

ARTICLE 11
ADMINISTRATION

ARTICLE 11: ADMINISTRATION**11.1 ZONING Administration****.1 Zoning Administrators**

The various provisions of the City of Locust Zoning Ordinance shall be administered by the Zoning Administrator, (which term shall include an administrative officer designated by the City Administrator to perform these functions).

.2 Intent and Applicability

The Zoning Administrator shall enforce, conduct reviews, ensure zoning compliance, and manage the development approval procedures set forth in this article for the City of Locust

- a) A building permit and a certificate of occupancy are required for uses permitted by right, under prescribed conditions, or subject to an approved conditional district or special use permit, and all uses and structures accessory thereto.
- b) A certificate of occupancy is required for changes in the use of property.

Zoning compliance, under these regulations, is required for the issuance of building permits, certificates of occupancy, sign permits, and zoning use permits.

.3 Building Permit

No development shall occur except pursuant to a building permit, when one is required. A building permit is generally required for the activities below. Other building activities may also require a permit.

- a) The addition, repair, or replacement of load bearing structures.
- b) An addition or change in the design of plumbing.
- c) The addition, replacement, or change in the design of heating, air conditioning, or electrical wiring, devices, appliances, or equipment.
- d) The addition of roofing.
- e) Commercial work of any value.
- f) Work on single-family residential or farm buildings exceeding \$5,000.
- g) The following work, even if not in excess of \$5,000:
 - construction of deck, fireplace, pier, or storage building;
 - installation or replacement of insulation, wood stove, or hot water heater;
 - moving a building;
 - demolition of a building.

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11.3 Building Permit (pg. 11.1)

The existing wording does not make it sufficiently clear that the activities specified in the list a) — g) are to be considered in the context of new building, or significant remodeling / renovation work to existing structures. Because of this, some members of the public may mistakenly believe that permits are required for tasks such as replacing their domestic refrigerator. It is also important to clarify that state law requires these permits, and that Stanly County is the issuing authority. Therefore, it is recommended that the wording of the first paragraph be changed to read as follows:

No development or building work shall occur except pursuant to a building permit, when one is required. By state law, a building permit is generally required for the construction activities noted below. Other building activities may also require a permit specified by the Stanly County Building Inspection Department as the permitting authority.

*Then change the wording of item c) by adding a **second** sentence as follows:*

- c) The addition, replacement, or change in the design of heating air conditioning, or electrical wiring, devices, appliances or equipment. The simple replacement of domestic appliances such as refrigerators or washing machines is excluded from this requirement.

.4 Certificate of Occupancy

A certificate of occupancy must be issued prior to the occupation or use of any land, building, or structure, and prior to a change in the use of any land, building, or structure, except for land used for agricultural purposes.

11.2 ENFORCEMENT

1. Administration and Enforcement Procedures

If an application for a Building Permit or Certificate of Occupancy is denied because of noncompliance with these regulations, the Zoning Administrator shall provide notification of the denial and of the reasons therefore.

2. Right of Appeal

If a request for a zoning compliance permit is disapproved or if a ruling of the Zoning Administrator is questioned, any aggrieved party may appeal such ruling to the Locust Board of Adjustment as provided in Section 11.3. An appeal to the Board of Adjustment, lawfully and completely filed within 30 working days of the date of the decision, shall stay enforcement action and penalties until a hearing has been held and a decision rendered by the Board of Adjustment.

Penalties

In case any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained in violation of this ordinance, an action for injunction, mandamus, or other appropriate action or proceeding to prevent such violation may be instituted by the Zoning Administrator or other authority designated by the City Council as enforcement agent(s) for this ordinance. Penalties and remedies are as follows:

(a) **Criminal.** Any person, firm or corporation convicted of violating the provisions of this ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined an amount not to exceed five hundred dollars (\$500) and/or imprisoned for a period not to exceed thirty (30) days. Each day of violation shall be considered a separate offense, provided that the violation of this ordinance is not corrected within thirty (30) days after notice of said violation is given.

(b) **Equitable Remedy.** The Zoning Administrator may apply to a court of competent jurisdiction for any appropriate equitable remedy to enforce the provisions of this ordinance. It is not a defense to the Zoning Administrator's application for equitable relief that there are other remedies provided under general law or this ordinance.

(c) **Injunction.** Enforcement of the provisions of this ordinance may also be achieved by injunction. When a violation occurs, the Zoning Administrator may, either before or after the institution of other authorized action, apply to the appropriate division of the General Court for a mandatory or prohibitory injunction commanding the defendant to correct the unlawful condition or cease the unlawful use of the property.

(d) **Order of Abatement.** In addition to an injunction, the Zoning Administrator may apply for and the court may enter into an order of abatement as part of the judgment in the case. An order of abatement may direct any of the following actions:

Buildings or other structures on the property be closed, demolished, or removed;

Fixtures, furniture or other movable property be moved or removed entirely;

improvements, alterations, modifications or repairs be made; or

Any other action be taken that is necessary to bring the property into compliance with this ordinance.

(e) **Execution of Court Decisions.** If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he or she may be cited for contempt. The Zoning Administrator may execute the order of abatement and will have a lien on the property in the nature of a mechanic's or material man's lien for the cost of executing the order. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and by posting a bond for compliance with the order. The bond must be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter was heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within the time fixed by the judge. Cancellation of an order of abatement does not suspend or cancel an injunction issued in conjunction with the order.

(f) **Stop Work Order Issuance and Revocation of Permits.** Whenever a building, structure or part thereof is being constructed, demolished, renovated, and altered. or repaired in substantial violation of any applicable provision of this ordinance. the Zoning Administrator may order the specific part of the work that is in violation. or would be when the work is completed, to be immediately stopped. The stop work order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons for cessation and the action(s) necessary to lawfully resume work.

The Zoning Administrator may revoke any permit (e.g., building, certificate of occupancy) by written notification to the permit holder when violations of this ordinance have occurred. Permits may be revoked when false statements or misrepresentations were made in securing the permit, work is being or has been done in substantial departure from the approved application or plan, there has been a failure to comply with the requirements of this ordinance, or a permit has been mistakenly issued in violation of this ordinance.

Civil Penalty. In addition to the other remedies cited in this ordinance for the enforcement of its provisions, and pursuant to NC General Statute 160A-175, the regulations and standards of this ordinance may be enforced through the issuance of civil penalties by the Zoning Administrator.

