setback requirements shall apply where and to the extent that the subdivided tract abuts land that is not part of the subdivision, and
  - b. Each lot must be of sufficient size and dimensions that it can support the structure proposed to be located on it, consistent with all other applicable requirements of this chapter.
- (8) The number of dwelling units may not exceed the maximum density

authorized for the tract under §168.

(9) To the extent reasonably practicable, the amount of land saved by creating lots that are smaller than the standards set forth in §167 shall be set aside as usable open space.

(10) Approved plans shall show the dimensions, height, and location of all such buildings to the extent necessary to comply with the purpose and intent of this section.

(11) The development shall be constructed in accordance with an overall design scheme.

(12) Approval must be obtained for subdivision and the configuration of principal buildings to be located on each lot.

**(e) Primary Residence with Accessory Apartment**

(1) Shall meet the setback requirements of the district

(2) Shall not be located more forward than the front/street façade of the primary residence.

(3) Only one accessory apartment shall be allowed per primary residence.

(4) One off-street parking space shall be required in addition to what is required for the primary residence.

(5) May be detached from or attached to the primary residence.

(6) Shall be located on the same lot as the primary residence.

(7) The owner of the property shall occupy either the primary residence or the accessory apartment.

(8) The accessory apartment shall be subordinate, incidental, and accessory to that of the primary residence.

(9) The primary residence shall only be a detached single family residential, one dwelling per lot.

(10) The residence occupied by the tenant shall be occupied by longer term resident(s) (at least month-to-month tenants).

(11) The accessory apartment shall comprise not more than fifty (50) percent of the gross floor area of the primary residence nor more than a total of one thousand (1,000) square feet.

**(f) Single Family Residences, Two Family Residences, and Homes Emphasizing Special Treatment, Supervision, or Care**

(1) Built Upon Area.

a. The maximum built upon area on any deeded lot is forty percent (40%).

b. The total area includes the area of the deeded lot subtracting the area located within the road right-of-way.

(2) Parking.

a. Storage outside of a substantially enclosed structure of any junked motor vehicle is prohibited except as allowed below:

1. One (1) junked motor vehicle, in its entirety, can be located in the rear yard if the junked motor vehicle is entirely concealed from public view from a public street and from abutting

premises by an acceptable covering. The zoning enforcement officer has the authority to determine whether any junked motor vehicle is adequately concealed as required by this provision. The covering must remain in good repair and must not be allowed to deteriorate. The covering or enclosure must be compatible with the objectives stated in Ordinance No. 1990-3 (Board of Commissioners found it necessary and desirable to promote and enhance):

- i. The quality of urban attractiveness and aesthetic appearance of the Town;
  - ii. The protection of property values throughout the Town;
  - iii. The preservation of the live ability and attractiveness of neighborhoods;
  - iv. The promotion of tourism, conventions, and other opportunities for economic development for the Town;
  - v. The attractiveness of the Town's thoroughfares and commercial roads which present the primary, public visibility to visitors and to passers-by of the Town; and
  - vi. The promotion of the comfort, happiness, and emotional stability of occupants of property in the vicinity of junked motor vehicles.
2. More than one (1) junked motor vehicle. Any other junked motor vehicle must be kept in a garage or building structure that provides a complete enclosure so that the junked motor vehicle cannot be seen from a public street or abutting property. A garage or building structure means either a lawful, nonconforming use or a garage or building structure erected pursuant to the lawful issuance of a building permit and which has been constructed in accordance with all zoning and building code regulations.
- b. Parking outside of a substantially enclosed structure of vehicles of a commercial or industrial nature with more than two (2) axles and/or a gross vehicle weight (GVW) in excess of fourteen thousand (14,000) pounds or trailers of a commercial or industrial nature with more than one (1) axle including but not limited to tractor trailers, cargo trucks, bulldozers, backhoes, and other heavy equipment are prohibited from parking on a regular basis, except while actually engaged in loading or unloading, legitimately on the property to perform routine or emergency maintenance services, or in connection with an approved construction project.
1. Notwithstanding this prohibition, the vehicles and equipment to which this section applies may be parked or placed in the

rear yard of a residence if inside of a substantially enclosed structure or properly screened such that they are not visible from adjacent streets or properties.

