

**Section 10.13** *(Note: All of the uses that follow are only allowed as conditional use permits)*

Asphalt manufacture or refining (Subject to additional requirements of Section 17.9)

Cement, lime, plaster manufacture (Subject to additional requirements of Section 17.9)

Coal or coke yards (Subject to additional requirements of Section 17.9)

Electric light and power generation (Subject to additional requirements of Section 17.9)

Flammable liquids – bulk plants and storage (Subject to additional requirements of Section 17.9)

Foundries casting nonferrous metals where conducted wholly within an enclosed structure, except for open air storage and having a total furnace capacity of not more than 1,000 aluminum pounds (Subject to additional requirements of Section 17.9)

Foundries producing iron and steel products (Subject to additional requirements of Section 17.9)

Garbage and waste incinerators (except hazardous waste) (Subject to additional requirements of Section 17.9)

Industrial chemical manufacture (Subject to additional requirements of Section 17.9)

Mining<sup>2</sup> (Subject to additional requirements of Section 17.9)

Natural gas compressor station (Subject to additional requirements of Section 17.9) – Note: This use is proposed to be allowed as a CUP in any zoning district.

Oil and Gas Exploration and Development (Subject to additional requirements of Section 17.9) – Note: This use is proposed to be allowed as a CUP in any zoning district.

Rodenticide, insecticide and pesticide mixing plants (Subject to additional requirements of Section 17.9)

Sanitary landfill excluding the burning of trash out of doors (Subject to additional requirements of Section 17.9)

Tannery and tanning operations (Subject to additional requirements of Section 17.9)

Tar and waterproofing materials manufacture, treatment and storage (Subject to additional requirements of Section 17.9)

Textile manufacture including spinning, dyeing, bleaching and other heavy processes (Subject to additional requirements of Section 17.9)

**Section 11.2 Specific Requirements**

E. Toxic, Noxious or Hazardous Matter

No use shall for any period of time, discharge across the boundaries of a lot on which it is located **or into the waters of the State of North Carolina**, toxic, noxious or hazardous matter in such concentrations as

to be detrimental to or endanger the public health, safety, comfort, or general welfare, or cause injury or damage to persons, property or the use of property or land.

### **11.3. Environmental Impact Assessment**

An Environmental Impact Assessment, as described in Section 6.2 (B) of the Subdivision Regulations and related guidelines, shall be required for a project which meets any criteria listed in A. through E. below and which consists of ten (10) or more contiguous acres in extent and that disturbs ten (10) or more acres. A project for which a detailed statement of the environmental impact of the project is required pursuant to N.C. Gen. Stat. § 113A-4(2) or 42 U.S.C. § 4332(C), or for which a functionally equivalent permitting process is required by federal or State law, regulation or rule, is exempt from the requirement of this Section 11.3, provided that a copy of any such detailed statement of environmental impact or of any application(s) for a functionally equivalent permitting process on which an exemption is claimed shall be provided to the County prior to any land-disturbing activity. A project for which no environmental document shall be required pursuant to N.C. Gen. Stat. § 113A-12 is exempt from the requirements of this Section 11.3.

This Section 11.3 applies to the following projects:

- A.** Any new project requiring a Conditional Use Permit or Conditional Zoning District.
- B.** Any physical expansion of project approved under an existing Conditional Use Permit or Conditional Zoning District. A physical expansion that is less than ten (10) contiguous acres in extent or disturbs less than ten (10) acres shall be subject to the requirements of this Section 11.3 if no substantial work has begun on the approved project and the expansion together with the approved project will exceed ten (10) contiguous acres in extent and disturbs ten (10) or more acres. Physical expansion means the addition of new property or acreage to an area covered by an existing Conditional Use Permit or Conditional Zoning District. This requirement shall also apply to conversions of existing Conditional Use Zoning Districts to Conditional Zoning Districts.
- C.** Any non-residential major subdivision development project, excepting bona fide farm activities;
- D.** Any residential subdivision development project that will include fifty (50) or more dwelling units, whether detached or attached single family residences or in a multi-family structure or structures; or
- E.** Any residential subdivision project of fifty (50) or more lots.

### **Section 17.9 Additional Information for Certain Conditional Use Permits**

This Section 17.9 applies to [those](#) uses [designated](#) in Section 10.13 as being subject to additional requirements of Section 17.9. For uses subject to this Section, the County may determine in certain cases that it needs more information to determine whether a use is consistent with the findings required in Section 17.1. When such a determination is made, the County may retain the services of a consultant that is mutually acceptable to the County and the applicant to conduct a study to provide

such additional information. Upon making a determination that an additional study is needed, notice shall be given to the applicant, and the applicant shall meet with the County staff to determine the scope of the study and to select a consultant. The applicant shall pay a fee as part of the conditional use permit application for the reasonable costs of the consulting services incurred by the County. The report of the study results shall be approved by the County staff and shall become part of the conditional use permit application submitted to the Board of Commissioners. This Section 17.9 is not applicable to an applicant for a conditional use permit for which an environmental impact assessment is required by Section 11.3 of this Ordinance.