Subsequent citations for the same violation may be issued by the Zoning Administrator if the offender does not pay the citation (except as otherwise provided in a warning situation) after it has been issued unless the offender has sought an appeal to the decision of the Zoning Administrator through the Board of Adjustment. Once the ten-day warning period has expired, each day which the violation continues shall subject the violator to additional citations to be issued by the Zoning Administrator.

The following penalties are hereby established:

Warning citation	Correct Violation Within 10 Days
First Citation	\$50.00
Second Citation for Same Offense	\$100.00
Third and Subsequent Citations for Same Offense	\$500.00

If the offender fails to pay the civil penalties within three (3) days after having been cited, the City may recover the penalties in a civil action in the nature of debt.

11.3 APPEALS AND VARIANCES**.1 Board of Adjustment****a) Establishment.**

i) The Board of Adjustment shall consist of five members and two alternate members from within the corporate limits of the City of Locust, and extraterritorial representatives proportionate to the percentage of population in the Extraterritorial Zoning Jurisdiction. Extraterritorial representatives are appointed according to the procedures of paragraph b), below.

ii) Each member shall be appointed by the City Council for a term of three years. The original appointments shall be made: one member appointed for a term of one year, two members appointed for terms of two years; and two members appointed for terms of three years. At the expiration of the terms of all members first appointed, all new appointments or reappointments shall be made for terms of three years. Each appointment to fill an unexpired term shall be for the balance of said term.

iii) Two alternate members shall be appointed in the same manner and for the same term as regular members, with original appointments made: one member for a term of two years and one member for a term of three years.

iv) The members and alternate members of the Board of Adjustment shall receive no compensation for their services.

b) Extraterritorial Representation

In addition to the members herein above provided for, members of the Board of Adjustment shall be appointed from the area within the extraterritorial jurisdiction of the City of Locust, pursuant to the provisions of North Carolina General Statutes, as they may be from time to time amended. These members so appointed shall have all of the obligations and duties of the other members of the Board of Adjustment, including rights to vote on all zoning matters affecting and pertaining to property within the City of Locust and within the Extraterritorial jurisdiction of the City. Extraterritorial members of the Board of Adjustment shall be appointed, as provided by the North Carolina General Statutes, by the Board of County Commissioners upon recommendation of the City Council, provided that if said City Council fails to make the appointment as provided in the General Statutes, then the County Commissioners shall make the appointment. Each Extraterritorial member shall serve for a period of three years, except as to those appointed initially after the adoption of this ordinance, in which case one shall be appointed to a term of one year, and the other shall be appointed to a term of two years.

c) The **expiration date** for each term shall be the 31st day of December of the year in which said term is to expire; the term of office of the succeeding member shall begin on the 1st day of January of the succeeding year. A member shall be eligible for appointment to, two successive terms, not including appointment to fill an unexpired term of a predecessor.

d) Proceedings

i) Meetings. All meetings of the Board of Adjustment shall be held at a regular place and shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, an indication of such fact. Final disposition of appeals or variances shall be recorded in the minutes, indicating the reasons of the

Board therefore, all of which shall become a part of the public record.

ii) **Quorum Required.** No final action shall be taken on any matter unless a quorum is present. A quorum is the greater of the majority of the members of the Board or, for appeal and variance actions (which require the concurring vote of 4/5ths of the members of the Board), 4/5ths of the membership.

e) **Powers and Duties.** The Zoning Board of Adjustment shall have the following powers and duties:

i) **Administrative Review.** To hear and decide appeals according to the procedures of this section. where it is alleged there is an error in any order, decision, determination, or interpretation made by the Zoning Administrator or designated administrative officer in the enforcement of this ordinance.

ii) **Variances.** To authorize upon appeal in specific cases variances from the terms of this ordinance according to the standards and procedures herein.

.2 Appeals and Variances

a) **Petition to Board of Adjustment for Appeal or Variance.**

i) An appeal may be initiated by any aggrieved party or by any officer or the Council of the City of Locust.

ii) A petition for variance may be initiated only by the owner of the affected property, an agent authorized in writing to act on the owner's behalf, or a person having a written contractual interest in the affected property.

b) **Filing of notice of appeal.**

i) A notice of appeal shall be filed with the City Administrator or other designated administrator contesting any order, decision, determination, or interpretation within 30 working days of the day the order, decision, determination, or interpretation is made or rendered by an administrative officer. The Board of Adjustment may waive or extend the 30 day deadline only upon determining that the person filing the notice of appeal received no actual or constructive form of notice of the order, decision, determination, or interpretation being appealed. The notice filed with the City Administrator or other designated administrator shall be accompanied by a nonrefundable filing fee as established by the City Council and a list of adjoining properties including tax parcel numbers and the name and address of each owner. Failure to timely file such notice and fee shall constitute a waiver of any rights to appeal under this chapter.

ii) Upon receipt of a notice of appeal the City Administrator shall collect copies of all administrative papers, records, and other information regarding the subject matter of the appeal.

.iii) The filing of such notice shall stay any proceedings in furtherance of the contested action, except the Zoning Administrator may certify in writing to the Board of Adjustment that because of facts stated in the certificate, a stay imposes an imminent peril to life or property or would seriously interfere with the enforcement of these regulations. The Board of Adjustment shall then review such certificate and may override the stay of further proceedings.

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c) Filing a Variance Petition.