2. This provision shall not apply to recreational vehicles (RV's), boats, boat trailers and small utility trailers.
- c. Parking outside a substantially enclosed structure of more than four (4) motor vehicles between the front (or side, in the case of a corner lot) building line of the principal building and the street on any lot is prohibited.
  - d. All vehicle accommodation areas shall be provided so as to maintain a primarily residential appearance and to protect the quality and character of residential neighborhoods. Accordingly, all areas used for parking and drives shall be designed, located, and constructed to meet the following standards:
    1. All parking spaces and drives shall be clearly delineated, constructed, surfaced, and adequately maintained with a hard-all-weather surface such as #57 stone, #67 stone, #78 stone, brick, pavers, asphalt, concrete, pervious paving, turf stone, or other approved material. Grass and bare earth areas shall not be acceptable.
    2. The edge of all parking and drive areas shall be clearly delineated, with a physical edge that is maintained.
    3. No more than twenty-five (25) percent of the front (or side, in the case of a corner lot) yard area (measured from the front building line of the principal building to the edge of the street) may be delineated or used for parking and drive areas unless the Board of Adjustment grants a variance in accordance with this subsection. Some examples of cases eligible for consideration of a modification are as follows:
      - i. A portion of the delineated area is primarily used for vehicular drive and turnaround movements and not for the parking of vehicles;
      - ii. The delineated area for the minimum required parking spaces and reasonable access drives would exceed twenty-five (25) percent of the yard area;
      - iii. The relevant lot line (front or side) is less than fifty (50) feet wide, and it is judged to be infeasible to keep required delineated parking areas to less than twenty-five (25) percent of the yard;
      - iv. The topography, location of the dwelling or the existing development of adjoining areas prevents conformance;
      - v. A portion of the delineated area is necessary to provide handicap accessibility to the dwelling; and

- vi. The existing all-weather surface currently exceeds twenty-five (25) percent of the yard and a portion of the all-weather surface is designated as driveway only (or for a non-parking use) and/or physically restricted or barricaded from use as vehicle parking.

(3) Accessory use detached buildings/structures.

- a. Carports, garages, greenhouses, playhouses, pump houses, satellite dish antennas, sports ramps, storage sheds, swimming pools, tool sheds, uncovered decks, workshops, etc.
  - 1. May be located in the rear yard and shall not be located in any front (or side, in the case of a corner or double frontage lot) or side yard.
  - 2. Carports, garages, pump houses, and satellite dish antennas maybe located in a side yard if the detached accessory buildings/structures are no closer to the street than the principal building.
  - 3. Uncovered decks may be located in a front or side yard only if the deck is no more than three (3) inches from the building wall of the principal building.
  - 4. Shall comply with minimum building setback requirements of the zoning district in which they are located.
- b. Animal containment facilities such as pens, kennels, and houses. May be located in the rear yard and shall not be located in any front (or side, in the case of a corner or double frontage lot) or side yard.
- c. Shipping containers, portable storage units/pods, and cargo box trailers.
  - 1. These storage facilities may be allowed as permanent accessory uses when in compliance with the following standards:
    - i. Shall comply with minimum setback requirements of the zoning district in which they are located;
    - ii. Shall be in compliance with any applicable sign regulations; and
    - iii. May be located in the rear yard and shall not be located in any front (or side, in the case of a corner or double frontage lot) or side yard.
  - 2. These storage facilities may be allowed as a temporary use when in compliance with the following standards:
    - i. Shall comply with minimum setback requirements of the zoning district in which they are located;
    - ii. May be located for a period of time not to exceed ninety (90) consecutive days in duration from the time of delivery to the time of removal, two times per twelve (12) month period;
    - iii. May be located on grass or bare earth;