A petition for variance, in the form prescribed by the Board of Adjustment, shall be filed with the City Administrator or other designated administrator, accompanied by a non-refundable filing fee as established by the City Council and a list of adjoining properties including tax parcel numbers and the name and address of each owner.

d) Notice and Hearing.

i) The Board of Adjustment shall, in accordance with rules adopted by it for such purpose, hold public hearings on any appeal or variance petition which comes before it.

ii) The Board of Adjustment shall, prior to the hearing, mail written notice of the time, place, and subject of the hearing to the person or persons filing the notice of appeal or variance petition, to the owners of the subject property, and to the owners of property adjacent to the subject property.

e) Standards for Granting an Appeal.

i) The Board of Adjustment shall reverse or modify the order, decision, determination, or interpretation under appeal only upon finding an error in the application of these regulations on the part of the officer rendering the order, decision, determination, or interpretation.

ii) In modifying the order, decision, determination, or interpretation, the Board of Adjustment shall have all the powers of the officer from whom the appeal is taken.

f) Standards for Granting a Variance.

i) Before granting a variance, the Board of Adjustment shall have made the following findings:

(a) That practical difficulties or unnecessary hardships, as defined in subparagraph 2) below, would result from the strict application of these regulations; and

(b) That the variance is consistent with the objectives and policies of any adopted plan for the district or area covering the property, any other adopted written policies governing land development, and the construction and improvement of public facilities, and the general intent of these regulations; and

(c) That the public safety and welfare have been protected and substantial justice done.

ii) Only the following three conditions shall constitute a practical difficulty or unnecessary hardship and all must be met:

(a) The difficulty or hardship would result only from these regulations and from no other cause, including the actions of the owner or previous owners of the property; and

(b) The difficulty or hardship is peculiar to the property in question and is not generally shared by other properties classified in the same zoning district and/or use for the same purposes; and

(c) The difficulty or hardship resulting from the application of these regulations would prevent the owner from making a reasonable use of the property. The fact that the property could be utilized more profitably or conveniently with the variance than without the variance shall not be considered as grounds for granting the variance.

iii) The Board of Adjustment shall not grant a variance which would allow the establishment of a use which is not otherwise permitted in the district, would result in the extension of a nonconforming use, or would change the zoning classification of any or all of the subject property. The existence of a non-conforming use of neighboring land, buildings, or structures in the same district, or of permitted or non-conforming uses in other districts, shall not constitute sufficient reason for granting the requested variance.

iv) The fact that property may be utilized more profitably will not be considered adequate to justify the Board of Adjustment in granting a variance.

g) Action by the Board of Adjustment.

The concurring vote of four fifths (4/5ths) of the members of the board shall be necessary to grant an appeal or request for variance. The Board of Adjustment shall grant or deny the variance or shall reverse, affirm, or modify the order, decision, and determination. or interpretation under appeal by recording, in the minutes of the meeting the reasons that the Board of Adjustment used and the findings of fact and conclusions of law made by the Board of Adjustment to reach its decision.

h) Effect of Grant of Variance or Reversal or Modification of Administrative Decision.

After the Board of Adjustment approves a variance, or reverses or modifies an order, decision, determination, or interpretation of an administrative officer, the appellant or petitioner shall be responsible for a building permit and/or certificate of occupancy, as applicable, in order to proceed with the development of the subject property. All orders, decisions, determinations, and interpretations made by administrative officers under those procedures shall be consistent with the variance, reversal, or modification granted to the appellant or petitioner by the Board of Adjustment.

i) Rehearing.

The Board of Adjustment shall refuse to hear an appeal or variance petition which has been previously denied unless it finds that there have been substantial changes in the conditions or circumstances relating to the matter.

j) Appeal from Board of Adjustment.

A written copy of the Board's decision shall be delivered to the appellant either by personal service or by certified mail. Any person or persons, jointly or severally aggrieved by any decision of the Board of Adjustment, or any agent of the City of Locust, may appeal the decision of the Board within thirty days after said decision is filed in the Office of the City Administrator or after a written copy thereof is delivered to the appellant, whichever is later. Appeal shall be in the form of a petition for review to the Superior Court as provided in NCGS 160A- 388(e).

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3. Standards for Granting an Administrative Waiver

a) Purpose and Intent

The Zoning Administrator (which term shall include an administrative officer designated by the City Administrator to perform these functions) is authorized to grant an administrative waiver of minor deviations from measurable and quantifiable standards of this ordinance subject to the following limitations:

- i) the standard for which the waiver can be granted must be a quantifiable and/or measurable standard set forth in the ordinance. Such standards may include, but are not necessarily limited to, height requirements and limitation, yard requirements, parking requirements, screening or buffer requirements, planting requirements, ratio requirements, density requirements, spacing requirements, signage requirements and other similar measurable and quantifiable standards.
- ii) The Zoning Administrator shall grant such waiver only after the requesting party has demonstrated that such minor deviation was a result of an unintended error or unique conditions of the property, does not and will not violate the spirit and harmony of the ordinance, and does not and will not adversely affect the rights of other property owners in any material manner.
- iii) The minor administrative waiver may not deviate by more than three percent (3%) of the standards for which the waiver is given.

b) Construction. The authority given to the Zoning Administrator to grant such waivers shall be construed to be permissive and not mandatory and the Zoning Administrator may decline to make such waiver, and instead, require that the applicant seek a variance from the Board of Adjustment. The Zoning Administrator may not grant any waiver affecting the use or zoning classification; however, this shall not be construed as limiting the zoning Administrator's duties and rights under the ordinance, and whose decisions are appealable to the Board of Adjustment.

11.4 AMENDMENT PROCESS

.1 Purpose and Authority

a) The purpose of this article is to provide a means for amending the text of these regulations and the classification of any parcel of land identified on the Official Zoning Map. The purpose is not to relieve particular hardships, nor to confer special privileges or rights on any person, but only to make adjustments necessary in response to changed conditions or changes in public policy.

b) Upon compliance with the provisions of this article, the City Council shall have the authority to amend or repeal the text of these regulations or the classification of any parcel of land indicated on the Official Zoning Map.

.2 Planning Board

a) Establishment.

The Planning Board of the City of Locust shall consist of seven (7) members from within the City limits ("members") and extraterritorial members proportionate to the percentage of population in the extraterritorial zoning jurisdiction.

b) Membership.

i) Members From Within the City Limits.

Each member shall be appointed by the City Council for a term of three years, except that the initial appointment shall be as follows: Two shall be appointed for a three year term, two for a two year term, and one for a one year term and thereafter all appointments shall be for three years. Provided further that the expiration date for each term shall be the 31st day of December of the year in which said term is to expire and the term of office of the succeeding member shall begin on the 1st day of January of the succeeding year; provided, further, that if the initial members appointed under this ordinance are so appointed so that their term of office begins prior to a January 1 date, such term for the initial member shall be extended by the period of time between their appointment and December 31 of the year of their appointment, it being the intent of this proviso that each initially appointed member shall serve a term of one, two, or three years, as the case may be, plus a period of time between their initial appointment and December 31 of the year of their initial appointment. A retiring member shall be eligible for reappointment to succeed himself

ii) Extraterritorial Members.

In addition to the members hereinabove provided for, members of the Planning Board shall be appointed from the area within the extraterritorial jurisdiction of the City of Locust, pursuant to the provisions of the North Carolina General Statutes, as they may be from time to time amended. These members so appointed shall have all of the obligations and duties of the other members of the Planning Board, including rights to vote on all matters coming before the Board. Extraterritorial members shall be appointed, as provided in the North Carolina General Statutes, by the Board of County Commissioners upon recommendation of the City Council, provided that if said City Council fails to make the appointment as provided in the General Statutes, then the County Commissioners shall make the appointment. Each extraterritorial member shall serve for a period of three years, except as to those appointed initially, in which case one shall serve for a period of two years and one for a period of three years following initial appointment. Expiration dates for each term, initially and thereafter, shall be the 31st day of December of the year in which said term is to expire and the term of office of the succeeding member shall begin on the 1st day of January of the succeeding year. A retiring extraterritorial member shall be eligible for reappointment to succeed himself

iii) Meetings.

Meetings shall be held on a monthly basis unless otherwise determined by the Board. The Chairman of the Board, or in his absence the vice chairman, may call a special meeting of the Board at any time by giving each member 24 hours notice. Special meetings shall also be scheduled upon request by four or more board members. A quorum of the Board shall consist of a simple majority of the appointed members, and a quorum shall be in attendance before any action of an official nature can be taken.

iv) Powers and Duties.

(a) The Planning Board shall serve as the advisory board on all requests for changes in the zoning laws and ordinances of the City of Locust. As such, and pursuant to any authorities set forth in the zoning ordinance, the Planning Board shall hear all requests for zoning changes

or other zoning action and shall, upon such hearings, make a recommendation to the City Council as to any requested changes or action regarding this ordinance. Hearings on zoning petitions may, by joint decision of the City Council and the Planning Board, be held at joint meetings, or may be held separately. The Planning Board is hereby empowered to set procedures for the filing of zoning petitions so long as said procedures do not conflict with or are not in derogation of the then existing laws and ordinances of the City of Locust.

(b) The Planning Board shall review and make recommendations on applications for approval of subdivisions pursuant to the Subdivision Ordinance of the City of Locust, and shall make such recommendations as may be permitted by said subdivision ordinance and as the Planning Board deems to be in the best interest of the City.

(c) The Planning Board is empowered to make recommendations to the City Council or other governmental agencies consistent with the Planning Board's charged obligation to provide for proper planning for the future growth of the City of Locust and its environs.

.3 Initiation

a) Any amendment to the zoning text or map, except for the classification of property to a parallel conditional use district or TND Overlay district, may be initiated

- i) by the City Council or the Planning Board on its own resolution;
- ii) by the property owner(s), upon filing an official petition, submitting the fee established by the City Council, and providing a list of adjoining properties including tax parcel numbers and the name and address of each owner, provided in digital form if possible,
- iii) by someone other than the property owner following:

(a) **filing** of an official petition and submission of the established fee by the initiating party, and in addition, for a map amendment, providing a list of adjoining properties including tax parcel numbers and the name and address of each owner, or, for a text amendment, submitting the prepared text and rationale for seeking the amendment;

(b) **preliminary evaluation** by the Planning Board to evaluate consistency of the proposal with the objectives and policies of plans adopted by the City of Locust, and

(c) **determination** by the City Council whether the petition should be granted a public hearing or rejected.

b) An amendment for the reclassification of property to a parallel conditional use district or TND Overlay district may be initiated only by the property owner(s), or an agent authorized in writing to act on the owner's behalf, and upon filing an official petition, submitting the established fee, and providing documentation as required by paragraph i) below and as may be required by paragraph ii), below.

- i) A petition requesting the reclassification of property to a parallel conditional use district or overlay district must be accompanied by a site plan,

drawn to scale, and any necessary supporting text, which shall include all data specified in paragraphs (a) through (n) below that are applicable to the project. Where the type of use or scale of proposal makes providing any of the following items unnecessary or impractical, the City Administrator or designated administrative officer may waive individual items.

- (a) A boundary survey and vicinity map showing the property's total acreage, zoning classification(s), general location in relation to major streets, railroads, and/or waterways, date, and north arrow;
 - (b) Existing topography and the general nature of the proposed topography at four foot contour intervals or less,
 - (c) All existing easements, reservations, rights-of-way, and any other restrictions on the use of the land;
 - (d) Number and general location of proposed structures,
 - (e) Proposed use of all land and structures, including the number of residential units or the total square footage of any nonresidential development;
 - (f) All yards, buffers, screening, and landscaping required by these regulations;
 - (g) Any screening, buffers, and landscaping proposed over and above that required by these regulations, as well as proposed treatment of any existing natural features;
 - (h) All existing and proposed points of access to public streets; the location of proposed new streets,
 - (i) Delineation of areas within the regulatory floodplain as shown on the Official Floodway Maps for Stanly County;
 - (j) Proposed number and location of signs;
 - (k) Proposed phasing, if any, and approximate completion time for the project;
 - (l) The location of existing and proposed storm drainage patterns and facilities intended to serve the development;
 - (m) Traffic, parking, and circulation plans, showing the proposed location and arrangement of parking spaces and ingress and egress to adjacent streets, existing and proposed;
 - (n) A listing of adjoining properties including tax parcel numbers and the name and address of each owner, provided in digital form if possible.
- ii) In the course of evaluating the proposed use, the City Administrator, Planning Board or City Council may request additional information from the petitioner. Information requested may include the following:

- (a) The location of significant trees on the petitioned property;
- (b) Scale of buildings relative to adjoining properties, including sight lines;
- (c) Height of structures;
- (d) Exterior features of proposed development
- (e) Any other information needed to demonstrate compliance with these regulations.

iii) The site plan, building elevations, perspectives, sections, and any supporting text shall constitute part of the petition for all purposes under these regulations.

c) The City Administrator shall determine the number of copies of each and other required documentation to be submitted by the petitioner so that copies may be circulated to all appropriate agencies for review and comment.