- iv. Shall be placed in a location where sight visibility is not obstructed; and
  - v. Shall be located in a manner which does not hinder access to the site or to off-street parking spaces.
- (4) Corner Lots. For purposes of this section, corner lots with areas used for parking and drives within the side yard area between the principal structure and the side street right-of-way which are unscreened and visible from a public street, are treated the same as front yard parking areas; however, only one yard (either front or side) may be utilized for parking and drive purposes, consistent with the rules set forth herein.
- (5) Notwithstanding the provisions contained in Article VIII (Nonconforming Situations) or elsewhere in this Ordinance, all of the requirements contained in §159 shall be applicable to all existing and future single-family residences, two family residences, and homes emphasizing special treatment, supervision, or care.
- (6) Exemptions from §148(e). Single family residences, two family residences, and homes emphasizing special treatment, supervision, or care that are located within the Agricultural-Residential (A-R) zoning district.
- (7) The Town may adopt zoning regulations except as provided below in this subsection:
  - a. Any regulation relating to building design elements adopted under this Chapter may not be applied to any structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings except under one or more of the following circumstances:
    - 1. The structures are located in an area designated as a local historic district pursuant to Part 4 of Article 9 of this Chapter.
    - 2. The structures are located in an area designated as a historic district on the National Register of Historic Places.
    - 3. The structures are individually designated as local, State, or national historic landmarks.
    - 4. The regulations are directly and substantially related to the requirements of applicable safety codes adopted under G.S. 143-138.
    - 5. Where the regulations are applied to manufactured housing in a manner consistent with G.S. 160D-908 and federal law.
    - 6. Where the regulations are adopted as a condition of participation in the National Flood Insurance Program.
  - b. Regulations prohibited by this subsection may not be applied, directly or indirectly, in any zoning district or conditional district unless voluntarily consented to by the owners of all the property to which those regulations may be applied as part of and in the course of the process of seeking and obtaining a zoning amendment or a zoning, subdivision, or development approval, nor may any such regulations be applied indirectly as part of a review pursuant to G.S. 160D-604 or

G.S. 160D-605 of any proposed zoning amendment for consistency with an adopted comprehensive plan or other applicable officially adopted plan.

c. For the purposes of this subsection, the phrase "building design elements" means exterior building color; type or style of exterior cladding material; style or materials of roof structures or porches; exterior nonstructural architectural ornamentation; location or architectural styling of windows and doors, including garage doors; the number and types of rooms; and the interior layout of rooms. The phrase "building design elements" does not include any of the following:

1. the height, bulk, orientation, or location of a structure on a zoning lot,
2. the use of buffering or screening to minimize visual impacts, to mitigate the impacts of light and noise, or to protect the privacy of neighbors, or
3. regulations adopted pursuant to this Article governing the permitted uses of land or structures subject to the North Carolina Residential Code for One- and Two-Family Dwellings.

d. Nothing in this subsection affects the validity or enforceability of private covenants or other contractual agreements among property owners relating to building design elements.

(8) Minimum Square Footage Exemption. A zoning regulation shall not set a minimum square footage of any structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings.

**(g) Temporary Emergency, Reconstruction or Repair Residences**

(1) Permits for temporary residences to be occupied pending the reconstruction, repair, or renovation of the permanent residential building on a site shall expire within six (6) months after the date of issuance, except that the administrator may renew such permit for one (1) additional period not to exceed six (6) months if he determines that such renewal is reasonably necessary to allow the proposed occupants of the permanent residential building to complete the reconstruction, repair, renovation, or restoration work necessary to make such building habitable.

(2) Only one (1) temporary residence allowed per lot.

(3) Temporary residences shall meet the minimum housing standards of the Town of Siler City Code of Ordinances Chapter 8, Article IV.

(4) The following standards are exempt:

- a. minimum lot size
- b. residential density
- c. minimum lot width
- d. building setback requirements from lot lines
- e. skirting installed under residence


h. accessory use detached building/structure front and side yard location restrictions

Amended October 2, 2000, August 18, 2014, January 21, 2020, January 21, 2021, February 17, 2021

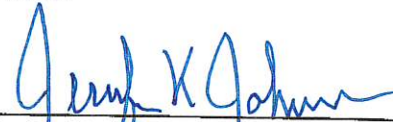
**REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

PASSED AND ADOPTED BY THE TOWN OF SILER CITY BOARD OF COMMISSIONERS September 7, 2021.

Presiding Officer

  
Cindy B. Bray, Mayor Pro Tempore,  
Town of Siler City

Attest

  
Jenifer K. Johnson, Town Clerk Town  
of Siler City