.4 Withdrawal or Amendment of Petition

- a) A petition filed according to this section may be withdrawn by the petitioner at any time up to adoption of a resolution by the City Council scheduling the date of the public hearing on the petition.
- b) If the petitioner wishes to withdraw the petition after adoption of a resolution scheduling the public hearing, the petitioner may file a request to withdraw with the City Administrator. On the date scheduled for the hearing, the City Council may approve the request for withdrawal if it finds that there are substantial circumstances favoring the withdrawal and that the withdrawal will not be detrimental to the interests of citizens affected by the petition.
- c) Once the petition has been filed, the petitioner shall not be allowed to amend it except by request to the City Administrator no later than three weeks prior to the scheduled public hearing date. No changes to the petition shall be accepted in the intervening weeks prior to the public hearing. No changes to the petition shall be made at the hearing, although potential changes proposed by the petitioner, Planning Board, City Council, and other interested parties may be presented at the hearing and considered by the Planning Board and City Council during their deliberations.
- d) If the City Council deems any amendment to be a substantial change to the petition, it shall defer action on the petition for 30 days to allow interested parties the opportunity to comment on the amendment to the petition.
- e) If the City Council deems any amendment to be an intensification of the petition, it shall call a new public hearing as required by North Carolina General Statutes.

.5 Protested Zoning Amendment

a) Written protest against an amendment to the zoning classification of property, excepting amendments which initially zone property added to the territorial coverage of the ordinance, shall require a favorable vote of three fourths (3/4) of all members of the City Council under the following conditions:

- i) If written protests are submitted by the owners of twenty percent (20%) or more of the area of the lots included in a proposed change; or
 - ii) If written protests are submitted by the owners of twenty percent (20%) or more of the area of the property immediately adjacent thereto either in the rear thereof or on either side thereof, extending 100 feet there from. or of those directly opposite thereto extending 100 feet from the street frontage of the opposite lots.
- b) To be valid and effective, protest letters shall:
- i) Be presented in writing; and
 - ii) Bear the signature and address of the protesting property owner; and
 - iii) State that the signer does protest the proposed amendment, and
 - iv) Be received by the City Administrator at least two working days before the date established for a public hearing on the proposed amendment, to establish the sufficiency and accuracy of the petition.

.6 Hearing

- a) Notice of public hearings required under these regulations shall be in accordance with the North Carolina General Statutes.
- b) Conduct of Public Hearing.
 - i) No amendment shall be adopted until after the City Council and Planning Board have held a public hearing on the proposed amendment.
 - ii) The hearing shall be conducted in accordance with rules and procedures established by the Mayor and City Council.
 - iii) When presenting a petition for the reclassification of property to a general district, the petitioner shall refrain from using any graphic materials or descriptions of the proposed use or development site design, except for those which would apply to any use or development site design permitted in the requested district.

.7 Recommendation and Decision

- a) No proposed amendment shall be approved unless it is first submitted to the Planning Board for a recommendation. If the Planning Board does not make a recommendation to approve, approve with conditions, deny, or defer a decision on the proposed amendment within 31 calendar days after the petition has been referred to it, then the Planning Board shall be considered to have recommended deferral for additional deliberation. The petition, along with the recommendation of the Planning Board, shall be placed on the agenda of the City Council at its next regular zoning meeting.
- b) The City Council, after receiving the recommendation of the Planning Board, shall within a reasonable time either reject the proposed amendment or approve the proposed amendment, with or without modifications.

c) In considering any petition to reclassify property the Planning Board in its recommendation and the City Council in its decision should consider:

- i) Whether the proposed reclassification is consistent with the purposes, goals, objectives, and policies of adopted plans for the area;
- ii) Whether the proposed reclassification is consistent with the overall character of existing development in the immediate vicinity of the subject property;
- iii) The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, hospitals and medical services, schools, storm water drainage systems, water supplies, and wastewater and refuse disposal; and
- iv) Whether the proposed reclassification will adversely affect a known archaeological, environmental, historical, or cultural resource.

d) When considering a petition to reclassify property to a general district, the Planning Board and the City Council shall not evaluate the petition based on any specific proposal for the use of the property or design of the site.

e) In approving an amendment to reclassify property to a general district, or with the consent of the petitioner in the reclassification to a parallel conditional use district or TND Overlay district, the City Council may change the existing classification of the property, or any part of the property covered by the petition, to the classification requested or to a classification or classifications between the existing and requested classifications, or to any higher classification in the hierarchy of zoning districts established in Section 3.1.1 of these regulations.

f) The City Council may modify any proposed text amendment upon adoption of an ordinance enacting the amendment, without the withdrawal or modification of the petition or further public hearings.

.8 Effect of Denial of Petition

a) A petition for the reclassification of property that has been denied in whole or in part, or approved to a classification other than the one originally requested, shall not be re-submitted within one year of the date of the City Council's action on the original petition, unless a petitioner applies for a district which is "lower" in the Hierarchy of Zoning Districts in Section 3.1.1.

b) The City Council may allow re-submission of a petition within the one-year restricted period if it determines that, since the date of action on the prior petition, one of the following criteria has been met:

- i) There has been a similar change in the zoning district classification of an adjacent property; or
- ii) The City Council has adopted a new or amended plan for the area that changes public policy regarding how the property affected by the amendment should be developed; or
- iii) Construction or expansion of a road, water line, sewer line, or other

infrastructure has occurred or is to occur in such a time frame as to serve the property and comfortably accommodate the intensity of development allowed under the proposed classification; or

iv) There has been a substantial change in conditions or circumstances, outside the control of the petitioner, which justifies waiver of the one-year restriction on a new petition; this shall not include a change in the ownership of the subject property nor, in the case of a petition for reclassification to a parallel conditional use or TND Overlay district, a change in the scale or features of the development proposed in the prior petition.

c) Any petition allowed by the City Council must be reviewed and approved in accordance with the procedures and standards of Section 11.4. Amendment Process, of these regulations.

.9 When Development Not Begun Within 3 Years

It is intended that property shall be reclassified to a parallel conditional use district or a TND Overlay district only in light of firm development plans for the property. Therefore, three years after the date of approval of any petition for a parallel conditional use, or TND Overlay district, the Planning Board shall examine the progress made toward developing the property in accordance with the approved petition and any conditions attached thereto. If the Planning Board determines that construction has not commenced in furtherance of the approved petition and conditions, the Planning Board may, at its discretion, initiate a rezoning to the general zoning district consistent with the most detailed plan adopted for the area which includes the property, according to the procedures of Section 11.4, Amendment Process.

.10 Special Use Permit

a) **Purpose.** This section provides the standards and procedures for locating uses that may be compatible in certain instances with the purpose and intent of a given zoning district, but nonetheless have the potential for substantial impacts on the surrounding area, including uses permitted in the same zoning district. In order to ensure that these uses would be compatible with surrounding development, consistent with the most detailed plan for the area, and in keeping with the purposes of the district in which they are proposed to be placed, they are not allowed to be established as a matter of right. They may be established only after a review of the specific proposal and approval of a special use permit.

b) **Application.** A request for a special use permit will be considered only if requested by the owner of the property in question or an authorized agent of the property owner. Applications for all special use permits or amendments to any approved special use permit must be filed in the office of the City Administrator, accompanied by a fee established by the City Council, and must include documentation as required by paragraph i), below and as may be required by paragraph ii), below.

i) A petition requesting a special use permit must be accompanied by a site plan, drawn to scale, and any necessary supporting text, which shall include all data specified in paragraphs (a) through (m) below that are applicable to the project. Where the type of use or scale of proposal makes providing any of the following items unnecessary or impractical, the City Administrator may waive individual items.

(a) A boundary survey and vicinity map showing the property's total acreage, zoning classification(s), general location in relation to major streets, railroads, and/or waterways, date, and north arrow;

(b) Existing topography and the general nature of the proposed topography at four foot contour intervals or less;

- (c) All existing easements, reservations, rights-of-way, and any other restrictions on the use of the land;
 - (d) Number and general location of proposed structures:

 - (e) Proposed use of all land and structures, including the number of residential units or the total square footage of any nonresidential development;

 - (f) All yards, buffers, screening, and landscaping required by these regulations;

 - (g) Any proposed screening, buffers, and landscaping over and above that required by these regulations, as well as proposed treatment of any existing natural features;

 - (h) All existing and proposed points of access to public streets; the location of proposed new streets;
 - (i) Proposed number and location of signs;

 - (j) Proposed phasing, if any, and approximate completion time for the project;

 - (k) The location of existing and proposed storm drainage patterns and facilities intended to serve the proposed development, for evaluation by the City's consulting engineer;

 - (l) Traffic, parking, and circulation plans, showing the proposed location and arrangement of parking spaces and ingress and egress to adjacent streets, existing and proposed;

 - (m) A listing of adjoining properties including tax parcel numbers and the name and address of each owner, provided in digital form if possible.
- ii) In the course of evaluating the proposed use, the City Administrator, Planning Board or City Council may request additional information from the petitioner. Such requests shall stay consideration of the special use permit by the Planning Board or City Council. Information requested may include the following:
- (a) The location of significant trees on the petitioned property;

 - (b) Scale of buildings relative to adjoining properties, including sight lines,
 - (c) Height of structures;

 - (d) Exterior features of proposed development;

 - (e) Any other information needed to demonstrate compliance with these regulations.

- iii) The site plan, building elevations, perspectives, sections, and any supporting text shall constitute part of the special use permit application for all purposes under these regulations.
- c) The City Administrator shall determine the number of copies of each petition and accompanying documentation to be submitted by the petitioner so that copies may be circulated to all appropriate agencies for review and comment.
- d) **Withdrawal or Amendment of Special Use Permit Application.** An application for a Special Use Permit may be withdrawn or amended in the same manner as a proposed amendment to the zoning map, following the procedures of Section 11.4.4.
- e) **Hearing.**
- i) A Special Use Permit hearing will be conducted as a quasi-judicial hearing before the City Council, with the Planning Board sitting as a separate body.
- ii) The applicant has the burden of producing competent material, and substantial evidence establishing that:
- The proposed special use will comply with all of the lot, size, and yard and other standards which this ordinance applies to all uses permitted in the zoning district in which the property is located; and
 - The proposed special use will comply with all general and specific standards required by the appropriate section of this ordinance for the issuance of a special use permit for this use.
- f) **Recommendation and Decision.**
- i) In considering an application for a special use permit, the Planning Board in an advisory capacity and the City Council, in a decision making capacity, shall consider, evaluate and may attach reasonable and appropriate conditions and safeguards to the location, nature, and extent of the proposed use and its relation to surrounding property, for the purpose of ensuring that the conditions of permit approval will be complied with and any potentially injurious effect of the special use on adjoining properties, the character of the neighborhood, or the health, safety, and general welfare of the community will be minimized.
- ii) Any such conditions may relate to parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, intensity of site development, the timing of development, and other matters the City Council may find appropriate or the applicant may propose. The applicant will have a reasonable opportunity to consider and respond to any additional conditions or requirements prior to final action by the City Council.
- g) **Effect of Approval.** An approved application for a special use permit and all conditions which may be attached to the approval are binding on the property. All subsequent development and use of the property must be in conformance with the special use permit and all plans, specifications, and conditions unless terminated by procedures established below.
- h) **Effect of Denial.**

i) If an application for a special use permit is denied by the City Council, a reapplication for that special use on that property may not be instituted within one year of the date of denial.

ii) The City Council may allow resubmission of the application within the one-year restricted period if it determines that, since the date of action on the prior application, one of the following criteria has been met:

- The City Council has adopted a new or amended plan for the area that changes public policy regarding how the subject property and/or the general area affected by the special use permit should be developed; or
- Construction or expansion of a road, water line, sewer line, or other infrastructure has occurred or is to occur in such a time frame as to serve the property and comfortably accommodate the type and intensity of development which would be allowed under the proposed special use permit; or
- There has been a substantial change in conditions or circumstances, outside the control of the petitioner, *which* justifies waiver of the one-year restriction on resubmission of a special use permit application for the property; this shall not include a change in the ownership of the subject property nor a change in the scale or features of the development proposed in the prior application.

i) Amendment to an Approved Special Use Permit.

i) The owner of property *which* is subject to an approved special use permit may petition for an amendment of the special use permit and accompanying conditions by following the procedures applicable to initiation of new special use permits.

ii) Evidence presented at the hearing on the proposed amendment will be limited to the effect of the proposal on the original special use permit, any plans or conditions *which* were a part of the original special use permit, and the present standards and requirements in this zoning ordinance.

j) Appeals. Any petition for review by the superior court shall be filed with the clerk of superior court within 30 days after a written copy of the decision of the City Council is filed in the office of the City Administrator or is delivered to every aggrieved party who has filed a written request for such copy with the clerk at the time of the hearing of the case, whichever is later.

k) Recognition of Previously Approved Conditional Use Permits. Special Use Permits which have been previously granted by the City Council of the City of Locust and previously granted by the Stanly County Board of Commissioners will be recognized for a building permit and other administrative purposes for three (3) years after the effective date of this Ordinance. If after three (3) years construction of the development has not begun or there is no valid building permit in effect for the property, the Special Use Permit will be considered null and void. If a use approved as a Special Use becomes non-conforming and discontinues operation for six consecutive months, or is displaced by structural damage, the use may not be resumed nor a building permit issued without approval of the appropriate zoning classification and the issuance of a new Special Use Permit.

.11 Conditional Use Permit

a) **Purpose.** This section provides the requirements and procedures for locating uses that may be compatible in certain instances with the purpose and intent of a given zoning district, but nonetheless have the potential for substantial impacts on the surrounding area, including uses permitted in the same zoning district. In order to ensure that these uses will be compatible with the surrounding development, consistent with the most detailed plan for the area, and in keeping with the purposes of the district in which they are proposed to be placed, they are not allowed to be established as a use by right. They may be established only after a review of the specific proposal and approval of a Conditional Use Permit.

b) **Application.** A request for a Conditional Use Permit will be considered only if requested by the owner of the property in question or an authorized agent of the property owner. Applications for all Conditional Use Permits or Amendments to any approved Conditional Use Permit application must be filed with the Zoning Administrator and accompanied by a fee established by the City Council of Locust. The application shall include the information required in paragraph i) and ii), below. Where the type of use or scale of proposal makes providing any of the following items unnecessary or impractical, the Zoning Administrator or City Administrator may waive individual items.

i) An application requesting a Conditional Use Permit must be accompanied by a site plan drawn to scale and necessary supporting text, which shall include all data specified in paragraphs (a) through (n) below.

a) Name, address and phone number of the property owner (or agent) and the tax parcel number of the property:

b) A boundary survey and vicinity map showing the property's total acreage, zoning classification(s), general location in relation to major streets, railroads and/or waterways, date, and north arrow:

c) Existing topography and the general nature of the proposed topography at four (4) foot intervals or less;

d) All existing easements, reservations, rights-of-way, and any other restrictions on the use of the land:

e) Number and general location of any existing and proposed structures:

f) Proposed use of all land and structures, including the number of residential units or the total square footage of any non-residential development and the exterior dimensions of all structures.

g) All yards, buffers, screening, and landscaping required by these regulations:

h) Any proposed screening, buffers, and landscaping over and above that required

i) All existing and proposed points of access to public streets; the location of proposed new streets:

- j) Proposed phasing, if any, and approximate completion time for the project:
- k) Proposed number, type, and location of signs as well as square footage area of each:
 - l) The location of existing and proposed storm drainage patterns and facilities intended to serve the proposed development, for evaluation by the designated consulting engineer, and staff:
 - m) Traffic, parking, and circulation plans, showing the proposed location and arrangement of parking spaces and ingress and egress to adjacent streets, existing and proposed:
 - n) A listing of adjoining properties including tax parcel numbers and the name and address of each owner, and the existing land use of each parcel.
- ii) In the course of evaluating the proposed use, the Zoning Administrator, City Administrator, Planning Board or City Council may request additional information from the petitioner. Such requests shall stay consideration of the Conditional Use Permit application by the Planning Board or City Council. Information requested may include the following:
 - a) The location of significant trees on the petitioned property:
 - b) Scale of buildings relative to adjoining properties, including sight lines:
 - c) Height of structures:
 - d) Exterior features of proposed development:
 - e) Any other information needed to demonstrate compliance with these regulations:
 - f) A traffic impact study of the proposed development prepared by a qualified transportation or traffic engineer or planner. The traffic impact study shall include the following information:
 - i) Existing traffic conditions within the study area boundary.
 - ii) Traffic volumes generated by the existing and proposed development on the parcel, including the morning peak, afternoon, or evening peak, and average annual daily traffic peaks.
 - iii) The distribution of existing and proposed trips through the street network.
 - iv) Analyses of the capacities of intersections located within the study area boundaries.

- v) Recommendations for improvements designed to mitigate traffic impacts and to enhance pedestrian access to the development from the public right-of-way:
- vi) Other pertinent information, including but not limited to accidents, noise, and impacts of air quality and other natural resources:
- vii) An environmental impact statement which contains the following information:
 - a) A cover sheet which provides, in summary form, a description of the proposed project: and.
 - b) A statement of purpose and need of the project: and,
 - c) For projects proposed by public entities, a list of alternatives of the proposed project: and.
 - d) A succinct description of the environment affected by the project: and.
 - e) A discussion of short and long term consequences of the project on the environment including any adverse environmental impacts which cannot be avoided: and.
 - i) A list of means which could be employed to mitigate any negative effects on the environment caused by this project.
- iii) The site plan, building elevations, perspectives, sections, and any supporting text shall constitute part of the Conditional Use Permit application for all purposes under these regulations.
- c) The Zoning Administrator shall determine the number of copies of each petition and accompanying documentation to be submitted by the petitioner so that copies may be circulated to all appropriate agencies and boards for review and comment.
- d) Withdrawal or Amendment of Conditional Use Permit Application. An application for a Conditional Use Permit may be withdrawn or amended in the same manner as dictated in Section 11.4.4(b) and (c).
- e) Hearing.
 - i) A Conditional Use Permit Public Hearing will be conducted as a quasi-judicial hearing before the City Council, with the Planning Board sitting as a separate body.
 - ii) The applicant has the burden of producing competent, material, and substantial evidence establishing that:
 - * The proposed Conditional Use Permit will comply with all of the lot, size, yard, and other standards which this Ordinance applies to all uses permitted in the zoning district in which the property is located; and

* The proposed Conditional Use Permit will comply with all general and specific standards required by the appropriate section of this Ordinance for the issuance of a Conditional Use Permit for this use.

iii) Public Hearing notice shall be as follows:

* A notice shall be published in a newspaper having general circulation in Locust. The first notice shall be published not less than ten (10) days nor more than twenty-five (25) days prior to the date established for the hearing.

* At least one (1) notice shall be conspicuously posted on the subject property at least ten (10) days prior to the public hearing. Such notice shall state the nature of the public hearing and the date, time and location at which it is to be held. The notice shall be removed only after the public hearing has been held.

* A notice of public hearing shall be sent by first-class mail by the Zoning Administrator to all contiguous property owners at least ten (10) days prior to the public hearing.

f. Planning Board Review and Recommendation. Once the public hearing has been held, the Zoning Administrator shall refer the Conditional Use Permit application to the Planning Board for review and recommendation to the City Council.

i) In reviewing an application for a *Conditional Use Permit*, the Planning Board shall act in an advisory capacity to the City Council, and shall make a recommendation regarding the application. The Planning Board may attach reasonable and appropriate conditions and safeguards to the location, nature, and extent of the proposed use and its relation to surrounding property, for the purpose of ensuring that the conditions of permit approval will be complied with and any potentially injurious effect of the Conditional Use on the adjoining properties, the character of the neighborhood, or the health, safety, and general welfare of the community will be minimized.

ii) Any such conditions may relate to parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, intensity of site development, the timing of development, and other matters the Planning Board may find appropriate or the applicant may propose.

g) City Council Action. In approving a Conditional Use Permit application, the City Council may attach fair and reasonable conditions to the approval. The applicant will have a reasonable opportunity to consider and respond to any additional conditions or requirements prior to final action by the City Council. In no instance shall any of these conditions be less restrictive than any requirements which would pertain to that particular development found elsewhere in a similar zoning district.

The City Council shall issue a Conditional Use Permit if it has evaluated an application and determined that:

i) The use will not materially endanger the public health, safety if located where proposed and developed according to the plan, and

ii) The use meets all required conditions and specifications, and

iii) The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity, and

iv) The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the adopted Locust Land Use Plan and other plans for physical development in the Locust area as adopted by the City Council.

h) **Effect of Approval.** An approved application for a Conditional Use Permit and all conditions which may be attached to the approval are binding on the property. All subsequent development and use of the property must be in conformance with the Conditional Use Permit and all plans, specifications, and conditions unless terminated by the issuance of a subsequent Conditional Use Permit or rezoning which would eliminate the Conditional Use.

i) **Effect of Denial.**

i) If an application for a Conditional Use Permit is denied by the City Council, a reapplication for that Conditional Use on that property may not be instituted within one year of the date of denial.

ii) The City Council may allow resubmission of the application within the one-year restricted period if it determines that, since the date of action on the prior application, one of the following criteria has been met:

* The City Council has adopted a new or amended plan for the area that changes public policy regarding how the subject property and/or the general area affected by the Conditional Use Permit should be developed; or

* Construction or expansion of a road, water line, sewer line, or other infrastructure has occurred or is to occur in such a time frame as to serve the property and comfortably accommodate the type and intensity of development which would be allowed under the proposed Conditional Use Permit; or

* There has been a substantial change in conditions or circumstances, outside the control of the petitioner, which justified waiver of the one-year restriction on resubmission of a Conditional Use Permit application for the property; this shall not include a change in the ownership of the subject property nor a change in the scale or features of the development proposed in the prior application.

j) **Amendment to an Approved Conditional Use Permit.**

i) The owner of the property which is subject to the approved Conditional Use Permit may petition for an amendment of the Conditional Use Permit and accompanying conditions by following the procedures applicable to initiation of a new Conditional Use Permit, including submittal of application, fee, public hearings, notices, etc.

ii) Evidence presented at the hearing on the proposed amendment will be limited to the effect of the proposal on the original Conditional Use Permit, any plans or conditions which were a part of the original Conditional Use Permit, and the present standards and requirements in this Zoning Ordinance.

k) **Appeals**

i) Any petition for review by the superior court shall be filed with the Clerk of

Superior Court within 30 days after a written copy of the decision of the City Council is filed in the office of the City Administrator or is delivered to every aggrieved part who has filed a written request for such copy with the City Clerk at the time of the hearing of the case, whichever is later.

I) Recognition of Previously Approved Conditional Use Permits. Conditional Use Permits which have been previously granted by the City Council of the City of Locust and previously granted by the Stanly County Board of Commissioners will be recognized for a building permit and other administrative purposes for three (3) years after the effective date of this Ordinance. If after three (3) years construction of the development has not begun or there is no valid building permit in effect for the property, the Conditional Use Permit will be considered null and void. If a use approved as a Conditional Use becomes non-conforming and discontinues operation for six consecutive months, or is displaced by structural damage, the use may not be resumed nor a building permit issued without approval of the appropriate zoning classification and the issuance of a new Conditional Use Permit.

11.5 NONCONFORMITIES

.1 Purpose and Applicability

The purpose of this article is to regulate and limit the continued existence of uses and structures that were established prior to the effective date of these regulations and that do not conform to these regulations. Any nonconformity created by a change in the text of these regulations or by the reclassification of property shall be regulated by the provisions of this chapter. The "effective date" referenced below shall be the date the text of these regulations or the Zoning Map is amended to render a particular use, structure, or lot nonconforming. Many nonconformities may continue, but the provisions of this chapter are designed to curtail substantial investment in nonconformities, and to bring about their eventual improvement or elimination.

.2 Nonconforming Uses

- a) Nonconforming uses of land or structures; and nonconforming structures that contain nonconforming uses may continue only in accordance with the provisions of this section.
- b) Normal repair and maintenance may be performed to allow the continuation of a nonconforming use; this shall include the replacement of a manufactured home with another manufactured home of same or greater width.
- c) A nonconforming use shall not be expanded, nor shall a nonconforming use be enlarged by additions to the structure in which the nonconforming use is located or through the occupation of additional lands.
- d) A structure in which a nonconforming use is located shall not be moved unless the use thereafter shall conform to the standards of the zoning district(s) to which it is moved.
- e) A nonconforming use shall not be changed to any other use unless the new use conforms to the standards of the zoning district in which it is located. Once a nonconforming use is changed to a conforming use, the nonconforming use shall not be re-established.
- f) Where a nonconforming use is discontinued or abandoned for six consecutive months, or displaced for any period of time due to structural damage exceeding the limits under subsection g) below, then the use shall not be re-established or resumed, and any subsequent use of the land or structure shall conform to the requirements of these regulations.